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On 4 September 1977, in the aftermath of violent clashes between anti-uranium mining demonstrators and police in Sydney, the premier of Queensland, Mr. J. Bjelke-Petersen, announced that his government would in future prohibit all street marches in Brisbane other than "recognised non-political processions."<sup>1</sup> The premier's advice to would-be street marchers was "You can shout yourself hoarse in the Square. Don't bother applying for a march permit. You won't get one. That's Government policy now." The following day he announced that the ban would apply to street marches not only in Brisbane but throughout Queensland.<sup>2</sup> A little over a week later the Queensland Legislative Assembly passed a law which amended the Traffic Act so as to give the Commissioner of Police in Queensland absolute power to permit or to prohibit street marches.<sup>3</sup> The old law stipulated that any appeal against a police traffic superintendent's refusal of a permit to march had to go to a magistrate; the new law stipulated that any appeal would now go directly to the Commissioner of Police.<sup>4</sup>

The statements of the premier and the new amendment to the Traffic Act revived an old issue in Queensland politics, that of the right to march.<sup>5</sup> The ban elicited protests from a diverse number of groups and individuals both within Queensland and throughout Australia. The state branch of the Australian Labor Party immediately registered its opposition. Even members of the state branch of the Liberal Party, the junior partner of the Queensland coalition government, and the prime minister, Mr. M. Fraser, later expressed their misgivings about the ban. The Anglican and Uniting Churches in Queensland publicly protested. The ban not only gave added impetus to long-standing civil liberties organisations in Brisbane such as the Council for Civil Liberties but also led to the creation of new groups, particularly the Civil Liberties Co-ordinating Committees in Brisbane and in some provincial centres. Groups even sprang up in Sydney and Melbourne to express their solidarity with the civil liberties movement in Queensland. During the nearly two years since

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the ban was imposed Brisbane had become the scene of several violent demonstrations, of clashes between street marchers and police, which have resulted in the arrest of over 1500 protesters. Far from preventing street marches the ban has provoked them.<sup>6</sup> At the time of writing the controversy is still very much alive, the protests by no means abated. The re-emergence of this issue allows one to examine at close quarters its effect not only on Brisbane but on population centres throughout Queensland. One such centre, often described as the gateway to North Queensland, is Townsville, which, embracing well over 100,000 people,<sup>7</sup> is the third largest city in the state. The purpose of this writer is to trace the origins, composition, aims, arguments, activities, and achievements of the civil liberties movement in Townsville from September 1977 to the present.

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The ban on street marches in Queensland stimulated the formation of three civil liberties organisations in Townsville. The first formal expression of dissent with the government's action was made when a meeting of about 40 people in the Townsville Civic Centre in late September stated its concern over the government's recent moves "to limit traditional rights of citizens to march in the streets and at the removal of the right to appeal to a Magistrate Bench against a decision by police."<sup>8</sup> The meeting also formed a Townsville Civil Liberties Interim Committee, the spokesman for which became Mr. Digby Wilson.<sup>9</sup> One of the first actions of this committee was to organise a public meeting to form a more permanent organisation, the Townsville Council for Civil Liberties. This meeting was held in early November, attended by over 200 people, and addressed by a lecturer in criminology at the University of Queensland, Dr. Paul Wilson.<sup>10</sup> The meeting expressed unanimous concern "at the erosion of civil liberties within Queensland" and elected an executive of 15 to manage the organisation. Thus the TCCL, unlike similarly-named groups in Brisbane and other capital cities, was formed as a direct response to the stand taken by the state government over street marches in Queensland.

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The second civil liberties organisation in Townsville was formed as a result of an initiative from the Townsville Trades and Labor Council.<sup>11</sup> In January the TTLC, probably in conjunction with the TCCL, invited two leading members of the Civil Liberties Co-ordinating Committee in Brisbane, Mr. D. O'Neill<sup>12</sup> and Ms. J. Gruchy, to visit Townsville and address meetings so as "to acquaint the public with the objectives of the movement."<sup>13</sup> Soon after his arrival O'Neill told the press that he and Ms. Gruchy were specifically in Townsville as part of a three-week tour of centres in Queensland in a bid to set up a state-wide network of civil liberties committees.<sup>14</sup> The main public meeting at which they spoke, held in the City Administration Building on 10 February 1978, chaired by a minister of the Uniting Church in Townsville, the Reverend W. Sanderson, addressed not only by O'Neill and Gruchy but also by Mr. G. Dean, the Liberal MHR for the federal seat of Herbert, and Senator J. Keeffe, a longstanding ALP Senator for Queensland, attracted about 150 people.<sup>15</sup> Within the following fortnight a Civil Liberties Co-ordinating Committee on the Brisbane model had been formed and had applied, unsuccessfully, to the police in Townsville for a permit to march through the city in early March.<sup>16</sup>

The third group, even less formal than the second, was the product of student meetings held at the James Cook University of North Queensland in March and April 1978. In October 1977 the Students' Union had pledged its support for the right-to-march movement in Brisbane, the president of the Union, Mr. T. Whelan, stating then that it was opposed to the "erosion of the traditional civil liberties of the community".<sup>17</sup> But the nucleus of the right-to-march movement on the campus was a small group composed mainly of tutors and post-graduate students in the History Department. At a meeting of about 200 staff and students on campus on 31 March the group was given formal status as the James Cook University and Townsville College of Advanced Education Civil Liberties Co-ordinating Committee.<sup>18</sup> The title was perhaps pretentious. The group never lost its initial *ad hoc* character nor did it at any time incorporate any staff or

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students from the TCAE. However it would not be exaggerating to describe it as having been the university branch of the TCLCC formed earlier in the year.

The establishment by early April 1978 of not one but three more or less separate civil liberties organisations in Townsville was a recognition of the fact that there were differences within the civil liberties movement as to how opposition to the ban on street marches should be expressed. These were demonstrated at a very early date. In late February a spokesman for the TCLCC, Mr. F. LeRoy,<sup>19</sup> declared that the committee would hold an illegal march through the streets of Townsville on 4 March.<sup>20</sup> At the same time he described the TCLCC as an arm of the TCCL. He admitted, however, that his organisation was "a more activist group". The TCCL was quick to react to this statement. The secretary of the council, Mr. B. Pentony,<sup>21</sup> strongly denied any connection between the two groups.

The council expressed two objections to the TCLCC. The first, but not precisely stated, was that it was too closely associated with the ALP. As early as November 1977 the member for Townsville South and the sole member of the North Queensland Labor Party in state parliament, Mr. T. Aikens, had claimed on local television that the TCCL was associated with the ALP.<sup>22</sup> Pentony had responded on that occasion by stressing that the TCCL was "a non-political, non-sectarian organisation." He said that less than a quarter of the council's executive were members of any political party. On the later occasion he claimed, again ambiguously, that the TCLCC was "politically orientated" and "in that respect" differed "fundamentally" from the TCCL.<sup>23</sup> He added that it was "presumptuous and incorrect" for LeRoy to refer to the TCLCC as an appendage of the TCCL.

The TCCL's second objection to the TCLCC was that the latter was prepared to hold illegal marches, that is, to practice civil disobedience. Pentony emphasised that the TCCL was not in any way promoting the TCLCC's first march. The following day the president

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of the council, Mr. D. Gleeson,<sup>24</sup> reaffirmed the distinction between the two groups and urged people not to take part in an illegal march.<sup>25</sup> He said that the TCCL was opposed to any confrontation with the police. "Breaking the law will achieve nothing....We won't go outside the law." "This march", he also said, "is not going to do anyone any good. The first thing it will do is alienate any possible support because people will think they are a mob of ratbags." Gleeson's denunciation of the proposed march drove even deeper the wedge between the two groups.

Many members of the TCCL executive had misgivings about the efforts of Pentony and Gleeson to dissociate the council from a group with which it had much in common.<sup>26</sup> Nevertheless the two statements pointed to real differences in the aims and political character as well as in the organisation and composition of the two groups. The TCCL was concerned exclusively with civil liberties. It stated that its principal purpose was "to protect the traditional freedoms of the individual" and included among these "freedom of speech, freedom of assembly, freedom from arbitrary arrest, the right to a fair trial, equality before the law," and "freedom of religion."<sup>27</sup> In contrast the TCLCC, as will be seen, although focusing primarily on the right to march in Queensland, came increasingly to concern itself with other issues, particularly the mining of uranium and to a lesser extent the state government's proposed right-to-work legislation. Thus while both were multi-issue organisations the TCCL's aims stayed within and the TCLCC's aims went beyond the ambit of the protection of civil liberties.

The TCCL, too, was, as Pentony's statement suggested, extremely sensitive about any connection the public might have made between the council and one or more political parties. Thus its pamphlet claimed that the council "is non-political, not enquiring into the political affiliations of its members and not discussing matters from a political point of view" and that "it is non-partisan in that it seeks to work with all governments in protecting civil liberties". The TCLCC, on the other hand, was apparently indifferent to any association that

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could have been made between it and what might loosely be termed the "Old Left". In 1978 speakers at its rallies included federal and state ALP members of parliament and officials of the local branch of the Communist Party of Australia. In 1979 the TCLCC was heavily supplemented by a group of young members of the CPA several of them university students. While the one group claimed to welcome supporters from all hues of the political spectrum the other made no pretence that it was other than a left-wing organisation.

Although not specifically stated it was clear that the TCCL intended to be a permanent, the TCLCC only a semi-permanent organisation. The council was, from the outset, a more formal, more tightly organised group than the committee. Although neither group had the financial resources to acquire and maintain its own office the former at least elected office-bearers and held regular executive and general meetings. In contrast the TCLCC, throughout 1978, remained an *ad hoc* group centred around a community welfare officer with the Townsville City Council, Mr. J. Moloney. The differences in the occupations of the leading members of the two groups was also noticeable. The TCCL executive was composed largely of people in professional or managerial positions. It included, for instance, university lecturers, businessmen, and ministers of religion. In contrast the chief spokesmen for the TCLCC were trade union officials, most notably an official of the Waterside Workers' Federation in Townsville, Mr. B. Timms, and the president of the Townsville Trades and Labor Council, Mr. W. Irving. Their supporters tended to come from the ranks of youth rather than the middle-aged. All of the 14 people arrested at one TCLCC march were aged between 20 and 30.<sup>28</sup> Both groups accepted that to the public the TCCL was the more, the TCLCC the less "respectable" of the two organisations.

Having identified these groups and some of the differences between them it is necessary to examine their aims more closely. Initially and ostensibly the principal aim of all three groups was to so influence the state government that it would repeal the new amendment

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to the Traffic Act and in so doing return the right of appeal from the Commissioner of Police to a magistrate. But, from a relatively early stage in the development of the movement, this objective was seen to be inadequate. Thus in late January 1978 a spokesman for the TCCL claimed that the group's "basic aim" was to have the Australian constitution amended to include an Australian Bill of Rights to ensure "that no person, group or level of government will erode the proper civil liberties of all Australians."<sup>29</sup> In May Moloney emphasised that the TCLCC would continue its campaign "until this oppressive legislation is removed and [the] right of appeal is returned to the judiciary away from the police commissioner."<sup>30</sup> But little more than a fortnight later, at a rally organised by the committee and held in Hanran Park, a speaker claimed that the restoration of the right of appeal to a magistrate would be "farcical" because the state government would then simply instruct magistrates to refuse appeals.<sup>31</sup> Three weeks later a spokesman for the committee, possibly Moloney, said that the South Australian Public Assemblies Act of 1972 - whereby would-be street marchers were required to notify police of their intention to march but were not required to seek from them a permit to march - should be used as a model for new legislation in Queensland.<sup>32</sup> Thus both of the two civil liberties groups, whose formation was a reaction to the amendment made to the Traffic Act, were dissatisfied with legislation concerning street marches both prior to and after September 1977. Neither group desired a return to the *status quo*.

Another development in the movement, particularly in the TCLCC, was its tendency to concern itself with more and more issues other than that of the single one of the right to march. There was, perhaps understandably, a strong link between the right-to-march and the anti-uranium mining movement. Thus the meeting which formed the JCU/TCAE CLCC<sup>33</sup> was one of many which expressed its opposition to uranium mining and urged support for the activities of the anti-uranium movement. Throughout 1978 most of the rallies held under the auspices of one or more of the civil liberties organisations in Townsville were addressed by speakers urging opposition to other

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policies of both the federal and state governments. Thus a reporter, describing a civil liberties rally held in Hanran Park in June, derisively commented that "little was said about the right of people to march but abortion, unemployment, politics in India, rape, uranium, conditions in Canada, foreign investment and the judiciary received considerable attention."<sup>34</sup> The activities of supporting groups also contributed to the image of a movement multiplying rapidly the number of issues with which it was concerned. Thus the TTLC held a rally in early December at which speakers raised not only the street march legislation but also the state government's right-to-work legislation and the federal government's last budget.<sup>35</sup> The civil liberties movement never lost sight of its original aim but, as time passed, placed increasingly less emphasis on the street march ban *vis-à-vis* other issues.

A closely related tendency was for the movement to become increasingly opposed not just to the policies of the state government but to the government itself. In late September 1977, soon after the first moves to form a CCL in Townsville had been made, a local weekly newspaper commented rather snidely that most if not all of those involved in the new group probably held "directly opposing political views" to those held by the state government and predicted that it would therefore probably campaign actively for the removal of that government "remembering once in a while to mention civil liberties."<sup>36</sup> The civil liberties movement was divided over this development. The TCCL, as noted before, was very wary of being seen to favor one or more political parties. In contrast the TCLCC saw no need to hide its unequivocal opposition to the state government. Indeed, when in Townsville, O'Neill stated quite clearly that the CLCC in Brisbane had focused on the street march ban because it was the "most spectacular symptom of the authoritarianism" of the state government.<sup>37</sup> O'Neill said he hoped that the movement pressing for the right to march would "bring together all repressed forces in Queensland" and went on to enumerate such groups. The belief that the street march ban should

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be used as a focal point for those concerned about what they considered to be the repressive and restrictive actions of the Queensland government was probably held by most supporters of the movement in Townsville. Very few members of the movement had only one grievance against the state government.

There was also general agreement within the movement as to why Bjelke-Petersen had imposed a ban on street marches. Certainly most people saw it as an attack on those opposed to the mining of uranium. On the other hand there were slight disagreements as to precisely what the premier hoped to achieve by such an attack. O'Neill said the CLCC in Brisbane believed the ban was an attempt to stifle at birth the growth of the anti-uranium movement in Queensland.<sup>38</sup> Gruchy, who said the state government was "seeking to make sure that any opposition [to it] could not be heard", apparently believed the ban had an even wider purpose.<sup>39</sup> But a point often made by Moloney at meetings and rallies was that the premier wanted to manipulate confrontations presumably between the forces of dissent, the protesters, and the forces of the state, the police.<sup>40</sup> The premier, he argued, did not want peace but violence in the streets. He assured supporters that the committee would not be "manipulated into conflict with fellow citizens by irresponsible so-called leaders."<sup>41</sup> Thus while the movement generally agreed that Bjelke-Petersen's purpose was to reduce if not eliminate the effectiveness of opposition to the state government, particularly the anti-uranium mining movement, there was no agreement as to whether he hoped to do this by silencing the movement or by provoking its involvement in violent clashes with the police and thereby discrediting it in the eyes of the public.

There was an even greater variety of opinions within the movement as to why the ban should be lifted. However most civil liberties supporters claimed that the essential reason was that the right to march in the streets was one of several rights which traditionally characterised Western democracies. At the meeting in the City

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Administration Building in February Keeffe claimed that "mass assemblies and street marches had always been a part of democracy and a denial of these rights was a denial of democracy."<sup>42</sup> O'Neill went on to refer to the right to march as "an ancestral right". In September a university supporter pointed out that it was precisely one year since "the people of Queensland were denied the democratic right that other Australians take for granted."<sup>43</sup> And, later, one of the most articulate supporters of both the civil liberties and anti-uranium movements in Townsville, Ms. L. Martinez,<sup>44</sup> claimed that marching was a right which "[was] still venerated as an undeniable liberty in other parts of Australia."<sup>45</sup> All these opponents of the ban, then, believed that the premier's action established a dangerous precedent, that it broke a tradition of Western democracies, and that it set Queensland apart from the other Australian states.

Another argument against the ban was that it was likely to exacerbate already existing divisions in the community. "The ban", said Mr. Alex Wilson, "is provocative...and designed to create confrontation for the political convenience of the Premier."<sup>46</sup> Three ministers of the Aitkenvale Uniting Church claimed that "during times of social polarisation and political unease a legal demonstration by a dissident group...is a social safety valve. This is a widely held assumption and is seen to be valid in many countries, whose political and governmental institutions have stood the tests of time, and turmoil far more than ours have."<sup>47</sup> A year later Keeffe claimed, quite unequivocally, that "the anti-march law...has divided the community."<sup>48</sup> The belief that the ban was a wedge driven deep into Queensland society was often put forward as a reason why the new law should be repealed.

A related argument was that the ban was damaging to the morale of the police force in Queensland. "The Police have been placed in an impossible position", wrote the ALP candidate for the state seat of Townsville.<sup>49</sup> "They are being forced into a political arena, and their public image will suffer." The JCU/TCAE CLCC was more explicit. "The police cop the blame from those of us who don't like the law,"

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declared one of their leaflets.<sup>50</sup> "It's police arresting people, police who are seen to be intolerant and violent. Joh seems to be completely insulated." What effect the ban had on the police force was unclear. But Keeffe claimed that, rather than enforce the law, many Queensland police had either resigned or transferred to the Commonwealth Police Force.<sup>51</sup>

Another argument concerning the police was more pragmatic. This referred to the more tangible costs of the ban to the community. Thus a leading member of the Labor-dominated Townsville City Council, Alderman M. Reynolds, strongly criticised Bjelke-Petersen's priorities in putting the containment of demonstrators in Brisbane streets above the need to combat "the increase in serious crimes which continue to take place in Townsville and North Queensland."<sup>52</sup> At the rally in Hanran Park in March 1978 Alex Wilson maintained that as a result of the ban "valuable police strength and time is being grossly misused."<sup>53</sup> Civil liberties supporters were not loth to be more specific. The university group claimed that the cost to the community in having the police in the vicinity of a single demonstration on the campus was "probably in excess of \$2,000."<sup>54</sup> In October of that year Victorian Labor Senator G. Evans told a combined civil liberties and anti-uranium rally in the Old Magistrates' Park that the ban, involving government expenditure on the control of street marches and other meetings, and on extra court and legal costs, cost the government and hence the taxpayers about \$2 million over the previous year.<sup>55</sup> As a result, he added, the government had ended the year with a deficit of nearly \$1 million.

But the argument used most often and put most forcefully by all groups was that, given the premier's stated reasons for imposing the ban, it was unnecessary, and especially so in Townsville. In defending the government's action Bjelke-Petersen repeatedly claimed that there was no blanket ban on street marches "only on ones that could end in violence."<sup>56</sup> Civil liberties supporters in North Queensland were quick to point out that few if any marches in Townsville could be

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placed in that category. A spokesman for the Townsville Movement Against Uranium Mining, Mr. M. Hamel-Green, retorted that the group's demonstrations were "always peaceful" and that the ban was therefore "quite unwarranted."<sup>57</sup> Digby Wilson claimed that in recent years all marches held in Townsville had been "without exception, peaceful and well-conducted"<sup>58</sup> and his namesake echoed him and added that such demonstrations had attracted "only token police surveillance, which had proved to be quite adequate".<sup>59</sup> In April 1978 a spokesman for the TCLCC said protest marches in Townsville "including recent illegal marches" had consistently "been totally free of violent incidents."<sup>60</sup> The point was perhaps best made by a frequent speaker at civil liberties rallies in Townsville, Mr. H. Reynolds.<sup>61</sup>

No-one in their right mind could seriously expect violence [during civil liberties marches in Townsville]. Not a single punch has been thrown in more than a decade of local political processions. Marchers from the University would have met no one to be violent towards - beyond the odd marsupial or two. Any traffic problems could have been controlled, as so often in the past, by a single constable. All banned local marches could have passed off with little comment and less concern.<sup>62</sup>

Civil liberties supporters believed that there was even less justification for the ban in Townsville than there was in Brisbane.

The activities of the TCLCC throughout 1978 were designed to provide even further fuel for this argument. In March Moloney announced that the committee had adopted a plan for a guerilla-style campaign against the ban.<sup>63</sup> He said the committee would stage a series of illegal marches but, so as to avoid a confrontation with the police, would not provide details of the marches before they were held. He added that in so doing the committee wanted to show that it was a peaceful group. Over the next few months the TCLCC claimed repeatedly that the peacefulness of both its legal and illegal marches demonstrated that Bjelke-Petersen was concerned not simply to ban potentially violent but all marches staged in opposition to one or more of the policies of his government.<sup>64</sup> The committee's first series of illegal marches reached a climax in early July when, having stated its intention beforehand, the TCLCC held an illegal march in the city

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during which 11 demonstrators were arrested,<sup>65</sup> among them Moloney.<sup>66</sup> The committee staged a second series of guerilla marches toward the end of the year, none of which resulted in either violence or arrests.<sup>6</sup> The TCLCC's reputation as a nonviolent protest group and Townsville's record as a place where only peaceful marches had been staged, remained unimpaired. In contrast the TCCL staged few legal much less illegal marches. Rather, its spokesmen contented themselves with making public statements reaffirming the council's opposition to the ban and reiterating that street marches in Townsville had always been peaceful. With respect to activities the TCCL preferred indoor public meetings to outdoor rallies and marches. While critical of the TCLCC's approach, it was certainly not unsympathetic. Thus its spokesmen expressed their disappointment whenever the police rejected the TCLCC's applications to stage street marches in Townsville,<sup>68</sup> executive members frequently addressed rallies organised by the committee,<sup>69</sup> and the council itself appealed to the public for donations to defend those arrested during the illegal march in early July.<sup>70</sup>

However, apart from the rally, march, and public meeting, few other modes of expression of opposition to the ban were utilised. Admittedly leading figures in and supporters of the three groups wrote constantly to the local newspapers, particularly the daily *TDB*. But the movement as a whole produced very little literature. It did not engage in the widespread distribution of leaflets nor did it produce a booklet or even pamphlet setting out in detail the movement's case against the ban. Paid advertisements inserted in the local newspapers outlining the aims, arguments, or activities of one or other of the groups were very rare. Occasionally but not frequently spokesmen appeared on television or were heard on local radio. No large-scale forum on the ban was organised. Opposition in Townsville to the ban on street marches was expressed in limited and unimaginative ways.

Perhaps partly as a consequence overt support for the civil liberties movement in Townsville was also very limited. The number of

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those who attended the movement's meetings, rallies, and marches in 1978 ranged between 30 and 300 with the average probably being 75-100.<sup>71</sup> Staff and to a far greater extent students from the university probably provided a large proportion of those who supported the movement by attending rallies or by marching. Many of the civil liberties marches organised in Townsville were held within the boundaries of the university campus at Douglas.<sup>72</sup> The movement's dependence on university staff and students was shown in other ways. The TTLC march in early December 1978 was the only march held during either the 1977-78 or 1978-79 "wet seasons", that is, when many staff and most students had left Townsville for the duration of the summer vacations. It was perhaps also significant that 8 of 14 people arrested during a civil liberties march in Flinders Street in April 1979 were either students or unemployed.<sup>73</sup> Speakers at rallies and meetings typically included university lecturers as well as local officials and members of the ALP, the TLC, and the Communist Party of Australia.

In spite of the minimal active support given the movement, there were several indications that incomparably more people in the community at large were opposed to the ban on street marches than were prepared to declare it publicly. A Gallup poll taken in October 1977 suggested that only 48% of Queenslanders approved of the ban.<sup>74</sup> Moreover approval was decreasing, disapproval increasing. Another such poll taken in May 1978 suggested that by then only 35% of Queenslanders approved while 60% disapproved of the ban. A random survey of a hundred people in Townsville conducted by a reporter for the *TDB* prior to the state elections in November 1977 suggested that 17% of local electors considered the ban one of the three principal issues around which the election would be fought.<sup>75</sup> Moreover all 17percent expressed opposition to the ban; no one supported it. Opposition may well have come from a large proportion of the political spectrum. All ALP and at least one other of the candidates for the three Legislative Assembly seats in Townsville expressed their opposition to the ban.<sup>76</sup> In April 1978 the Townsville South-Cranbrook

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sub-branch urged the conference of the North Queensland area of the Liberal Party to adopt a policy that the right of appeal be restored to a magistrate.<sup>77</sup> Some months later the executive of the North Queensland area of the Liberal Party, echoing the increasing disquiet over the ban within the Queensland Liberal Party as a whole, expressed its opposition to the ban.<sup>78</sup> In short, while there appeared to be widespread opposition to the ban in Townsville, this was certainly not reflected in support for the activities of the civil liberties movement.

Yet, if the movement aroused little local active support it also elicited little such opposition. The principal opponent in Townsville of the aims and activities of the civil liberties movement was, without doubt, the *TDB*. Its support for the ban was always guarded. In September 1977 it stated very cautiously that it "appears to be warranted".<sup>79</sup> But its hostility toward the movement was far more obvious. Between early September 1977 and May 1979 it editorialised well over a dozen times against the personnel, aims, and activities of the movement both in Brisbane and in Townsville.<sup>80</sup> But, considering the probability that few people read its or any other newspaper's editorials, its influence was limited. Certainly it displayed little obvious bias in its news items. The weekly and much less influential give-away newspaper, the *Townsville Advertiser*, was also hostile toward the movement but devoted very little attention to it.<sup>81</sup> Beyond the two local newspapers most opposition to the movement was expressed by individuals. In early September 1977 Aikens commented that he "fully supported" the ban and added that it was an action which "should have been taken years ago".<sup>82</sup> But Aikens' influence was very much reduced by the loss of his parliamentary seat during the elections in November 1977. Apart from the *TDB*, the most constant critic of the movement in Townsville was the spokesman for the Townsville Movement For Uranium, Mr. D. Stackhouse. However, Stackhouse, like most local critics of the movement, was content to express his opposition to it by way of letters to the editor of the *TDB*.<sup>83</sup> It could not be said, then, that the opposition to the

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movement did much to create a climate of antipathy toward it.

The little harassment of the movement that there was in Townsville came, understandably, from the police. It was perhaps inevitable that the illegal marches staged by the TCLCC would involve it in public conflict with those whose duty it was to enforce the new amendment to the Traffic Act. But the TCLCC's problem was that it became difficult to ascertain not only whether the Townsville police had a policy on street marches but by whom that policy was decided. It was not obvious whether the Townsville police were acting on the orders of the state government, or the Commissioner of Police, or were formulating their own policy toward street marches. Almost a week after the ban had been imposed a spokesman for the Townsville police claimed that they had as yet received no directive from Brisbane regarding the government's decision.<sup>84</sup> Yet in February 1978 the district superintendent of traffic, Mr. F. Bopf, maintained categorically that "the law states that it is illegal to march",<sup>85</sup> an oft-made claim that Bjelke-Petersen and several government ministers were constantly at pains to deny.<sup>86</sup> However, a few months later, and in a seeming contradiction of Bopf's statement, the police in Townsville granted the TCLCC a permit to march through Townsville on 27 May.<sup>87</sup> On that occasion Bopf told the TCLCC that the police could not grant it or any other group "more than one or two" such permits a year.<sup>88</sup> A week later, after he had refused another application from the TCLCC for a permit to march, he insisted that "no influence" had been brought to bear on him to make that decision.<sup>89</sup> His rationale for the decision to refuse the application seemed to be that if all such applications were granted "there would be processions everywhere".<sup>90</sup> Thus Bopf's stated reason for imposing a ban on some marches differed from that given by Bjelke-Petersen. While the one claimed that the ban's purpose was to reduce the frequency of demonstrations, the other always maintained that it was to eliminate only those demonstrations that were likely to become violent. It was not clear, then, whether the police in Townsville imposed restrictions on the activities of the TCLCC on the basis of its own policy or on one formulated in Brisbane.

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What, then, did the civil liberties movement in Townsville achieve? Firstly, and most obviously, it created a number of groups whose principal purpose was, at least initially, to seek the repeal of the *de facto* ban on street marches in Queensland. The existence by early 1978 of one permanent and two semi-permanent civil liberties groups in Townsville provided the precedent and the organisational nucleus around which civil liberties movements of the future could develop. The creation of three groups maximised the appeal of the movement as a whole. Those who found one group unacceptable were able to join one (or both) of the others. Secondly the movement did much to keep before the Townsville community not only the street march issue but also many other issues on which the state government's stance had provoked dissent. The movement in Townsville, its aims, arguments, and activities were given a degree of publicity out of all proportion to the number of active supporters the movement could muster. This publicity was largely the result of the considerable attention given the movement by the *TDB*,<sup>91</sup> which had the largest circulation of all daily newspapers in North Queensland. Thirdly, the movement enhanced the reputation for nonviolent activity which street demonstrators in Townsville had established over the previous decade. The peaceful character of the civil liberties movement and its activities in Townsville during 1977-79 presented a challenge to the assumption on which the street march ban was based.

On the other hand the movement failed to gain a level of active support which would have convincingly demonstrated to the government that the ban on street marches was politically unwise much less unpopular. There were, as this paper has shown, strong suggestions that public opinion, both in Queensland in general and in Townsville in particular, did not favor the ban. But that opposition, if it existed, remained latent. The civil liberties movement in Townsville failed completely to tap it. It failed not so much to change opinion on the ban as to demonstrate that that opinion existed. If there were many in Townsville opposed to the ban they were apparently uninterested in taking active steps to express that opposition by joining the groups

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or supporting the activities and statements of the groups formed to oppose the ban. It was as if the community saw the right to march as too abstract a freedom and the loss of that right as an event of little importance. Probably the community agreed with the *TDB* when, on the brink of the state elections in November 1977, it argued rhetorically that:

A heavy blast has been directed at the Premier for alleged violations of civil liberties. But the question may be asked: Could the average citizen - peaceful, law-abiding, and intent on doing his share for self, home, and the community - genuinely feel that his freedom is under threat? Is his way of life in danger? Could he honestly feel that his freedom to work, his freedom of enterprise, his freedom to enjoy life, his freedom to worship, his freedom to engage in politics, his freedom to criticise authority, are in peril?<sup>92</sup>

That editorial did much to explain why most people in Townsville, as in Queensland as a whole, saw little justification for protesting actively against the authoritarian proclivities of their rulers in Brisbane.

\* \* \* \*

In summary, the Queensland government's new policy on street marches, announced and given legislative form in September 1977, aroused considerable opposition outside Brisbane. During the six months which followed three groups sprang up in Townsville each of which sought the repeal of the state government's controversial amendment to the Traffic Act which effectively banned all but non-political processions in Queensland. However the repeal of the ban on street marches was only one of the aims of each of these groups. The Townsville Council for Civil Liberties, composed largely of professional and semi-professional people, eschewing a close association with any political party and adopting innocuous and moderate methods of protest, sought to protect a wide range of freedoms of which the freedom of procession was but one. The Townsville Civil Liberties Co-ordinating Committee, peopled mainly by left-wing trade unionists and radical university students, uninhibitedly associated with the left wing of

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the ALP and the CPA and adopting a deliberate policy of civil disobedience, in particular, the holding of illegal street marches, welcomed the support of all who opposed what they considered to be the authoritarian character and repressive policies of the Bjelke-Petersen government. The James Cook University and Townsville College of Advanced Education Civil Liberties Co-ordinating Committee was, in effect, a university chapter of the latter group. Although the evidence suggested that the ban was unpopular, and although both groups, particularly the second, stimulated much publicity, they did not win much support for their activities nor did they arouse much opposition. On the other hand they did succeed in establishing a precedent for opposition in Townsville to many of the policies of the Bjelke-Petersen government and, by avoiding both the use and occurrence of violence during street marches, succeeded in enhancing the reputation for peacefulness enjoyed by demonstrators in Townsville in the past. But these very modest achievements could not overshadow the fact that the movement failed completely to demonstrate the widespread disapproval of the ban that might have existed in the community at large and in so doing did little to threaten either the credibility or the political stability of the government whose policies it opposed.

REFERENCES

1. *Courier-Mail*, 5 September 1977. p.3.
2. *Courier-Mail*, 6 September 1977. p.3.
3. For the debate on the Traffic Act Amendment Bill see *QPD*, 14 September 1977. pp.599-655.
4. *TDB*, 15 September 1977. p.1.
5. See, for instance, "Queensland: Civil liberties", *Bulletin*, 23 September 1967. p.21; C. Hughes, "Marching rule in Brisbane", *Quadrant*, November-December 1967. pp.29-34; H. Tarlo, "The campaign against Queensland", *Quadrant*, November-December 1967. pp.35-39.

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6. P. Applegarth, "The march ban one year later", *Courier Mail*, 4 September 1978. p.4.
7. *TDB*, 20 March 1979. p.4.
8. *TDB*, 22 September 1977. p.13.
9. D. Wilson was a mature-age student at the university and a former president of the Students' Union.
10. *TDB*, 7 November 1977. p.3.
11. *TDB*, 9 February 1978. p.9; 15 February 1978. p.10.
12. O'Neill was a lecturer in English at the University of Queensland.
13. *TDB*, 27 January 1978. p.3.
14. *TDB*, 10 February 1978. p.3.
15. *TDB*, 11 February 1978. p.3.
16. *TDB*, 28 February 1978. p.1.
17. *TDB*, 14 October 1977. p.3.
18. *TA*, 12 April 1978. pp.1 and 5.
19. LeRoy was a teacher.
20. *TDB*, 28 February 1978. p.1.
21. Pentony was a lecturer in Commerce at the university.
22. *TDB*, 17 November 1977. p.7. See also *TA*, 23 November 1977. p.6.
23. *TDB*, 1 March 1978. p.4.
24. Gleeson was chairman of the Thuringowa Shire Council.
25. *TDB*, 2 March 1978. p.1.
26. One occasion on which these misgivings were expressed was a public meeting held by the council on 30 April 1979 and attended by the writer.
27. TCCL, *Townsville Council for Civil Liberties*, (no date). Pamphlet.
28. *TDB*, 1 May 1979. p.3.
29. *TDB*, 1 February 1978. p.5.

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30. TDB, 27 May 1978. p.2.
31. TDB, 12 June 1978. p.2.
32. TDB, 5 July 1978. p.22. See also TCLCC, *Law reform for Queensland*, 7 July 1978. Leaflet.
33. TDB, 1 April 1978. p.2.
34. TDB, 12 June 1978. p.2.
35. TDB, 5 December 1978. p.3.
36. TA, 28 September 1977. p.2.
37. TDB, 10 February 1978. p.3.
38. TDB, 10 February 1978. p.3.
39. TDB, 11 February 1978. p.3.
40. TDB, 7 March 1978. p.2.
41. TDB, 27 May 1978. p.2.
42. TDB, 11 February 1978. p.3.
43. P. Sekfy, TDB, 15 September 1978. p.4. See also P. Sekfy, *Civil liberties - What is happening?*, (March 1978). Leaflet.
44. In February 1979 Martinez was appointed acting director of the Townsville Environment Centre (TDB, 22 February 1979. p.3).
45. TDB, 3 November 1978. p.3.
46. TDB, 3 November 1977. p.8.
47. I.T. Florence, A.G. Hall, and W.A. Sanderson, TDB, 3 November 1977. p.9.
48. TDB, 7 November 1978. p.10.
49. TDB, 4 November 1978. p.7.
50. JCU/TCAE CLCC, *The people united will never be defeated*, (June 1978). Leaflet. This leaflet may not have been distributed.
51. TDB, 7 November 1978. p.10.
52. TDB, 11 November 1977. p.4.
53. TDB, 6 March 1978. p.1.

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54. JCU/TCAE CLCC, *Press statement*, 28 April 1978; *TA*, 10 May 1978. p.9.
55. *TDB*, 23 October 1978. p.7.
56. *TDB*, 17 April 1978. p.3. See also *TDB*, 29 May 1978. p.1; 1 July 1978. p.1.
57. *TDB*, 9 September 1977. p.9.
58. *TDB*, 17 October 1977. p.3.
59. *TDB*, 6 March 1978. p.1.
60. *TDB*, 28 April 1978. p.2.
61. Reynolds was a senior lecturer in history at the university and a foundation member of the TCCL.
62. H. Reynolds, *TDB*, 8 November 1978. p.4.
63. *TDB*, 7 March 1978. p.2.
64. See, for instance, *TDB*, 7 June 1978. p.3.
65. *TDB*, 10 July 1978. p.3.
66. Two of those arrested won further publicity for the movement by electing to spend ten days in Stuart Prison rather than pay fines imposed for their offences (*TDB*, 12 July 1978. p.4.)
67. *TDB*, 4 November 1978. p.2.; 11 November 1978. p.5.
68. *TDB*, 7 June 1978. p.3.
69. See, for instance, *TDB*, 6 March 1978. p.1.
70. *TDB*, 15 July 1978. p.6.
71. See, for instance, *TDB*, 6 March 1978. p.1; 29 May 1978. p.4; 8 December 1978. p.3.
72. See, for instance, *TA*, 12 April 1978. pp.1 and 5; 10 May 1978. p.9.
73. *TDB*, 1 May 1979. p.3.
74. *Courier-Mail*, 2 June 1978. p.7.
75. *TDB*, 28 October 1977. p.3.
76. *TDB*, 2 November 1977. p.16; 3 November 1977. p.8.; 4 November 1977. p.7.

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77. *TDB*, 6 April 1978. p.3.
78. *TDB*, 6 November 1978. p.4.
79. *TDB*, 6 September 1977. p.4.
80. See, for instance, *TDB*, 6 September 1977. p.4; 21 October 1977. p.4; 25 October 1977. p.4; 26 October 1977. p.4; 2 November 1977. p.4; 12 November 1977. p.4; 7 December 1977. p.4; 4 March 1978. p.4; 14 March 1978. p.4; 19 April 1978. p.4; 6 July 1978. p.4; 15 July 1978. p.4; 24 October 1978. p.4; 31 October 1978. p.4; 30 November 1978. p.4; 28 December 1978. p.4.
81. This writer could identify no more than eight news items concerning the civil liberties movement in the *TA* between September 1977 and May 1979.
82. *TDB*, 6 September 1977. p.1.
83. See, for instance, D. Stackhouse, *TDB*, 27 September 1977. p.4; 19 July 1978. p.4; 31 July 1978. p.4.
84. *TDB*, 10 September 1977. p.11.
85. *TDB*, 28 February 1978. p.1.
86. See, for instance, *TDB*, 17 April 1978. p.3; 29 May 1978. p.1; 1 July 1978. p.1; 18 September 1978. p.2; 5 December 1978. p.1.
87. *Courier-Mail*, 27 May 1978. p.3.
88. *TDB*, 7 June 1978. p.3.
89. *Courier-Mail*, 7 June 1978. p.12.
90. *TDB*, 5 July 1978. p.22; *Courier-Mail*, 5 July 1978. p.3.
91. On the other hand the publicity given the civil liberties movement in Townsville in the Brisbane press was almost negligible. This writer could locate fewer than a half a dozen references to the movement in the *Courier-Mail* between September 1977 and May 1979. But see M. Sands, "Queensland's deep north marching for civil rights", *Semper Floreat*, 19 July 1978. pp.3-4.
92. *TDB*, 12 November 1977. p.4.

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ABBREVIATIONS

ALP	Australian Labor Party
CPA	Communist Party of Australia
JCU/TCAE	James Cook University and Townsville College of Advanced
CLCC	Education Civil Liberties Co-ordinating Committee
TA	Townsville Advertiser
TCAE	Townsville College of Advance Education
TCCL	Townsville Council for Civil Liberties
TCLCC	Townsville Civil Liberties Co-ordinating Committee
TDB	Townsville Daily Bulletin
TTLC	Townsville Trades and Labor Council