

VICTORIA on the *Move! Move! Move!*

Jude McCulloch and Marcus Clayton

The military-style training and ethos of police was alarmingly apparent at two Melbourne demonstrations.

Q: See now the consequences of your agitation?

A: No, but see the consequences of impolitic coercion.

Commissioner of the Ballarat Goldfields and digger involved in the Eureka uprising.

On 13 December 1993 shocked Victorians saw television news images of protesters outside Richmond Secondary College in Melbourne attacked by baton-wielding police. The protesters were maintaining a Trades' Hall endorsed picket line outside the inner suburban college in order to thwart its attempted closure by the Kennett Government. In the immediate aftermath of the incident, Assistant Commissioner Church warned that police were upgrading their 'public policing policy' (*Age*, 14 December 1994). Only two months later, on 10 February 1994, Victorians were again shocked by media images of police applying obviously excruciating pain compliance holds, including pressure point neck holds, to citizens engaged in a peaceful protest outside the Department of Conservation and Natural Resources in East Melbourne. That protest was over the Government's old growth forest policy.

The police operations at these two protests were criticised in a special report by the Deputy Ombudsman (Police Complaints).¹ The report about the Richmond incident concluded that the police tactics amounted to a 'radical departure' from those previously used and that 'the standard of reasonable force was exceeded' (pp.74 and 78). In relation to the behaviour of police at East Melbourne it was concluded that 'the evidence clearly indicates that the action was grossly excessive and without justification' and the police tactics 'had the potential of causing serious injury and even death' (p.101).

The events at Richmond and East Melbourne provided the impetus for a freedom of information request by the Western Suburbs Legal Service, a community legal centre and active member of Victorian legal centres' long standing Police Issues Group. The request, made under the Victorian *Freedom of Information Act 1982*, sought access to documents relating to the squads involved in the two incidents and police planning. The police refusal to release all requested documents resulted in a hearing before the Administrative Appeals Tribunal (AAT) in June 1995 where the legal service argued, among other things, that the public interest required the release of the documents. In the lead-up to the hearing the police released many documents they had previously claimed were exempt under the Act. A decision was handed down by the Tribunal in August 1995 to vary the decision of the police and grant access to a number of documents in dispute. The freedom of information request and subsequent Tribunal hearing proved highly successful in gaining access to information and documents not formerly available to the public.

The behaviour of police at Richmond and East Melbourne raises a number of concerns. Included amongst these are the role of specialist



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squads, the influence of military philosophy and training on police response to demonstrators, and the importation of policing methods from countries with vastly different social and political conditions. Documents released by police in the lead-up to the AAT hearing and evidence given by police during it highlight these concerns.

Police response to criticism

In the aftermath of the controversy surrounding the events at Richmond and East Melbourne and the release of the Ombudsman's critical report, police command indicated that crowd control methods would be reviewed. Although originally defending the use of pain compliance techniques at East Melbourne the (then) Deputy Commissioner for Operations, Mr Falconer, issued a media release, three days after the event, indicating that the police action at the demonstration had been inappropriate and that police training in crowd control, including pressure point tactics, would be reviewed.² On release of the Ombudsman's findings the Deputy Commissioner for Operations, Mr Church, described the tactics used as 'radically different from normal police policy' and said he was now 'quite satisfied' that other tactics should have been used. He said '... I accept totally that there were some errors of judgment and some of the actions were totally inappropriate'. Mr Church also said that individual members of the police criticised in the report would be investigated and 'depending on the outcome of those investigations appropriate action will be taken' (*Age*, 30 November 1994, pp.1 and 4).

Subsequent to the Ombudsman's report and the comments of police command it was (understandably) widely accepted that the events at East Melbourne and Richmond would not be repeated. The *Herald Sun*, for example, reported that:

Demonstrators can be almost certain police will not use those baton-wielding tactics again... Why? Because the deputy Ombudsman (police complaints) Dr Barry Perry in his reports to State Parliament has told them not to do so. Such is the reputation of the man and his office, that police put up their hands immediately after the critical reports were released and admitted they got it wrong. No whingeing, no buts, just a promise to implement the accompanying recommendations. [3 December 1994, p.5]

However, within weeks of the release of the Ombudsman's report there was an indication that not all police agreed with his findings. Inspector Mawkes, Officer in charge of the Force Response Unit (FRU), and the 'venue commander' at Richmond Secondary College, told the Magistrates Court, during proceedings against several people arrested at the college, that police had no alternative but to use batons against demonstrators (*Age*, 16 December 1994, p.3).

Evidence given by Inspector Mawkes and other senior police at the AAT suggests that the Ombudsman and his office do not enjoy the reputation among police that the *Herald Sun* suggested. Inspector Mawkes said of his interview with the Ombudsman's staff that:

It's probably one of the most shabby interviews I've ever been involved in, and the two people concerned I would say had no experience as investigators. [p.99 transcript]

Inspector Mawkes told the Tribunal that he did not accept the Ombudsman's findings and did not understand why he had to give weight to the report (pp.156 and 159). He was asked:

So, whatever the Ombudsman said about the use of it [level 4 — 'baton drill' used against demonstrators at Richmond], as

far as you are concerned, it's still a matter that's available to be used by you?

He answered:

It's available now and there's been a separate inquiry into it and I know for a fact that the inquiry results were that there's nothing wrong with the method we use. [pp.144-5]

Inspector Mawkes also told the Tribunal that subsequent to the Ombudsman's report there had been no change to the training of the FRU (the unit responsible for the baton charge). Moreover, he said that not only had the FRU training not been modified but that training specifically designed for the squad had been adopted across the police force as a training package that was taught in regions and to recruits (p.64).

The officer responsible for the training in relation to the pressure point holds told the Tribunal that he did not believe that the application of the holds at East Melbourne had amounted to excessive force [p.333]. He did say, however, that above the shoulder pressure holds were no longer taught or used (p.350).

On 23 May 1996, more than two years after the event, senior police *finally* announced that eight former and serving police faced disciplinary action over their behaviour at Richmond. Before any action is taken, however, the police involved will be given the opportunity to respond and no criminal charges will be laid against any police (*Herald Sun*, 24 May 1996, p.9). On 27 May 1996 the *Age* newspaper reported that, two weeks after the Richmond baton charge, a district commander recommended that ten of the police officers involved be commended for leadership, 'control of resources, and devotion to duty'. At least four of these ten officers are amongst those current facing disciplinary charges.

Given that the tactics at Richmond and East Melbourne arose out of training programs designed for special squads for use at demonstrations, they are not likely to go away unless the squads trained in their use are disbanded or significantly modified. Commenting on the impact of the use of the special squads at the demonstrations the Ombudsman reported that:

In each demonstration, the action complained of by the demonstrators of excessive force or that tactics used by the police were disproportionate to their objectives, followed the introduction of 'specialist' units of police specifically trained in newly adopted techniques for crowd and demonstrations control. By their nature those techniques were a radical departure from previous tactics adopted by police in Victoria. The actions of the specialist units were generally in accordance with training but were implemented in the absence of both adequate intelligence and crowd behaviour of such a nature which would have required such force. Yet such actions had the potential for creating riotous behaviour and for causing serious injury or death. [p.103]

Special squads

The FRU and the Protective Security Group (PSG) were represented in the greatest numbers and took the most active roles at the Richmond and East Melbourne incidents. Of the 177 police present at Richmond Secondary College on 13 December 1993, 70 were members of the FRU and 30 were members of the PSG. The FRU was responsible for the baton charge and PSG members made up arrest teams at Richmond. Of the 66 police present at East Melbourne, 12 were from the FRU and 12 were from the PSG. The PSG was responsible for the application of the pain compliance holds.

The PSG is divided into two divisions. The Special Operations Group (SOG) is one of the units in the first division. The SOG was established in 1977 primarily in response to a perceived terrorist threat. It is a paramilitary squad based on the Army's commando regiment, the Special Air Services (SAS). The group trains with the SAS, includes former members of the SAS and other Army units, regularly conducts joint exercises with the military, and is equipped with military equipment including sub-machine guns, M16 rifles, Australian Army standard issue Steyr point 223 rifles, chemical weapons, stun guns, electrified shields, and four wheel drive assault vehicles.³ The group is referred to in one police annual report as 'police army units'.⁴ International links form an important element in SOG training. A Chief Inspector with the SOG told the AAT hearing he had travelled overseas to study paramilitary-style groups such as G-9 in West Germany, the Royal Canadian Mounted Police, and groups in England and the United States (p.241-2). Although the group's existence and training are predicated on its counter-terrorist function, the actual operations of the group are in more conventional areas of police work. As a result of a recent review, the SOG's operations are to be extended even further into everyday policing (*Herald Sun*, 30 August 1995, p.3).

Jenny Hocking, author of the book *Beyond Terrorism: the Development of the Australian Security State*, gave expert evidence at the Tribunal on behalf of the legal service. She submitted that police exposed to counter-terrorist training regard protesters and demonstrations as potential sites for politically motivated violence and are therefore at risk of developing negative attitudes towards citizens who participate in protest actions, regarding them as subversives or quasi-terrorists.⁵ The SOG provides 'a containment, dispersal facility for civil disorder'.⁶ Giving evidence at the AAT, the SOG's Chief Inspector said that members of the group were not present at the Richmond or East Melbourne events but they may have been involved in other demonstrations. A photograph in the *Australian* newspaper in 1992 shows a number of police dressed in riot gear, including long shields and helmets, in the basement of Parliament House ready to be used outside at a student demonstration taking place over proposed changes to AUSTUDY (*Australian*, 16 April 1992, p.4). A news item in the same paper the next day states that police were concerned that members of the SOG might have been identified from the photograph. The Chief Inspector could not confirm or deny the newspaper's assertion that it was the SOG featured in the newspaper photograph (pp.303-4).

Although the SOG is relatively small in numbers, currently comprising 40 members, it has had a marked impact on the culture of the police force, undermining the traditional philosophical, social and legal distinctions between police and soldiers. The group has had an effect disproportionate to its numbers partly because its members and former members are heavily involved in training of other police.⁷ Members of the SOG also move laterally within the PSG and are regularly temporarily seconded to other parts of the police force. The officer in charge of the controversial raid on a Melbourne gay night club in August 1994, where 463 people were strip searched, was an SOG officer on temporary secondment.⁸ Despite the group's intensive military-style training, no debriefing is given to members when they leave the group to take up regular police duties.

The other unit in the first division of the PSG is the Counter-Terrorist Intelligence Section (CTIS) (which has

recently been renamed the Protective Security Intelligence Unit). The responsibilities of the CTIS include:

The collection, assessment, collation and dissemination of information concerning individuals and groups of individuals or organisations likely to engage in criminal terrorist activities and/or acts involving politically motivated violence within Victoria and elsewhere.

The section is also responsible for:

Maintaining previously established links, and developing further contacts with other security agencies and government departments.⁹

The CTIS was active at the Richmond protest. A police document reveals that extensive video footage taken by the police of the protesters was examined by members of the section who identified 'International Socialists and others' in the crowd. The names of the people identified and described in the CTIS document as 'urgers' were passed onto the Assistant Commissioner of police.¹⁰ It is likely, given the functions of the unit as set out above, that the names were also passed on to other agencies such as the Australian Federal Police and the Australian Security Intelligence Organisation. The activities of the CTIS at Richmond demonstrate the tendency of those in police and security circles to slide between terrorism and activism, and confirms that Special Branch type police are still functioning in Victoria, albeit in the service of counter-terrorism rather than anti-communism. The characterisation of protesters as terrorists lays the foundation for SOG involvement in future demonstrations.

Number two division of the PSG includes a squad of 130 members called (confusingly) the Protective Security Group (PSG2). One of the PSG2's functions is to provide 'a riot response' at demonstrations and to this end the group is equipped with long and short shields and helmets. The members responsible for PSG2 crowd and riot training for the previous nine years are former SOG members. One of the police documents obtained in the AAT case indicates that the group and their riot gear were on stand-by in December 1993 at a march opposing the closure of Richmond Secondary College organised by teacher unions. There is no history of secondary school teacher unions being involved in violence at protest actions. That riot gear is apparently so readily deployed in anticipation of its use suggests that it is only a short step to its actual use, a possibility made more likely by the negative characterisation of demonstrators and the tendency among police to overstate the potential for violence at demonstrations, issues taken up below. The FRU was set up in 1993 and consists of 120 members trained in crowd control tactics. The officer seconded to set up the group and in charge of its training is a former SOG member. The baton charge at Richmond Secondary College is described by police as a 'level four' response. 'Level four' is part of the training specifically designed for the group. FRU baton training instructs members to hit people between the shoulder and the waist, although a document produced by Victoria Police Office of Forensic Medicine indicates that the abdomen (an area above the waist) is to be avoided, as a blow in that area can cause sudden collapse and rupture of internal organs.¹¹ That the tactics of the FRU represent a departure from previous police tactics is well illustrated by the military style precision evident in the execution of the 'baton drill' used at Richmond. A FRU Senior Sergeant agreed with the Deputy Ombudsman that the group had taken a 'militaristic' approach, running down the street to form a cordon in front of

the protesters (p.51). After forming the cordon the members of the FRU stood in the 'reverse at ease' position. After warnings were read to the picketers, the FRU advanced towards them. The movement was 'slow and deliberate and commenced about 10-12 metres from the picketers'. The advance was made one step at a time. Taking steps in unison the police set up a chant; with every step each police officer yelled 'MOVE!'¹² On reaching the picketers, FRU members continued to advance jabbing those in front of them with their batons. Picketers at the front of the crowd were unable to move because of obstructions behind and thus bore the brunt of the 'advance'. Some picketers were hit over the head with batons, eight required treatment from ambulances called to the scene, and three were taken to hospital.¹³

In the lead-up to the AAT case, sections of some of the crowd control training manuals used by the squads described above were released to the legal service. Sections referring to tactics and equipment were not released.

Australasian and South West Pacific Region Civil Disorder/Dissent Manual

The legal service obtained parts of the 'Australasian and South West Pacific Region Civil Disorder/Dissent Manual' (ASWPCD/DM). The Deputy Ombudsman's report refers to the manual as one of the two sources of instruction to police for controlling demonstrations and crowds (p.65). The document, dated 1986, was the initiative of a Police Commissioners' conference held in Papua New Guinea the previous year and its objective is 'to provide common policies and guidelines to all forces throughout Australasia and the South West Pacific Region in the control of civil disorder'. That the document exists at all is testament to the priority police in Australia give to public demonstrations particularly as the Chief Commissioners' conference, according to police who gave evidence at the AAT, has not initiated any other manuals of a similar regional nature (pp.368-9).

The document was written for application in a range of countries including Fiji, which in recent history has undergone a military coup, and Papua New Guinea, parts of which are in the midst of a civil war. It is extraordinary that Australian Chief Commissioners believe that policing methods thought suitable by the authorities in Fiji and Papua New Guinea are appropriate in Australia. The concern that Australian police are importing methods designed in countries with much higher levels of social conflict is underlined by the very first paragraph of the ASWPCD/DM which refers to the situation in Northern Ireland and the Brixton and Birmingham 'riots' in England during the 1980s.¹⁴ The PSG2's training officer told the AAT that training given to Victoria police draws heavily on British methods (p.359). The tactics adopted by British police towards demonstrators and disturbances have been criticised for escalating disorder.¹⁵ The possibility of police escalating disorder is heightened if the methods used by British police, designed for much higher levels of conflict, are used in the Australian context. By importing crowd control tactics adopted in different social contexts, Australian police are likely to create the very disorder they are purporting to prevent.

The title of the document, including as it does a reference to dissent, as distinct from disorders, suggests a police pre-occupation with matters outside what is supposed to be their legitimate sphere of operation. Dissent, according to the dictionary, means 'to think differently: to disagree in opinion: to differ'.¹⁶ Opinions, whatever their content, are not the

proper concern of an agency that espouses crime prevention and detection and keeping the peace as its major functions. That a manual which provides guidelines for police forces throughout Australia suggests that opinions are legitimate police concerns is an issue with obvious and alarming implications for civil liberties.

The tone of the document suggests a hostility to public protest and those who participate in it. Le Bon's 1895 theory of crowd psychology is outlined in the introduction of the manual, part of which reads:

individual members of the crowd tend to lose their identity, or it becomes weaker, and they share it with others around them. Those elements of the human personality which control the usually latent but none the less powerful feelings of aggression, which in ordinary lay language we term 'Conscience' and 'Discipline', are weakened and if excited by oratory, by rumours injected into the crowd, by fear, by voices from unofficial leaders within the crowd, may be violently released.

Le Bon's theory, and the manual by repeating it, fails to acknowledge that overwhelmingly crowds are not violent. Australia has a tradition of non-violent protest. By emphasising the potential for violence in crowds the manual exaggerates it and creates an atmosphere conducive to pre-emptive police violence. The manual also fails to acknowledge the contemporary research on conflict, both in Australia and overseas, which demonstrates that police action itself is frequently the trigger to disorder and that once disorder has started, police responses have the potential to escalate it.¹⁷

The manual's glossary includes the following definitions:

Activist: These are the 'Voices in the Crowd' supporting the 'agitator'; they are impulsive people whose behaviour while in a 'mob' is not unlike the behaviour they display in their daily lives.

Agitator: A person responsible for the initiation of violence within a crowd disturbance.

Young leaders: Are recognised as impulsive and are the most excited, violent members of the 'mob'.

These definitions illustrate a hostile attitude towards demonstrators.

Attitude to demonstrators

This hostile attitude to demonstrators is repeated in crowd control training manuals produced by Victoria Police. The training document used by the FRU, for example, states that demonstrations have a potential for violence and disorder and provide:

an excellent vehicle for dissidents, activists, agitators, subversives and those with a resentment of constituted authority.

The document, similar to the ASWPCD/DM, creates the impression that there is something illegitimate and even criminal about people thought to belong in the listed categories.

Another Victoria police crowd control training document describes 'aggressive crowds' as follows:

In this type of crowd, the people are under positive leadership and display strong emotions. They engage in some type of aggressive action. Ordinarily, these people have assembled because of strong feelings about some issue and show definite unity of purpose. Their actions may become highly emotional, impulsive or even destructive. An example of an aggressive crowd is a group of protesters who decide to march with banners to a stated location and stage a demonstration.¹⁸

The description and example fail to distinguish between opposition and aggression, creating a context in which police may feel justified responding violently to expressions of opposition.

Police comments recorded after the events at Richmond indicate that while lip service is paid to the right to protest, police maintain for themselves the power to determine who and what are legitimate protesters and protests. The Ombudsman's report records a Chief Superintendent as stating a belief that the protest at Richmond changed from 'a protest against a school closure to an anti-government, anti-authority type protest' (p.36). These comments are echoed in a senior police debriefing document where it is stated, with regard to the ongoing protest, that 'this is more than a demonstration against the closure of a school'. The police debriefing document records that 'few of the demonstrators seemed interested in the issues at hand and there seemed to be a "them vs us" attitude amongst the protesters'. The Ombudsman's report and the debriefing document are replete with police references to 'professional protesters', 'professional agitators' and International Socialists. The police comments suggest that people belonging to certain political groups, engaging in protest action over a range of issues, or who are 'anti-government' have no right to protest. In the case of Richmond the presence of a number of 'non-genuine' protesters was sufficient, in police eyes, to render the protest action illegitimate and ripe for pre-emptive police violence. Given that protest actions will almost always include people who have been to other protests, members of non-party-political organisations, and activists who believe that it is not only their right to protest but their duty as citizens, there will be few protest actions which, according to police, are legitimate.

The law and the role of the police

The legal basis for police use of force at Richmond and East Melbourne is unclear. In both instances, protesters were arguably committing minor breaches of the law as part of their protest action. At Richmond, the protesters were engaged in a picket line designed to prevent non-union labour entering the school grounds. In taking such action they could have committed the summary offence of besetting premises. At East Melbourne protesters blocked a drive way and in doing so possibly committed the summary offence of obstruction.

Protesters at both actions understood they may have been committing offences and were prepared to be arrested for so doing. Instead of arresting the protesters, however, police chose to engage in action designed to force them to disperse and cease their protest activity.¹⁹ Only five of the 40 to 50 picketers at Richmond were arrested and no arrests were made at East Melbourne.

The Victorian *Crimes Act 1958* (s.462A) empowers police to use force to overcome resistance to lawful arrest or 'to prevent the commission, continuance or completion of an *indictable offence*'. The *Crimes Act* does not empower police to use force to prevent people from committing *summary offences*. The *Unlawful Assemblies and Processions Act 1958* empowers police to disperse 'riotous and tumultuous crowds' after they are read the modern day equivalent of the riot act. There is no suggestion that the crowds at Richmond or East Melbourne were 'riotous or tumultuous'. There was never any suggestion that the protesters at East Melbourne were anything other than passive and the Ombudsman was

told that prior to the police commencing the 'baton drill' at Richmond, the crowd was standing with linked arms, singing songs and appeared to be passive (p.43). The FRU's commander at the Richmond event, Inspector Mawkes, confirmed, in evidence at the AAT, that he was *not* purporting to act under the authority of the *Unlawful Assemblies and Processions Act* on 13 December 1993 (p.133). The Ombudsman's report indicates that the police did not seek legal advice in relation to the baton training developed by the FRU for use in crowds and likewise no legal advice was sought in relation to the use of pain compliance techniques (pp.67 and 90).

The dubious legality of police action at Richmond and East Melbourne is underlined by the civil actions being contemplated by some of those present at the protests (*Age*, 30 November 1994, p.1). A number of the Richmond protesters have also lodged applications with the Crimes Compensation Tribunal.

Under the principles of the separation of powers the courts and police have distinct functions: the police bring those suspected of committing offences before the court and the courts determine whether the police suspicions are well founded and, if so, what punishment should be borne by the wrongdoer. The importance of this distinction is underlined by the large number of charges that magistrates dismiss against protesters, a fact demonstrated by recent court decisions. A magistrate dismissed the besetting charges brought against the five people arrested at Richmond on the day of the police action (*Age*, 12 January 1995, p.2). Likewise hundreds of people arrested and charged during protests against the Grand Prix in Melbourne's Albert Park, had their charges dismissed by magistrates (*Age*, 5 August 1995, p.10).

In using force against passive demonstrators, who were prepared to be arrested to highlight their cause, police undermined the distinction between the police function of arresting suspected offenders and bringing them before the courts, and the military function of defeating an enemy.

The media

In the aftermath of the action at Richmond, the police attempted to justify their action by suggesting that the protesters were violent. Two police media releases were put out on 13 December 1993. One states that 'eleven police members have been injured as a result of scuffles with the protesters, including one policewoman for [sic] injuries consisting of bruising and cuts . . . [I]t is believed a number of protesters have also received minor injuries.' A later release maintains that 'Fourteen Police officers and three protesters were injured in a violent demonstration at the Richmond Secondary College this morning'.

In contrast to the media releases, which were used as a basis of reports in the print and electronic media, an Inspector told the Ombudsman that only seven police reported receiving minor injuries and that he believed 'that most of the injuries were probably caused by contact with the barricade either during the incident or when the barricade was hurriedly removed'. Despite viewing extensive video coverage of the incident, the Ombudsman was unable to find any evidence to support police claims that they were 'punched, kicked or spat at by the picketers' (p.78).

The police media releases, which suggest picketer violence, were unable to counteract the publicity generated by images of baton-wielding police assaulting non-resisting protesters, some of whom sustained obvious injuries such as

bleeding head wounds. The police debriefing on the 14 December 1993 includes the following discussion about the media's role at Richmond:

The 13/12/93 morning events portrayed by the media were 'anti-police', indicating an overreaction by police . . . Reports had reached the USA and England, with the English reports suggesting that our members were trained by Korean officers . . . Following discussion regarding the best way to keep media out of the way, Loomes [the police media director] suggested that he send a release to all media advised [sic] them to keep clear. A/C (O) [Assistant Commissioner (Operations)] suggested that could be open to some misinterpretation. Media Liaison should be used to keep media out of the way. They could shepherd them out of the way — that is their role.

Subsequent events suggest police are experimenting with ways of keeping the media 'out of the way' at demonstrations where their tactics may cause public disquiet. During a 'Save Albert Park' protest, police twice threatened to arrest journalists and camera crews filming protesters being forcibly removed from a pit building. Police also used black plastic to screen protesters from the media. A police Inspector at the action denied that police were trying to suppress reporting of the incident and said police screened off the area and threatened arrests because protesters were 'playing up to the cameras' (*Sunday Age*, 9 July 1995, p.3).

Police comments about the media in the debriefing document and their subsequent attempts to limit media coverage of their actions at protests fuels the suspicion that police command's comments after the release of the Ombudsman's report were a public relations exercise rather than evidence of a commitment to change.

Conclusion

Demonstrations form an integral part of Australia's democratic tradition and provide an important outlet for expression of opposition to government policy. Many protest movements have been successful in changing government policy in a positive way. The Vietnam war moratorium marches were part of the process that led to the end of the war in Vietnam, an end which is now generally considered to have been long overdue. On a smaller scale the protesters at Richmond, after a year-long struggle, were successful in obtaining concessions from the Kennett Government. The East Melbourne protesters are still engaged in action to protect old growth forests. Oscar Wilde said:

Disobedience in the eyes of anyone who has read history, is man's original virtue. It is through disobedience that progress has been made, through this disobedience and rebellion.

Police are entitled to take a different view of history; they are not, however, entitled to cast those engaged in protest actions and civil disobedience as the 'enemy within'.²⁰ The military-style training and ethos of specialist squads was alarmingly apparent at Richmond and East Melbourne where police tactics, in breach of the police mission to keep the peace and protect life, were directed at defeating protesters by use of overwhelming force. That senior police apparently believe the major lesson from these events is that the media 'should be kept out of the way' suggests a disregard for public accountability and the rule of law.

Postscript

Stephen Jolly has written a book — *Behind the Lines: Richmond, the School that Dared to Fight* — about the struggle over the Kennett Government's attempted closure of the school. The 300-page book, published by Global Press,

includes 60 photographs and makes extensive use of documents obtained under Freedom of Information by the Western Suburbs Legal Service and Friends of Richmond Secondary College. It will be available through bookshops by the end of June 1996.

References

1. Deputy Ombudsman Police Complaints, 'Investigation into Alleged Excessive Force by the Victoria Police Against Demonstrators at the Richmond Secondary College on Monday, 13 December 1993' and 'Investigation into Crowd Control Methods Used by the Victoria Police Against Demonstrators outside The Department of Conservation and Natural Resources Headquarters Victoria Parade East Melbourne on Thursday, 10 February 1994', November 1994.
2. Ombudsman's report, p.99.
3. Information obtained from evidence given by SOG members at various coronial inquests and documents obtained under freedom of information.
4. See Victoria Police, Annual Report 1979, p.10.
5. Jenny Hocking, witness statement, 25 January 1995.
6. Chief Inspector O'Loughlin Special Operations Group, witness statement, 13 June 1995.
7. For example when the Firearms Operation Survival Training Unit was set up in 1990, a former member of the SOG, who had only very limited experience in conventional policing, was appointed head of the unit.
8. Deputy Ombudsman Police Complaints, Investigation into the Raid on the Commerce Club, Melbourne, 7 August 1994, November 1994.
9. Document obtained under freedom of information.
10. Document obtained under freedom of information.
11. Office of Forensic Medicine *Medical Aspects of Police Batons* 10 September 1990.
12. Richmond Secondary College de-brief, 14 December 1993, obtained under freedom of information, pp.5-6.
13. Ombudsman's report, p.58.
14. Some commentators prefer the term uprisings.
15. See for example, Jefferson, T., *The Case Against Paramilitary Policing*, Open University Press, 1990.
16. Chambers Twentieth Century Dictionary.
17. see Cunneen, C. and others, *The Dynamics of Collective Conflict: Riots at the Bathurst Bike Races*, Law Book Company, 1989.
18. Protective Security Groups Close Personal Protection Officers course training notes.
19. For a detailed discussion of the legality surrounding the use of batons to disperse crowds in the English context see Waddington, P.A.J., *The Strong Arm of the Law: Armed and Public Order Policing*, Clarendon Press, 1991, pp.166-83.
20. A phrase used by former British Prime Minister, Maggie Thatcher, to describe striking miners.