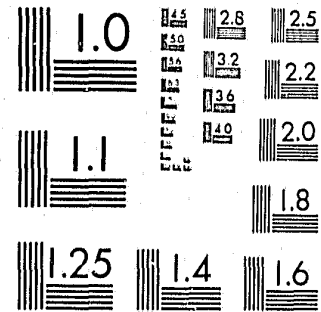


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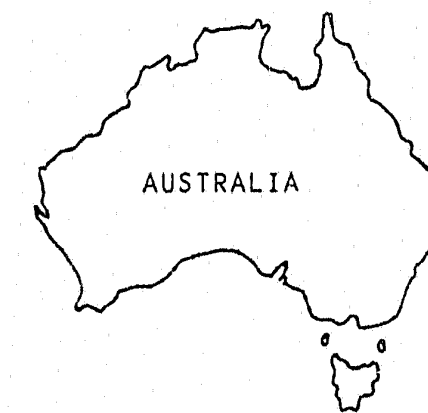
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POLICE and VIOLENT CIVIL DISORDER



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POLICE and VIOLENT CIVIL DISORDER



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FOREWORD

The following paper is a joint effort of all officers attending as students on the Twenty-Third Officers' Course, Australian Police College, Manly, New South Wales. Each individual officer was required, in the first instance, to submit a research paper on the laws, policies, strategies and tactics relative to the police role in civil disorder within the jurisdiction of his police organisation. While these research papers formed students' mid-term assignments, they also provided the basic data on which this paper is based.

The Twenty-Third Officers' Course, in its first week, elected a course paper committee, comprising Senior Inspector N.A. Sheather (New South Wales), Chief Inspector G.J. Edwards (South Australia), Chief Inspector W. Wilson (Northern Territory), Inspector P.W. Baer (Australian Federal Police) and Inspector J. Balloch (Victoria). The remainder of the course was later divided into groups and tasked with a specific primary research responsibility as follows :

- Review of the history and current situation - Chief Inspector B.E. Wells (New Zealand), Chief Inspector E.T. Pawelski (South Australia), Inspector P.D. O'Connor (Queensland), Inspector W.G. Anderson (Queensland);
- Use of military forces - Deputy Superintendent A.K. Singh (Fiji), Chief Inspector P.J. Curtis (Australian Federal Police), Inspector N.J. Walden (New South Wales);
- The future - Superintendent L. James (Western Australia), Deputy Superintendent J. Mesulame (Fiji), Inspector M.L. Laughton (New South Wales), Inspector J. Spurling (Australian Federal Police), Inspector R.L. Bradbury (New South Wales); and
- Future planning recommendations - Chief Inspector C. Pope (Northern Territory), Inspector C. Naylor (New South Wales), Inspector M. Viney (Tasmania), Inspector J.W. Sharp (Australian Federal Police).

The design of the paper, link and continuity writing, the introduction and conclusion were undertaken by the committee.

* * * * *

I INTRODUCTION

- "BLAZE MOB STRIKES AGAIN" ¹
- "MOB RULE GRIPS THE CITIES" ²
- "STAR WAKE RIOT ROCKS CITY" ³

THE PLACE - Your capital city!

THE TIME - Anytime!

THE SCENE - Riotous mobs heavily outnumbering your TOTAL AUTHORISED police strength, vehicles burning, shops and other structures blazing and being looted, electricity supplies interrupted, water and gas mains burst, telephonic communications disrupted, barricades erected, explosive devices being detonated, molotov cocktails being used against police, unco-ordinated emergency services, total chaos and confusion reigning supreme.

Is the above a scenario which we are likely to witness in Australia, New Zealand or Fiji? History indicates that, to some degree, we have already experienced the forerunners of just such a situation. This paper, produced by commissioned police officers sharing some 600 years combined policing experience and drawn from the Australasian police organisations and the Royal Fiji Police Force attending as students on the Twenty-Third Officers' Course, Australian Police College, Manly, New South Wales, examines the issue of the police role in civil disorders in Australasia and Fiji.

In examining the subject, the paper will consider the history and current situation with respect to civil disorder, the involvement of revolutionary groups, the adequacy of police strategies, tactics, finance, equipment, training and staffing and the adequacy of existing legislation. The paper will

-
1. The Sun (England), July 7, 1981, p.1
 2. The Sun (England), July 11, 1981, p.1
 3. The Newcastle Sun, September 20, 1979, p.1

also examine the use of military forces and para military 'third force' police structures. The paper develops an assessment of risk for each geographic area under consideration, having regard to such causal factors as the political, social and economic environments, as well as the influence of revolutionary groups.

Taking into consideration the risk assessments developed, a number of recommendations, both short and long term, are made in respect to planning, to ensure that ongoing democracy is not endangered nor sabotaged.

II AN HISTORICAL OVERVIEW

Even the most cursory examination of recorded history will reveal that man has displayed a lamentable degree of violence in almost every known society through the ages.

The levels of violence tolerated by different societies in various eras and the level which had been regarded as unacceptable have varied considerably. The interaction between separate groups can lead to tensions, irrational hostility and later to physical clashes. This separation may be religious, ethnic, linguistic, cultural, political or social. Sometimes several of these factors are intertwined; Northern Ireland offering a singularly complex and intractable example.⁴

A famous and still instructive example of riotous behaviour comes from antiquity. In 532 A.D., as a result of rivalry between chariot racing competitors in Constantinople, violence extended from the hippodrome to the streets and culminated in general terrorism. In the ensuing riots, many of the buildings in the capital were set on fire, no person's life or property was safe and complete anarchy reigned.⁵

Great Britain

Throughout the centuries, Great Britain has experienced wars, assassinations and riots. The Gordon Riots of 2 to 8 June, 1780 are still a by-word for abandoned ferocity. The absence of a proper police force led to the Manchester Massacre in 1819 and lethal weapons were used again by troops in the Featherstone disturbances in 1893.⁶ On 15 June, 1974, the Red Lion Square, London, became the scene of a clash between the two opposing civil factions, the National Front and the Council of Liberation. The police were caught in the middle.

4. DEANE-DRUMMOND, Anthony. Riot Control. Bartholomew Press, Surrey, Great Britain (1975), p.10

5. Ibid., p.12

6. Ibid., p.12

and violence flared. Subsequently, Lord Justice Scarman was appointed to inquire into various aspects of the disorder.

In more recent times, the Easter Bank Holiday riots of Brixton, Southall and Liverpool resulted in the looting of property, the burning of vehicles and buildings and injury to many people, including police officers.

Other Countries

The United States of America, too, have had a violent record of civil disorder. Following the Civil War, society was fluid and unstable and the labour and draft riots of that era, both in terms of ferocity and longevity, far exceeded the violence of the racial disturbances of the 1970's.⁷

In India, religious intolerance has caused more human bloodshed than anything else. The history of the pre-Independence period of 1947 is rich with many demonstrations of Hindu-Muslim disharmony. This was followed by the assassination of Mahatma Gandhi on 30 January, 1948 and the bloody Jabalpur riots in 1961.⁸

France's turbulent history can offer many worse riots than those that took place in England or in the colonies. The revolution of 1848 forced King Louis Philippe to flee the country, over 340 Frenchmen died and a Republic was declared.

New Zealand

The dominant feature of the early history of unrest in New Zealand was undoubtedly the Maori wars, the culmination of which was the acceptance of British sovereignty by the Maori people. This acceptance was ratified by the signing of the Treaty of Waitangi on 6 February, 1840.

Sporadic outbreaks of violence have been occurring since. The earlier incidents were centred around the emergence

7. POTHOLM, C.P. and MORGAN, R.E. Focus on Police - Police in American Society. Schenkman Publishing Company, New York (1972), p.2.

8. GHOSH, S.K. Riots. First Edition, Eastern Law House, Calcutta, 1972.

of the governmental system and the development of unionism. This has been followed by the appearance of ethnic gangs and cults which have been growing steadily since the 1960's. Such groups as the Maori activist movements have been campaigning and demanding land rights and other benefits for the Maori people.

Groups of this type have deliberately embarked on campaigns of lawlessness and rioting. Many of their escapades have resulted in the deaths of opposing gang members and serious injury to police officers. A typical incident occurred at Moerewa in 1978, when gangs wrecked two hotels, a fire engine and three police cars. In addition, fourteen police officers were injured, three seriously.

The most recent episode of violence has been centred around the 1981 Springbok tour of New Zealand, when about 20,000 demonstrators spread throughout the nation, actively demonstrating against the tour, seeking to prevent the tour from going ahead. The largest demonstration was during the Auckland segment of the tour, when 10,000 demonstrators turned out. It is interesting to note that, although Hallam Polls revealed that greater than 50% of the population were opposed to the tour, only 20,000 actually campaigned actively.

The advent of television has coincided with a change in the tactics of groups bent on demonstration and confrontation with the police, who are the visible image of the 'establishment'. These people have been quick to realise that television coverage of events focuses a wider and more direct attention on their cause. It would seem that there has been a shift to more violent behaviour and indications are that this trend will continue.

Australia

The discovery of rich gold fields in the eastern Australian States brought Australia into a social and economic revolution. As miners attempted to make a quick fortune, crime in all its forms was experienced. Inadequate government facilities, the gold licence system and various other grievances

stimulated resentment against authority, especially the police and this ultimately led to the tragedy of the Eureka Stockade in December, 1854.

The influx of Chinese to the gold fields created major ethnic divisions, thereby exacerbating policing problems. Widespread lawlessness continued and, in 1861, at Lambing Flat in New South Wales, a riot by almost one thousand armed miners drove the Chinese off the gold fields. The riot leaders were arrested. More miners then moved in, destroyed the police station and other buildings and forced the authorities to release the leaders.⁹

Between 1967 and 1972, anti-Vietnam war demonstrations occurred in major cities throughout Australia, invariably resulting in violent confrontation with police. One notable such incident was the so-called September Moratorium Demonstration in Adelaide on 18 September, 1970, when intersections had to be cleared by police who made many arrests. In more recent times at Newcastle, New South Wales, in September, 1979, a riot occurred with the closure of the Star Hotel, resulting in police vehicles being burnt, property being destroyed or damaged and police and other persons being injured. This incident is the most recent, vivid and dramatic illustration of a violent, albeit temporary, breakdown of law and order in Australia. Its ferocity should serve as a sober warning to those charged with the maintenance of law and order and, above all else, it clearly evidences that there is no room for complacency nor half measures in preparing for such contingencies. The mood of the community should be monitored constantly and signs of impending violence should never be ignored.

Labour or political unrest, racial violence and poverty are all issues that can lead once again to civil disorder. It is all too easy in times of relative calm to ignore the underlying causes of mass violence.

9. Queensland Police Arts and Science Course, Lecture No. 2. Public Administration, pp.4-6.

Existing Legislation

Legislation provided for the control of demonstrations, public meetings and riotous situations in Australia are similar in each jurisdiction and generally provide for much the same offences and police powers with respect to public meetings, public assemblies and marches. Similar legislation exists with respect to riotous situations. The Northern Territory Disaster Act, 1976, with its provisions enabling the requisition of property, closing of private and public premises, closure of public thoroughfares and places and powers to remove vehicles during riots and after proclamation by the Administrator in Council, is a notable exception. Limited 'State of Emergency Powers' exist in Queensland under its State Transport Act, 1938.

The legislation generally applicable in New Zealand is, in the main, similar to that of Australian jurisdictions. New Zealand, similar to the Northern Territory, has legislative provision for 'States of Emergency'. The New Zealand Public Safety Conservation Act, 1932 provides, inter alia, that the Governor-General may, under specified circumstances, declare a 'State of Emergency' and issue emergency regulations to prohibit acts which would be injurious to the public safety; as are required to conserve public safety and order and as to securing the essentials of life for the community. This power is subject to automatic review by Parliament. The Act further provides that where, owing to the gravity of a situation, it is essential that a 'State of Emergency' be declared, and the approval of the Governor-General cannot be obtained because of lack of communications, the senior member of police at the locality can act and issue orders and instructions necessary for the preservation of life, protection of property and maintenance of order. Such police instructions have effect until the necessary declaration is made by the Governor-General.

The legislation applicable in Fiji makes provision for the control of demonstrations, public meetings and riotous assemblies in much the same manner as the legislation generally applicable throughout Australia and New Zealand. The 'State

of Emergency/Disaster' provisions to be found in the Northern Territory and New Zealand are not replicated in Fiji.

The legislation applicable in New Zealand is considered adequate. The absence of 'State of Emergency/Disaster' legislation in Australia (excluding the Northern Territory) and Fiji is considered a serious deficiency and one which should be remedied at the earliest opportunity.

In addition to the lack of 'State of Emergency/Disaster' provisions, legislation in Australia is deficient in that conflict can arise between State and Commonwealth legislation in the application of the Commonwealth Public Order (Protection of Persons and Property) Act, 1971 in regard to disturbances occurring on isolated Commonwealth places within a State or with respect to a protected person as defined by the Act within a State. It is considered imperative that the legislation of a State be clearly and consistently applicable throughout that State, irrespective of isolated pockets where the Commonwealth has plenary authority.

The diversity of legislation in some Australian jurisdictions applicable to the control of demonstrations, public meetings and riotous situations evidences a need to gather these diverse provisions under one Act or code for the sake of both clarity and convenience.

A major deficiency apparent in Australian legislation is that, while it provides for similar offences and powers, there are subtle differences which, in some circumstances, could inhibit joint police operations such as may be necessary to combat the scenario presented at the commencement of this paper. It is indisputably desirable that uniformity of such legislation be a prime objective to all legislatures. Alternatively, 'State of Emergency/Disaster' legislation could provide for a commonality of offences and police powers throughout Australia during such 'States of Emergency/Disaster'.

Equipment

Generally, the police organisations being examined have had available similar equipment, including long batons,

shotguns, tactical vests, helmets, video recorders, loud hailers, binoculars, portable public address systems, special clothing and tear gas, held primarily for use against barricaded armed offenders, but nevertheless having riot control potential. While such equipment, when available in sufficient quantities, has proven adequate, it has been a sad fact that only too frequently such has either not been available or not available in sufficient quantities. The lack of availability has, no doubt, contributed to police injuries at incidents such as the Star Hotel riot in Newcastle.

In contrast, the French Campagnes Republicanes de Securite (C.R.S.), an elite group regularly trained and maintained in a state of continual readiness to deal with even the most violent and well organised demonstration, is issued with the following equipment :

- Blue overall trousers
- Bullet-proof jacket
- Fireproof uniform
- Fireproof and reinforced gloves
- Plastic missile proof helmet
- Visors
- Small shield
- Automatic pistol
- Rifle (often used as a club)
- Gas canisters

Additional equipment supplied to police in the United Kingdom is as follows :

- Reinforced helmet
- Visor
- Shield
- Groin protector
- Hockey shin pads
- Truncheon

Strategies and Tactics

The Australasian police organisations recognise that successful control (control being the suppression of acts of violence and minimising interference with the rights of others) of riotous situations depends, in the first instance, upon accurate and timely intelligence. To this end, police monitor and investigate the activities of groups and individuals where they espouse or have demonstrated the use of violence to obtain their objectives. Intelligence has been and will continue to be of the utmost importance to police in coping with threatened or actual civil disorder. While recognising the need for individual privacy, this police need for the benefit of society must also be recognised.

Many instances of violent demonstrations in the past, such as those associated with Australian and New Zealand involvement in Vietnam, have clearly indicated the need for a political solution as opposed to police action. The police strategies and tactics of the past and the present were, and are, not designed to stifle dissent but rather to conform with the image depicted by Sir Robert Mark, when he stated :

"It is all very well for Voltaire to say that 'I disagree with what you say but will defend to the death your right to say it'. In practical terms these days the defence of that right in this country (Great Britain) falls to the police who protect and will continue to protect demonstrators of the extreme Right and the extreme Left no less than those who march in the face of a hostile crowd to commemorate what they call Bloody Sunday." ¹¹

The sentiment expressed by Sir Robert is indeed a fine one and appropriate to be reflected in police strategies and tactics associated with the control of demonstrations and marches, but one must ask how appropriate is it for the scenario presented at the commencement of this paper? How appropriate was it in Brixton?

11. New Scotland Yard Press Release - Keeping the Peace in Great Britain - The Differing Roles of the Police and The Army, p.12.

Funding

Police administrations have generally neglected to provide sufficient funds for the purchase of adequate quantities of protective riot equipment. While the numbers of police injured at civil disorders have been relatively few to date, it is noted that eighteen of thirty police involved in the Star Hotel incident in Newcastle required hospital treatment. Without adequate supplies and deployment of protective equipment, one can only surmise that increasing numbers of police will suffer injuries controlling civil disorders in the future.

III MILITARY INTERVENTION IN CIVIL DISORDER

Police forces in Australia were primarily an off-shoot of the military establishment which was initially responsible for the maintenance of law and order in the newly founded colony. In those early days, the police and military were largely indistinguishable in the eyes of the public.

In 1854, a combined force of soldiers and police put down the rebellious band of miners at the Eureka Stockade which cost the lives of five soldiers and some thirty or so miners.

Gradually, however, the military took a decreasing role in law enforcement until the stage where that function came to be totally the responsibility of the police, as is the current situation today.

By Section 114 of the Constitution, the States and Territories are precluded from raising and maintaining a militia of their own. This leaves them dependent on the Federal defence forces for military intervention, either in the event of war or of civil disturbance.

Up to this time, no State has utilised military assistance to stabilise industrial unrest or civilian demonstrations. However, the Federal Government has used troops in three major industrial disputes, these being :

- (a) the use of troops in 1949 at the Newcastle coalfields in New South Wales,
- (b) the use of troops during a wharf dispute in Melbourne in 1951,
- (c) in 1969, when the ship 'Japartit' was declared 'black' by waterside workers, the Federal Government commissioned it as a ship of the Royal Australian Navy and it was subsequently loaded by army personnel.

The provisions and procedures for calling on the military to assist the civil authorities in a time of civil disturbance is basically the same for the Australian States and Territories and in Fiji and New Zealand.

In New Zealand, the Defence Act, 1971, which governs all military forces in that country, provides for the military to aid the civil power, either in New Zealand or elsewhere, in times of 'emergency' or 'disaster'. The police can, therefore, call for military assistance, logistically or supportive, in handling disasters and also in disorder situations.

On being called upon to assist, the military would be justified under Sections 45, 46 and 47 of the Crimes Act, 1961 to use force to suppress the situation. In fact, they are specifically mentioned. Section 45 of that Act and Section 53 of the Police Act, 1958 give the senior member of police present at a disorder situation, authority to call on the military service or, or any other male person over the age of eighteen years present, to assist.

There is also provision for the Governor-General to include the military services in any regulations issued under the Public Safety and Conservation Act, 1932.

It should be noted that at no stage is control handed over to the military services, such control remaining always with the police until such time as war is actually declared.

Under Section 119 of the Australian Constitution, application can be made by the civil authority for assistance by military forces. This request is made to the Governor-General and, on his concurrence, defence force personnel can be provided. To comply with a request from a civil authority for assistance, the responsible commander of the defence forces should act on his own knowledge of the facts at that time. Arrangements must be made for a magistrate to meet the troops either on the way to, or at, the location of the disturbance.

If the magistrate decides that police are unable to handle the situation and that it requires active intervention of military forces, he can then call upon the commander of the military forces to take any necessary action.

It can be seen, therefore, that the military would

act as an adjunct of the civil authorities. Soldiers are not police and are not trained as such. They do not possess any special powers in relation to law enforcement and they are subject to the laws applicable to all citizens. If they should assist the police and, in so doing, break any law, they commit an offence for which they are responsible.

Command

In situations where the police and military may be required to act jointly in Australia, there is no specific definition as to the areas of command. It is, therefore, presumed that the police would form one command with the military another. No doubt, in most instances, the two groups would work closely together and with a high degree of co-operation and co-ordination, but the lack of any defined command structure presents an unsatisfactory situation. Action should be taken to :

- (a) clarify the position as to the respective responsibilities of both police and military; and
- (b) clarify and define the legal aspects as to the powers and responsibilities applicable in cases of military assistance being utilised.

It may be that the situation as to the command roles in joint police/military operations will be clarified by the Defence Call Out Bill, 1981 which is to be introduced into the Commonwealth Parliament during the current session. The stated objective of this bill is the 'clarifying of the position of the military when being called out in the aid of civil authorities'.¹² However, at this stage, the contents of the bill have not been made public.

Public Attitude

A prime consideration in involving the military in civil disturbances is the public reaction that would inevitably ensue. The three instances of the use of troops by the Federal Government, cited earlier, brought large scale criticism

12. The Canberra Times, CHOGM Bill Rush Queried, 10.9.81, p.9

from many sections of the community, the most critical being the union organisations and the media.

If it becomes necessary in the future to utilise the provision for civil aid by the military, the reasons for this should be fully and quickly transmitted to the media and to the public. There would need to be appropriate liaison and co-ordination between the news gathering agencies and the authorities at the scene, where arrangements could be made for the correct information to be freely interchanged.

Para-Military Groups

An alternative to the use of troops in situations where control is beyond the normal abilities of forces entrusted with general law enforcement duties is for the establishment of para-military groups specialised in handling such situations.

This is the approach adopted by most European nations to handle riot situations. Such 'third forces' are not usually delegated to handle normal police duties, but are specifically trained and held in reserve to cope with civil disorder situations.

One of the best known of such groups is the French C.R.S. (Compagnies Republicaines de Securite). Its main function is to provide highly trained units spread throughout the country to deal swiftly with civil disorder situations, its most notable encounters being clashes with French Algerian rebels during the 1950's, the Sorbonne student riots of the sixties and recent riots resulting from severe unrest in the steel industry.

The use of such groups has caused wide criticism and has undoubtedly done little to better relations between the public and police generally.

IV THE FUTURE

What are the underlying causes of riots such as that described at the start of this paper? Before studying the question in depth, it must be realised that Australia, New Zealand and Fiji have similar backgrounds. All were populated by indigenous races and they were colonised by Great Britain. These countries then attained independence and formed part of the Commonwealth. Whilst having this similarity of background, they are different in regard to size, density of population and racial composition. Each of the countries faces similar social and economic problems.

The riots of 1981 in Britain all erupted in inner city suburbs with high unemployment and immigrant populations. The leader of Britain's trade unions, Mr. Len Murray, indicated after the riots that the cause was unemployment. The Leader of the Opposition, Mr. Michael Foot, agreed. There is no doubt that the seat of violence was in slum areas, the paradox being that a few hundred metres from these suburbs could be seen new housing areas. The population of the slum areas was mainly West Indian or Asian immigrants, with whites in the minority. The British press, at the time, also reported that many of the people living in these suburbs were unemployed. These same areas were also targets for right wing groups to rampage through. Reports of such incidents were widely reported at the time.

Do these same conditions exist in our cities? Certainly, insofar as Australia and New Zealand are concerned, there are inner city slum areas with large numbers of underprivileged, unemployed, mixed racial minorities living there. In a number of cases, these people feel a resentment of society. These are exactly the same conditions that existed in Britain. The same potential 'riot factors' exist and, unless the social and economic situation changes, violence could erupt. Change to the social and economic situation is not a police matter, but is one requiring a political solution.

A factor which cannot be ignored in assessing the likelihood of riot in Australia is the extreme political polarity present in the community. It is not inconceivable that extremes of either the Right or Left may be involved in large scale civil disorder.

In Europe, South America and South East Asia, riots have occurred at sporting fixtures. Whilst fights and brawls at sporting fixtures are common in Australia, they have not yet developed into riots, although, during the last Springbok tour, they did not fall far short. The annual riotous situation at Bathurst, New South Wales, at the Easter week-end motor cycle races is but an example of what can, and is, occurring not only at Bathurst but throughout Australia on a sporadic basis.

Incidents of a semi spontaneous nature represent a particular form of threat. These are the types of incident in which a small number of hoodlums or petty criminals can inflame a crowd to attack police and wreck property. This type of incident usually occurs near hotels or other places where liquor is sold. The young are usually involved and quite often provocative music and chants are used to whip up the crowd into a frenzy and attack the symbols of authority. Most people caught up in these riots, of course, had no intention of rioting in the first place. The combination of alcohol, drugs and provocative behaviour by a few soon turn them into a mob. This type of riot is unlikely to grow to proportions that police cannot handle.

Australia and New Zealand face additional risk through the increasing militancy of the Aborigines and Maoris. The claims for land rights and, in some cases, for reparation of 'wrongs of the past' have the potential to become flash points of civil disorder. Just how dangerous this situation is can be gauged from remarks made recently in regard to the 1982 Commonwealth Games at Brisbane. Mr. Charles Perkins is reported as having said :

"It will be the first major confrontation between whites and blacks in Australia and if Russell Hinze and his

police thugs try to annihilate us, they're welcome. The Brisbane Games will be Australia's Battle of Wounded Knee, and that's a statement of fact." 13

The increased militancy on the part of the Aborigine and Maori peoples must be of concern. There is every chance that major disorder could develop from this issue. The drive for self identity has escalated overseas into civil war in some areas. In the Phillipines, extremists seeking to obtain self identification have been fighting against the national government for a number of years. It must be borne in mind that parts of Australia have large numbers of Aborigines. It is in these areas that major disorder can be expected.

The West Indian and Asian minorities in Britain have been targets for demonstrations by groups such as the National Front. Asian immigrants of Australia present similar targets to right wing groups. The National Front has emerged in Australia and, whilst not strong, the possibility of racial riots inspired by them must be considered.

Fiji, while enjoying relative calm, has nevertheless a number of factors which suggest that complacency is not in order. These factors are manifested in the growing disenchantment of youth and the racial tension existing between the indigenous Fijian and those of Indian extraction. It is also wise to remember that the island nations of the Pacific appear to be entering a tumultuous period, although it is acknowledged that, in the main, this would appear to be associated with an emergent nationalism among those colonised by European powers.

Mass civil disorder against unpopular government decisions and policies has already shown itself in Australia and New Zealand. In Australia, the anti-Vietnam demonstrations of the early seventies is a good example. New Zealand has this year experienced severe violence in respect of the Springbok tour. This type of demonstration is not new and can be expected

13. The Bulletin, September 5, 1981 - Article by Robert Drewe, "Land Rights Threatens Brisbane Games", p.24

to manifest itself whenever a large vocal segment of the community feel they have to display concern over an issue of the day.

One of the potentially most volatile issues is the question of conservation. A growing number of members of our communities are becoming actively involved in attempts to protect our natural heritage from what they see as wanton destruction. This issue cannot be defused other than by a political solution; however, while major conservation issues exist, well meaning conservation groups, either with or without manipulation by revolutionary minorities, must be considered a potential for considerable domestic violence.

Having accepted that there are factors in our society which have the potential to bring about a total breakdown of law and order through riotous action, it is pertinent to consider the type of persons who might lead, or stage, such activity.. It has been said that there are eleven groupings of persons likely to cause major disorder or ensure its continuance :

- (a) career protestors and extremists,
- (b) young rowdies and criminals,
- (c) the igniters (focal points)
- (d) radical revolutionaries,
- (e) rumour spreaders and rally callers,
- (f) street fillers and weaklings,
- (g) vacillating authorities,
- (h) paralysed law enforcers,
- (i) old line subversives,
- (j) terrorists and insurrectionists,
- (k) the haters.

14

Not all the above categories can be seen yet in the areas under consideration, but several categories are certainly present. It is significant that vacillating authorities and paralysed law enforcers are considered as being able to aid the

14. The Riot Makers, Eugene H. METHVIN, Tom Stacey Ltd., 1970, pp.74-89.

continuance of disorder. To guard against this, it must be ensured that responsible authorities remove the potential causes of disorder whenever possible. Failing the removal of the cause, then the passing of laws sufficient to enable the law enforcers to react is essential.

Revolutionary groups and their effect on our society

Taking 'revolution' to mean the overthrow of a government or a system of government, then there are four groups within our communities which could be loosely termed 'revolutionary'.

There are a number of very small splinter groups whose aim could be to overthrow government by the use of violence. Intelligence suggests that they are so small and lacking in support that, as groups, they do not pose any real threat. A problem could be that they attract persons who are psychologically unbalanced and capable of individual acts of violence, if provoked.

Secondly, there are, in Australia at least, 'revolutionary' groups who pose no threat to the country or the government but are bitterly opposed to governments in other countries. One example is the Croatian Ustashi who are sworn to overthrow the Yugoslav government and have been arrested and prosecuted for training military style groups in this country for that purpose. One other such group is the recently formed Australian branch of the 'H Block Committee' which is opposed to British rule in Northern Ireland.

A third group is of the religious type who are prepared to use, and have used, acts of violence in Australia to further the cause of their leaders overseas.

The fourth group, if they can be labelled 'revolutionary' are those who wish to overthrow the current system of government by political means, at least as a first resort. One such group in Australia is the Republican cause who wish to withdraw their allegiance to the Crown. Should their cause become popular enough, but frustrated in their moves for a republic, then they

may well resort to other measures.

An obvious group, in all countries, is the Communist Party. Although memberships of this party are minimal, they have nonetheless obtained a great deal of power in the union movements. Quite apart from the economic havoc they can cause by industrial action, they are also capable of giving support to causes which have nothing to do with industrial disputes. They were heavily involved in anti-Vietnam and anti-apartheid riots. They are also prepared to back environmental groups and those opposed to nuclear power and United States defence bases.

The effect of these groups on the democratic system is not great as long as they remain independent of each other and do not attempt to overthrow the system by violence. The main concern in respect of these groups is that they might yet attempt to overthrow democracy by violent means. This threat is considered remote at this time.

While the threat is remote, it must be remembered that George Dimitrov, a comintern president, once said :

"Never appear in the foreground; let our friends do the work. We must always remember that one sympathiser is generally worth more than a dozen militant communists." 15

It can be seen, therefore, that a close watch must be maintained to ensure that other groups, with some sympathy towards revolutionaries, do not use civil disorder to support the revolutionaries. Another variation is, of course, the infiltration and manipulation of well intentioned social reform groups, such as conservationists.

Assessment of future risk

It is considered that all jurisdictions under consideration are already displaying factors upon which it is

15. The Riot Makers, op.cit., p.208

not unreasonable to predict such scenarios as that presented at the commencement of this paper. These factors are summarised below :

Fiji - As discussed above, youth unrest and racial tensions are seen as the most important issues facing Fiji. This jurisdiction can no more afford complacency than any of the others under consideration.

New Zealand - Socio-economic conditions and the militancy of the Maori population are seen as the major threats in this jurisdiction. In addition, the specific problems of high youth unemployment and older skilled workers being laid off substantially parallel the British experience.

New South Wales - Racial tensions arising from large and differing ethnic populations, large university campuses, high youth and general unemployment, depressed socio-economic situations in large blocs in both Sydney and rural centres, emotive conservation issues, uranium exports and militant trade unions all suggest that the likelihood of large scale violence in the form of riot is not an unrealistic prediction for this State.

Victoria - With the exception of uranium export issues, Victoria has all the ingredients for violence as has New South Wales. The risk assessment for this State must be as for New South Wales and that is that the likelihood of riot is not an unrealistic prediction.

South Australia - The same indicators are present in South Australia as are present in New South Wales and the risk is, accordingly, the same. The uranium issue is a matter of particular concern.

Western Australia - While again the same factors are present in Western Australia as in New South Wales, it is considered that the most probable causes of violent civil turmoil in Western Australia would be racial and industrial tensions.

Queensland - The same common factors which exist in other Australian States are evident in Queensland. It is considered that Queensland, more than any other State, could well expect to experience violent civil commotion or riot in the near future. Such violence will probably

be associated with the various Aboriginal causes, in particular land rights, and may be a realistic scenario in association with the 1982 Commonwealth Games to be staged in Brisbane.

Tasmania - Conservation issues would seem to be the most likely catalyst for violence in Tasmania.

Australian Capital Territory - There do not appear to be any local issues which will provoke the local community to such an extent as to create riot conditions. Being the seat of national government, however, makes the Australian Capital Territory very susceptible to imported issues and ensuing violence. It is not inconceivable that large scale violence could arise from large numbers of non-residents protesting their favourite cause in the streets of Canberra.

Northern Territory - The common factors are again present in the Northern Territory. The racial issue between Europeans and Aborigines, in particular, is the most likely causation for riot in the Territory. Additionally, the Northern Territory hosts a contentious United States of America military base and Darwin provides landing facilities for United States' B52 military aircraft. Mineral exploitation and Aborigine land rights are other potentially explosive issues.

From the foregoing, it will be seen that most States of Australia and New Zealand have factors present already that have the potential to flare into major unrest, resulting in the scenario presented at the commencement of this paper. It is essential, therefore, that complacency not be allowed to creep in but that preparations be made.

"Our task is to utilise every manifestation of discontent, and to gather and turn to the best account every protest, however small," 16

So said Lenin. It might well be that other groups of activists would follow this doctrine; if we are not ready, we can rest assured that some individual or group will be.

16. Collected Works of Lenin, Vol.5, 1961, Moscow Publishing House, cited in the Riot Makers, op.cit. p.558.

V FUTURE POLICE NEEDS

It cannot be denied that Australia has had a violent past. Many illustrations have been given in this paper of violent clashes between police, demonstrators and even rioters. It is also true that police are the true protectors of both society and the rights of the citizen. They have a duty to protect society from lawlessness and violence, but they must do so with restraint, so that they are not seen as the instigators of the violence they seek to prevent.

It is generally recognised that Australians, New Zealanders and Fijians have enjoyed human rights free from the terrors of Ireland, Brixton and Southall. But what of the future? It is not unreal to consider that there are groups of people in Australia who are prepared to see blood flow in the streets to achieve their objectives. It is not unknown that human behaviour in this country follows overseas trends; accordingly, extreme violent civil disorders can be expected to erupt on an expanded scale.

Many issues pursued by demonstrators are of a political nature and should be capable of political solution, but, if politicians and protagonists cannot resolve problems, the policeman of the future will bear the brunt of the problem, as he has in the past, but to an accelerated degree. When this happens, and it surely will, it is for police forces to prepare themselves not only physically by the acquisition of protective equipment, but psychologically by the introduction of appropriate training measures of crowd control, riot prevention and, in the proper circumstances, the use of force.

The laws relative to the control of demonstrations and assemblies in Australia have been described as a 'mixed bag'. It would be far more appropriate to consolidate all the laws of Australia concerning demonstrations into one Act.

Demonstrators do not recognise State or Territorial boundaries, neither should the law. The control and approach

to assemblies and protests should not vary throughout Australia. This would be a political decision, but most demonstrations are of a political nature and should be resolved as such. It should not be impossible for common agreement to be implemented by the various jurisdictions without the loss of sovereignty.

Irrespective of a national law regulating assemblies, it is necessary for police officers throughout Australia to have a united common approach governing the control of demonstrations. Demonstrators deserve to know that all policemen will treat them in the same manner.

The primary duty of police is to preserve the peace and protect life and property. Every conceivable effort must be made by police to avoid over reaction to avoid the necessity of confrontation; it is only when the right of demonstration has been abused and erupted into violence that police should present an iron fist in lieu of a velvet glove.

"Civil deviance, as a highly visible form of symbolic activity, is emotive and expressive; as such, it provides a 'safety valve', a means of dissipating potentially cumulative and dangerous frustrations and aggressions in a relatively harmless way." 17

Civil deviance, however, can lead to civil disobedience. A number of issue oriented protest groups and organisations have been involved in, or associated with, sporadic acts of low level domestic violence. The groups are themselves not subversive, but the issues and conflicts which they organise and publicise are sometimes vulnerable to exploitation and manipulation by subversive pro-violence individuals and groups. It is then when violence erupts. The issue oriented protest groups generally relate to :

- (a) resident action groups;
- (b) sections of the uranium protest movement;
- (c) politically motivated elements within environmental groups;
- (d) militant Aboriginal land rights groups;
- (e) racist and anti-semitic groups;
- anti-law enforcement and anti-security groups.

17. BALL, Terence. Civil Disobedience and Civil Deviance, p.28
American Politic Series.

The right to protest must be monitored but, whilst it remains a non-violent assembly, it must not be interfered with. It is from the act of protesting that civil riots have erupted. Minority groups involved in terrorism, internal war and revolution have been known to use protest group platforms to further their own cause.

Police require legislation if they are to be able to cope with a situation such as that presented at the commencement of this paper. Low level domestic violence in itself does not present any great problem to police forces in general, nor does it present any threat to society. Police forces throughout Australia are able to competently handle such situations. It is when the violence exceeds the domestic level and has the undertones of subversiveness that police require the necessary legislation and appropriate training to be able to cope.

The need for the legislation is now, not at some future time after after we have experienced sacking and looting. The legislation envisaged should relate to the activities of persons :

- (a) that involve, will involve or lead to, or are intended or likely ultimately to involve or lead to the use of force or violence or other unlawful acts;
- (b) directed to obstructing, hindering or interfering with the performance by the police force of its functions or the carrying out of other related activities; or
- (c) directed to promoting violence or hatred between different groups of persons in the Australian community so as to endanger the peace and good order of the community.

Whether or not the civil disobedience is to be of a domestic nature or has undertones of subversiveness, it is imperative on all such occasions that the police have the necessary machinery to enable them to carry out preventive or counter measures, to ensure that violence does not erupt

or that, having erupted, it is curtailed.

In regard to the above comments, it is recommended that legislation provide police with the powers to :

- (1) require the owner or person in possession of any personal property to surrender it or place it under the control and direction of the person making the requisition.

This would relate not only to property that is believed to be used as arms, but there may well be instances where property is in the possession of persons not involved in the imminent or actual violence, but may be required to counter any aspect of the activities of the participants.

In recommending these legislative powers, it is not envisaged that they be used at the whim of any individual police officer, but that some person in authority, perhaps the Minister for Police, makes a declaration in accordance with the intelligence that has been delivered to him.

- (2) require any person to assist in tasks to save life or property in immediate danger.

The common law provides for a police officer to be able to call to his assistance any individual to assist him in the arrest of a person, but it does not extend to the issues of saving life and/or properties.

- (3) order the owner or person apparently in charge of any place of business, worship or entertainment to close to the public that place of business, worship or entertainment, as the case may be, for such period as ordered; and
- (4) direct the evacuation and exclusion of any person from any place and in the exercise of that power

may remove or cause to be removed a person who does not comply with a direction to evacuate, or a person who enters or is found in a place in respect of which a direction for the exclusion of persons has been given.

In the early days of 'Rock-n-Roll', there were many instances of violence at places of public entertainment, when groups of youths, known as 'bodgies and widgies', attempted to take control of the entertainment. Currently, in overseas countries, there have been instances where ministers of religion have inflamed church followers to violence. One would be naive to believe such events could not occur or re-occur in this country. There is also the factor that such places may have to be closed for their own protection and, perhaps, to avoid the gathering of members of the public who may choose to force a confrontation with others holding opposing views.

- (5) enter, by force, if necessary, any place where he believes, on reasonable grounds, it is necessary to do so for the saving of human life or the prevention of injury to a person or for the rescue of an injured or endangered person or for facilitating the carrying out of other urgent measures with respect to the relief of suffering and distress.

This provision speaks for itself and is, in fact, an enlargement of the common law right of entry to private premises.

- (6) if it is necessary to do so for the conduct of counter civil violence operations, close to traffic and pedestrians any public road or place or any other place open to or used by the public.

Such measures are necessary to ensure that either those participating in civil violence are isolated from areas in which persons or property can be injured or

to prohibit access to the public to areas in which demonstrators are gathered to minimise the opportunity of confrontation.

- (7) remove from any place, a vehicle that is impeding counter civil violence operations and, to facilitate its removal, may use such force as is reasonably necessary to break into that vehicle.

Many opponents to such legislative power would argue that police are doing nothing more than attempting to prepare a battlefield. On the contrary, the police would be endeavouring to ensure not only will there not be a battle, but potential protagonists would have nothing to fight with or nobody to fight against.

It is necessary that, if a confrontation is forced, those forcing it be without access to vehicles or equipment and that any of their actions are unable to cause injury to property, such as the setting alight of vehicles and/or property and that they do not have access to private premises to either facilitate their escape or for looting purposes.

It is extremely important that the police have access to and be able to control other emergency services and public utilities. It is again recommended that legislative power be implemented for this to be able to succeed. It will again require a declaration from a person in authority that an emergency civil disobedience is to occur or it is occurring. Once that declaration has been made, the police should then have at their disposal the resources, manpower and equipment of the State Emergency Services and to be able to take immediate action to use, direct and co-ordinate all available resources of the public utilities within the immediate region or locality to counter the effect of the civil disobedience.

The sensitivity that some governments have to the recording of intelligence against the names of individuals or groups that are known to be either subversive or believed, because of their past behaviour, to be subversive, inhibits police operations. When notice is given or information received that

persons intend to hold a demonstration, it is necessary that all available intelligence, such as the reason for the gathering, the known objective of the group or whether it is believed that the group will be infiltrated by subversive pro-violence individuals or groups, the names and antecedents of the leaders of the group, whether it is likely to erupt into violence, the number participating, the route to be taken and the content of any banners intended to be carried, be assessed by a central co-ordinating office, in order to provide for counter measures to be taken. Much of this information is unable to be recorded by some police forces because of its sensitive nature. However, police will be inhibited to a degree in being able to effect counter measures, unless they are able to store information relating to the attitudes and disposition of individuals or groups.

Serious consideration has to be given for the approval and introduction of recognised riot control equipment, such as water guns, rubber bullets and various gases. It may be necessary to legislate for their use as being approved equipment. In addition to this, it is necessary that not only should there be a select unit specially trained for riot control, but all areas of police be trained to an effective degree in riot control. Such training should be part of any induction course and be reviewed on an annual basis.

Changing public attitudes and the ever increasing growth of violence experienced at demonstrations, sporting fixtures, organised festivals, industrial disputes resulting, at times, in riots can be attributed to many causes. To analyse the complex causes of disorders and to work for broad and sensitive efforts at prevention are vital tasks, but they are slow and difficult. When, in the meantime, civil disorder breaks out, the role of restoring order is the responsibility of the whole community.

Police should establish an effective community and media relations programme by fostering and improving communications with the community, so as to acquaint them with the

jurisdiction, responsibilities and services of the police. This would, hopefully, foster mutual understanding in the relationship of the police with the community and portray law enforcement as an integral part of the community.

VI CONCLUSION

There is a clearly demonstrated history of violent civil disorder in Australasia and such civil disorder has already approached that presented in the scenario at the commencement of this paper. Fiji has enjoyed a period of relative peace; however, there are factors present within this community which suggest that there is no room for complacency.

There is, in all jurisdictions considered, factors common to those present in Brixton and Southall. These factors are undeniably significant in examining causation for riot and must be presumed to indicate a definite potential for such behaviour in our jurisdictions. Issues such as land rights, racial tensions, conservation and manipulation of well intentioned groups exacerbate the situation.

Each jurisdiction has been assessed as having a definite potential for the occurrence of a riotous situation of a magnitude never before experienced. One, Queensland, could well witness such an occurrence within the next twelve months. Weakness or vacillation on the part of legislatures will lead to paralysed police organisations incapable of effectively facing riotous situations. This must not be allowed to prevail.

While police cannot provide a solution to the causative effects of riots, such solutions being necessarily of a political nature, they will be expected to prevent or control riotous occurrences. Police must actively engage in media and community awareness programmes. Further, to be effective, police require immediate legislative reforms. Existing legislation is inadequate for the control of such occurrences. Legislation providing for emergency powers, particularly with respect to the command and control of other emergency services and public utilities is essential. The right for police to monitor groups and individuals who espouse violence as a means to obtaining their objectives must be preserved. If police are to be successful in their task, they must be provided with

adequate protective and tactical equipment. This equipment must be deployed so as to be readily available.

Legislation alone will not be sufficient, if police are inadequately trained. All Australian police organisations should, to facilitate joint police actions, adopt common anti-riot tactics and training programmes. To properly fulfil this function, all police recruits should receive extensive training in all aspects of crowd control (including crowd psychology, media and public relations) and the use of riot equipment. Such training should be extended to all police who could be reasonably expected to be deployed in an active anti-riot role. Possession of equipment and legislation without trained police possessing the required tactical knowledge would be ineffective.

While it is accepted that recourse to military force may be necessary in extreme cases, it is considered that police action, or joint police action involving police drawn from more than one jurisdiction, is a preferable method of dealing with riotous situations. Should all police resources be expended, then, obviously, there is no alternative other than the use of military force. For this to occur, the riotous situation would obviously have to be national in character.

VII RECOMMENDATIONS

We, the Twenty-Third Officers' Course, recommend :

- (a) that legislation be implemented throughout Australia providing a commonality of law dealing with riotous situations and the exercise of emergency powers;
- (b) that overseas instances of civil disorder be studied, particularly in relation to control tactics and their effectiveness;
- (c) that all police organisations gather or continue to gather intelligence concerning groups and individuals espousing or demonstrating a propensity towards violence and that such intelligence be available to other police organisations on a 'need to know' basis;
- (d) that the covert acquisition of protective personal and tactical equipment be undertaken. Sufficient personal protective equipment should be purchased to outfit the maximum numbers of police who could be engaged in front line riot control duties;
- (e) that all members of police organisations be trained in anti-riot and riot control tactics;
- (f) that riot control tactics be common between each police organisation, thereby facilitating joint operations;
- (g) that no 'third force' be formed for the express purpose of anti-riot or riot control functions;
- (h) that community and media awareness programmes be established to actively promote the police role in violent civil disorder and the community's responsibilities;
- (i) that military force not be utilised, unless the total police resources have been exhausted. It is acknowledged that, in some instances of spontaneous eruption with no prior intelligence, military action may be the only feasible response to prevent deterioration of the situation;
- (j) that the subject of police response to riotous situations become a standing agenda item for the Conferences of Commissioners of Police.

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