

Guardian of your rights : Queensland Council for Civil Liberties

A history, 1966 - 2007 (Eddie Clarke)

A book on the history of civil liberties in Queensland, from an organisation at the coalface, is sorely overdue. For a place which lays fame to some of the most beautiful locations in the world, it has a murky, ugly history of abuses of fundamental civil liberties and human rights by successive State governments of both persuasions.

As the book says:

“The historian Ross Fitzgerald has convincingly pointed out that Queensland’s political history has been characterised by successive authoritarian, anti-intellectual governments; governments which preferred confrontation to conciliation; governments intent upon maintaining law and order for the benefit of propertied classes which required political stability and cultural conformity.” (p16).

Written by Mr Eddie Clarke, this detailed work provides an important insight into the ways and means the Queensland Council for Civil Liberties (QCCL) has tirelessly promoted human rights causes and instigated change in Queensland Government policies.

The book begins by describing how QCCL was formed in 1966, unified by a common purpose, namely outrage at the reaction of the Queensland Government to the anti-Vietnam demonstrations of the day. The Queensland police used traffic regulations to stifle opinion, in some cases denying protesters permits to demonstrate and imposing a fee of \$1 per placard carried (p78). The book describes incident after incident of peaceful protests against the Vietnam War on Queensland streets ending in unnecessary police violence.

If nothing else, out of these incidents a determined organisation was born.

Any book on Queensland politics, particularly on the development of civil liberties in Queensland, is likely to have a significant portion dedicated to the policies of the Bjelke-Petersen Government. During the 19-year reign (1968-87) of Premier Sir Joh – as the book describes it, a ‘corrupt and vicious regime’ (p56) – Queenslanders’ civil liberties were trampled through political interference in the police force, porkbrelling, gerrymandering of the electoral system, a corrupt police force, and the removal of basic liberties in the name of pursuing ‘law and order’.

This book is a useful reminder of the significant role organisations such as the QCCL have played in monitoring the functioning of the legal system and the relationship between the state and its citizens during that period; in light of this, ‘*Guardian of your rights*’ is an apt title. The book provides many examples of prohibitions on peaceful expressions of dissent, but none as blatant as the 1977 Government ban on protest marches. It describes the day in September 1977 where Sir Joh Bjelke-Petersen announced that “Nobody, including the Communist Party, or anyone else, is going to turn the streets of Brisbane into a forum. Protest groups need not bother applying for permits to stage marches because they won’t be granted...That’s Government policy now.” (p86).

During the ‘illegal’ protests which continued to happen despite the Government ban, the book illustrates how QCCL was instrumental in continuing to protect the rights of Queenslanders. While refusing to participate in the protests themselves, because of an organisational policy to use legal means to progress change, the QCCL provided lawyers who acted as ‘legal observers’. In performing this role they “advised demonstrators of their rights, watched the proceedings, observed the behaviour of both demonstrators and the police to ensure that the police did not use unlawful

rough tactics, and provided legal assistance to those arrested during demonstrations” (p94). The laws on public assembly were finally changed in 1992 following a Fitzgerald Inquiry recommendation and submissions from the QCCL.

The book also shows how far the Queensland Government has come in recent years with regards to respecting the rights of its citizens. For example, QCCL provided legal observers at protests around the Commonwealth Heads of Government meeting in 2002. The book describes how Mr Terry O’Gorman, who acted as a legal observer on the day, praised the police for their behaviour at these protests, while the QCCL received letters of appreciation from the Premier and the Police Minister (p104). This is a substantial change from a few decades earlier when the QCCL legal observers were targeted by police, who were trying to obstruct the QCCL efforts.

The QCCL has also provided a vital role in representing the rights of the marginalised in Queensland and the book provides an illuminating glance into the relentless and often unseen campaign by civil liberties organisations for the rights of all individuals.

In particular Clarke brings to light QCCL’s part in progressing the civil liberties of the mentally ill, who were denied fundamental rights – including procedural rights and safeguards against unjustified detention – by the *Mental Health Act 1974* (p123). The QCCL brought individual cases to the attention of the Minister for Health seeking changes to the Act to prevent injustices: one story involved a woman whose local GP had referred her to a psychiatric unit and no-one, including her husband, could obtain information about the reason for her detention. QCCL’s involvement in that case began the resolution for the family which may have otherwise have not taken place.

Changes have subsequently been made to the Mental Health Act, and it is under review again. However the work that QCCL has done in the mental health arena, as elucidated in this book, demonstrates the positive good being done by not-for-profit organisations, such as QCCL and CLA, in ensuring that the state respects the rights of all people, including – and particularly – those who are unable to stand up for themselves.

As well as drawing out the many things QCCL has achieved in the last 40 years, the book also notes where Queensland has yet to improve. Of particular note is the issue of privacy. Amongst other changes over the years, amendments to the Police Act in the 1970s allowed unprecedented Government access to police files. The book refers to Peter Applegarth’s (now The Honourable Justice Peter D Applegarth, Judge of Supreme Court of Queensland) assessment of the situation in 1986, stating that “ the Government...eroded rights to individual privacy through incremental amendments to particular Acts” (p235). The book describes QCCL’s campaign for improvements to the laws which govern access to individual’s information in Queensland since before even 1986.

While there has been some success, the resounding point made is that there is still more to be done. Of particular note is the increasing use of surveillance cameras on Brisbane streets.

All in all ‘*Guardian of your rights: Queensland Council for Civil Liberties: a history, 1966 – 2007*’ is an all-inclusive and wide ranging assessment of the struggle for civil liberties in Queensland over the past 40 years. It covers a broad range of topics which QCCL has been intimately involved in, ranging from the fight against censorship to the struggle for indigenous, prisoners and women’s rights; from providing a check on police powers, to ensuring the protection of freedom of speech in Queensland. However the book also looks forward, at things that the QCCL has yet to achieve, including the struggle for a Bill of Rights, and the book notes the success of the ACT Human Rights Act (p248). A truly fascinating read for anyone interested in Queensland politics or civil liberties...or society.

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