

THE RIGHT OF PROTEST:  
RESPONSES TO THE FRANKLIN BLOCKADE

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## Introduction

Since the Franklin Blockade we have seen in Australia a series of non-violent direct actions, which I believe is likely to continue. There are two obvious causes of this, each of which reinforces the other. Both are related to the current crisis in world capitalism. The first is cynicism engendered by governments which, because they must appeal to a majority, are unable to take a stand any of the particular issues which are of importance to their electorate.<sup>2</sup>

The second cause is that western democracies have experienced a prolonged period of economic expansion, followed by a sharp reversal in recession. This has created a situation of high aspirations combined with few opportunities. These are the conditions under which civil disturbance is likely to increase.<sup>3</sup>

Democratic governments are responding to the resultant civil disobedience in a variety of ways. The increasing frequency of protest creates a context in which the notion of 'rights' is likely to come into question. Herbert Marcuse<sup>4</sup> argues that such rights in a liberal democracy constitute a system of repressive tolerance such that protest is confined to reformist, single issue campaigns. Protest which is aimed at fundamental change is not tolerated. When discussing the right to protest then, it is important to remember that this is a discussion of protest which is aimed at specific changes within the basic social and economic structures not of those structures.

## The Concept of Rights

Historically three types of 'rights' have been achieved.<sup>5</sup> There are civil rights - those necessary for individual freedoms and liberty

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such as freedom of speech, the right to defend oneself through the due process of law; political rights - the right to participate in the exercise of political power, as a member of a political party or organisation, or as part of the electorate; and social rights - the right to economic support which enables people to live according to the standards prevailing in their society. The right of protest is a political right, which is only possible when basic civil rights exist.

Michael Frayn<sup>6</sup> points to some of the difficulties people or groups face when they begin to exercise their 'rights'. He says in regard to strikes in the U.K. that there is a consensus that people should have the right to strike in principle, but that in practice no particular strike is ever considered justified. He goes on to present the characteristics of the 'perfect' strike:

Market analysis would show, I think, that the first essential is to get the profit motivation out of strikes. There is substantial evidence that the public finds striking for higher pay, shorter hours, better conditions, etc., a distasteful display of crass materialism ...

On the other hand, one thing for which the public will certainly not stand is a strike over some irrelevant side-issue not connected with pay and conditions.

The second point is that to have any hope of attracting public approval a strike must not cause any loss of production, or in any other way affect the country's supply of goods and services. It would make a very favourable impression upon public opinion, I feel, if strikes could on the whole be arranged in the men's own time, rather than in their employers'.

What must be avoided above all else is any loss or inconvenience to innocent victims. 'Since an innocent victim is any potential customer to whom the goods or services lost would otherwise have been sold, it is important to choose for strike action only enterprises which have no customers.

It shouldn't be an unofficial strike, needless to say, because the public knows that if it had any justification at all it would have been taken up by responsible union leaders. But that's not to say

it should be official - it confirms the public's worst fears about union leaders to see them irresponsibly recommending strike action just when they seemed to be adopting a sensible and cooperative attitude (p. 160-61).

Frayn sums up by saying 'what I'd like to see is a small, decorous strike of company directors during one lunch-hour, in favour of lower wages of trade-union officials' (p. 161). Parallels can easily be seen in the responses to protest in Australia. Responses to protest by journalists, politicians and police spokespeople invariably stress the importance of our right to protest, but query the validity of the particular protest occurring at the time.

The Franklin blockade was, I think, the nearest approximation we'll see to the 'perfect protest' in Australia. It was a protest by middle class people for the most unselfish of reasons. It occurred in an isolated spot, causing little inconvenience to most Australians, yet its setting was sufficiently picturesque to be interesting to observers. Most important of all, it was directed at a very specific target. Because of these characteristics, the Franklin blockade is a useful case study to illustrate the constraints and possibilities of protest in Australia. What TWS failed to achieve at the Franklin, will be even more difficult for other protest groups to achieve.

In this paper I will use the Franklin Blockade as a case study to illustrate the response of various social institutions to protest. I will draw out some of the implications for the maintenance and extensive right of protest in Australia. Relations between protesters and the various state apparatuses has changed over the years, but I will focus on aspects of the case study, which have been common to a number of protests, and which are likely to be important in the future.

### Types of Protest

The Franklin Blockade was a non-violent direct action. There are three main types of non-violent direct action<sup>7</sup>: symbolic protest, non-cooperation, and intervention.

Symbolic protest includes marches, vigils, protest meetings, posters and picketing. It focusses on demonstrating opposition and trying to persuade others to a point of view.

Non-cooperation can escalate confrontation beyond a symbolic protest. Boycotts, strikes, civil disobedience or refusal to pay taxes are all examples of non-cooperation.

Occupations, blockades and obstruction of works are examples of intervention. These tactics cause disruption and protesters hope to make political gains in the drama of increased confrontation.

The Franklin Blockade included all of the above types of non-violent direct Action. Symbolic protests were held, civil disobedience occurred with the breaking of the trespass law, and occasionally, blockaders obstructed work.

### THE FRANKLIN BLOCKADE

In order to understand the responses of the various institutions to protest, it is necessary to understand the context within which the protest occurs. The response is not an automatic response to certain types of behaviour, rather the response of particular institutions and people will be affected by factors such as the type of people protesting, the type of issue, the interests which the protest

challenges, the structure of the protest group, the place of the protest in the group's campaign, and the relationship of the protesters to the mass media.

The main protagonists were the Tasmanian Wilderness Society (TWS), The Hydro-Electricity Commission (HEC), the Tasmanian Government headed by Premier Gray, and the Federal Government headed by Prime Minister Fraser.

Environmentalists had been campaigning in South-west Tasmania for about fifteen years before TWS began its campaign to save the Franklin and Gordon Rivers. Tasmanian governments have, since the 1920's provided cheap hydro-electric power in an attempt to attract energy intensive industries to Tasmania. Tasmanian governments have argued that this would build up manufacturing industry in the state creating employment and prosperity. The strategy is known as hydro-industrialisation.<sup>8</sup>

As the apparent provider of prosperity, the HEC has absorbed more than half of the Tasmania's public works expenditure and is a major employer.<sup>9</sup> As such the HEC has considerable political power within Tasmania.

TWS' goals required preservation of the Franklin River as part of a long term environmental strategy which included stopping hydro-industrialisation, it was failing as an economic strategy. They cited unused power generation capacity, high unemployment rates, and the limited number of jobs created by dam construction to support their argument.

The TWS campaign in Tasmania, culminated in a referendum on the dams issue in 1981. The referendum divided the Tasmanian ALP government, which was replaced by the Liberal Gray government in late 1981. The election of Gray signalled the end of any possibility of preventing the dam through political lobbying in Tasmania, TWS shifted its campaign to the mainland and the blockade began.

TWS asked the federal Liberals to intervene, but Fraser attempted to avoid the issue by arguing that while he personally opposed the dam, he was unable to intervene in Tasmanian State affairs. As a result TWS and other conservation movement would take sides at the next election. Unless the Liberals moved against the dam, they would support the ALP and the Democrats. Fraser called the election on February 4th, just as the blockade was drawing to a close.

#### The State Government's Response to the Franklin Blockade

To strengthen its hand against the proposed TWS protest the state government enacted two new laws. On 2 September 1982 the Tasmanian Parliament passed a bill which revoked large tracts of the Wild Rivers National Park and vested control of the land in the HEC for the purpose of the Franklin Dam.<sup>10</sup> On 24 November Parliament approved changes to the Police Offences Act which made trespass an arrestable offence<sup>11</sup> carrying a penalty of up to \$100 or 6 months in gaol. Two days later there was an attempt by Harry Braid, MLC to increase the fine to \$500. But the amendment was not specific to HEC land and was defeated for the unpredictable reason that most MLC's are farmers and they felt that \$500 for trespass on farmland was too severe.<sup>12</sup>

This was a missed opportunity for the government: a \$500 fine could well have discouraged many people from participating in the Blockade. The Tasmanian Government was left facing a challenge to its authority with a trespass law which would allow them to keep work going, but which was not severe enough to discourage mass protest.

The Government's use of the legal system was guided by its desire to ensure that work on the dam proceeded unhindered. Trespass, obstruction and nuisance laws were used to make quick arrests so that protesters did not get a chance to stop work and were not able to claim a tactical victory.

However, shortly before the election the government made a mistake when police were directed to evict people camping in the National Park. It is difficult to imagine what other action could have benefitted the TWS campaign more. The tactical overkill of the evictions put the blockade back on the front pages of the Tasmanian papers and coverage on the mainland improved markedly for TWS.<sup>13</sup> It is ironic that Gray was so ill-advised as to leave what could have been his most effective tactic until a time when it actually benefitted the Blockade. If camping had been prohibited before the Blockade began, actions in the Lower Gordon area would have been extremely difficult. Without a permanent river camp, surveillance of HEC works and the planning of protest actions would have been severely hampered.

The mistakes of the Gray Government have been studied by other Governments in Australia. They are now prepared and well equipped to deal with protests of a similar style. In subsequent direct actions of a similar style: Roxby Downs, Daintree, Errinundra, and Farmhouse



Creek, quick removal of protesters became a standard response. This prevented protesters having access to work sites and the most inconspicuous charges were used to control the situation and maintain the governments' benevolent image.

Gray's legal strategy was less polished than his ideological strategy. Ideologically Gray's strategy consisted of creating protesters as non-people. This strategy was aimed solely at Tasmanians, first he argued that protesters were all outsiders, that is non-Tasmanians who had no right to influence state policies. Secondly, he claimed that they were unemployed, dirty and irresponsible. Their personal characteristics were presented as valid reasons for disregarding the groups' protest. Thirdly, as law breakers Gray claimed the protesters' right to have their political views heard was waived.

This constructing of protesters as non-people was mirrored by some police behaviour in later stage of the protest.

#### The Police Response to the Franklin Blockade

The police response to the blockade changed dramatically during the course of the protest. Initially both TWS and the Tasmanian police force worked to create the impression of friendly relations between police and protesters. The public image of both groups was improved by the appearance of harmony which was achieved. Because they were on show and because they had to match Blockaders' inoffensiveness, police officers were on their best behaviour in the early days of the Blockade.

Friendly relations with police provided Blockaders with some protection from potentially violent pro-dam locals. Police called regularly at Strahan Camp to check Blockade security. Police sometimes pressed charges when attacks on Blockaders occurred. For example, they charged a young man after a scuffle in Strahan Camp on New Years Eve.

Not all police were keen to promote Gray's pro-dam cause. The large number of police involved in the Blockade included a cross-section of the views of the polarised Tasmanian community; some police secretly wore No-Dams badges. Many police felt the arrests were on shakey legal ground and distrusted the advice of senior police. These factors, together with the friendly and respectful attitude of protesters, made the police reluctant to use heavy-handed tactics,

South Australian Authorities learned from the Tasmanian experience and set out to ensure that there would be no weakening of police commitment during the Roxby Downs Blockade in 1983. One of the Roxby police wrote: the last thing the department wanted was confrontation from within. Nobody wanted to duplicate the experience at the Franklin where police 'actually fought amongst themselves'.<sup>14</sup>

The appointment of a new Minister of Police in January 1983 coincided with a change in police behaviour in Tasmania. The police began to attempt to undermine the Blockade. The longer the Blockade continued the more important it became to Gray to stop it, and his increasing determination<sup>46s</sup> reflected in police tactics. They laid careful plans that would disrupt the Blockade and 'MIN work to continue. They also began to intimidate Blockaders,,

A series of well-planned moves ensured that the first bulldozer arrived in Strahan unimpeded by protesters. In the early hours of the morning, telephone and telex lines to the TWS Information Centre were cut and radio-communication was jammed. Blockaders in Strahan knew the bulldozer was on the way, but could not contact scouts along the route or alert those at the camp of its imminent arrival. Police placed a road block on a bridge between the camp and the township preventing large numbers of Blockaders coming to obstruct the bulldozer. Other police escorted it safely into the HEC compound on Strahan wharf.

While it is not known who cut the wires, there is no doubt that the police were part of a coordinated operation.

In another incident in late January, an attempt to impose police bail resulted in some protesters being admitted to hospital. On the 27th the police were expecting the usual handful of trespassers, instead they collected sixty-five. These arrestees spent the day in the rain in the compound behind the HEC camp. In the evening, when all the protesters had been brought in, the police inspector informed them that instead of being taken to Strahan, they would be dumped back at the Gordon River camp under police bail<sup>15</sup> forcing TWS to bear the cost of getting them to the court in Queenstown. The inspector claimed that protestors could be bailed against their will and also that the large boat needed to transport the sixty-five back to Strahan had broken down.

The protesters had been standing out in the cold and rain, for eight hours. Concerned for their safety, the inspector allowed them inside the NEC huts to warm up. A doctor, called from the River Camp, diagnosed twenty-one cases of exposure, one of these particularly

severe. It was apparent that the police inspector was unhappy about the orders he had been given, and, after arguments with his superiors, found a boat to take those with exposure to Strahan.<sup>16</sup> The other Blockaders continued to refuse police bail and were shipped to Strahan the next day.

In February police began arresting people on the Gordon River itself. On the 16th, when the motorised barge the "kalunda" arrived at the string of rafts, police removed plugs from rafts, and used gaff hooks to tip people into the near freezing water. They impounded a runabout- and a rowing boat which went to rescue swimmers and arrested the occupants.<sup>17</sup>

The next time the "kalunda" came up-river, tactics on both sides changed. Blockaders took to the water in wetsuits so police could not confiscate rubber rafts. A protester described the event: "Even before the "kalunda" was in sight many police boats arrived to clear us from the water ... Boats roared and crashed into swimmers. I watched a boat collide with a friend. The driver then came full throttle towards me. The force of the collision pushed me deep into the water."<sup>18</sup>

By mid-January, when the police were stepping up their efforts against the Blockade, the media had lost interest in details of daily events and none of the police's questionable activity raised a ripple in the press.

Complaints were made about many incidents but they were ineffective.<sup>19</sup> For example, following the attempt to force police bail on protesters, TWS called for an inquiry. into the treatment of

protesters. A Statutory Declaration was drawn up on behalf of the 65 protesters and submitted to the Ombudsman's Office and the Police Department. Neither department responded.

Police in Australia have learnt from the Franklin Blockade. The South Australian police review of the Franklin and Roxby police operations shows their awareness of the dynamics of civil disobedience protests and the need to conceal their political role.<sup>20</sup>

#### The Court's Response to the Franklin Blockade

The different magistrates hearing charges imposed a wide variety of bail conditions with considerable differences in impact on the ability of the blockade to continue.

The bail conditions imposed during the blockade ranged from none at all to remanding people in custody: some covered only HEC land, others demanded that defendants leave the Municipalities of Strahan and Gormanston. The most absurd condition, affectionately known as the 'wild west clause', required defendants to leave western Tasmanian within twenty-four hours.<sup>21</sup>

Variations occur in the response of courts to protest depending on legal personnel, but patterns of relations between the courts and protest can be observed which are independent of individuals. One of these is the phenomenon of 'death by trial'.<sup>22</sup> That is that the law serves to remove a protest from a public arena to a court, thereby tying *up* a protests' resources, dividing its personnel.

Scott Kennedy in his article Civil Disobedience and Legal Strategy<sup>23</sup> argues that some US civil disobedience movements have suffered 'death by trial' as a result of trying to sustain drawn out legal proceedings to prove innocence. Kennedy argues that too many resources are consumed in such legal battles and that the initial reasons for protesting are often lost in the meantime. He cites the example of those arrested at the Diablo Canyon Nuclear Power Plant in 1977. Two years later they were still battling it out in the courts, where protesters have little chance of taking the initiative.

#### Prison and Protesters

During the Blockade, as part of a gaol protest, 447 protesters were sent to Risdon Gaol.<sup>24</sup> In many ways it was a tactical victory for the Campaign. Gray appeared extreme and heavy-handed and this helped to build public sympathy and support for the no-dams cause.

In early January bail conditions were imposed at the first hearing in Hobart and from this time no-one stayed inside for more than a week. It is not clear why Bray limited the prison term to one week. The accommodation bill was certainly mounting, the threat of gaol was not deterring trespass and there was some political cost in having a rising number of protesters in gaol. The one-week limit may have allowed Gray to ease the pressure the gaol protest was applying without retreating from his law-and-order position.

There are good reasons to assume that protesters' experience of gaol will be different from that of other prisoners. They may have greater access to information about their rights, and many enter prison in supportive affinity groups with a cause to further unite them. But

while there are differences between the protesters and other prisoners, the Franklin Blockade shows that the induction process can strip protesters of their identity and once inside they are not immune from the inmate culture.

Blockaders had a relatively easy time in prison in Tasmania. Some prison staff were active TWS members, others gave tacit support, publicity surrounding the blockade protected blockaders from some of the physical abuse which remandees face from the authorities and each other. But even so, as the days went by the inconsistent rules and the close contact with the bleak life of the other inmates took their toll. As the number of protesters in jail decreased, and public interest waned, there was less difference between the treatment of blockaders and other prisoners.

Warders were inconsistent about granting privileges. Even people imprisoned at the same time were treated differently. Some people were allowed to bring all their belongings into the gaol, others were not. Some were given writing paper, some were not. From other case studies on prisons this appears to be a typical pattern in gaols.<sup>25</sup> Another pattern noted elsewhere is that little or no information on regulations was forthcoming from warders.<sup>26</sup> Protesters' lack of knowledge of their rights made asserting them difficult and warders found it easy to browbeat those who were overwhelmed by the prison system. Technically blockaders could sign the bail conditions whenever they wanted and be released. But some remandees were not aware that release was a possibility, and some thought they might be forgotten and have to stay in gaol for months.<sup>27</sup> Those who did know the regulations

and wanted to leave prison before their court appearance found it hard to organise the signing of bail conditions.

Blockaders were often denied their rights while in jail. They were entitled to daily visits by lawyers and two other visits a week but prison officials often implied that visits by lawyers would cost remandees their other visitors. Remandees were also entitled to wear their own clothes, but blockaders were pressured to wear prison uniform. Several blockaders were put into solitary confinement, although this was against the regulations. The governor of the prison, when challenged about the denial of blockaders' legal rights said that Risdon was his prison and he would do as he chose.<sup>28</sup>

#### The Mass Media<sup>29</sup>

For many protests, and certainly for the Franklin Blockade, media coverage is essential to success. A protest is often designed to be a focus for coverage, directing attention onto an issue. The Franklin blockade achieved the best coverage any protest in Australia is likely to achieve.

From my analysis of the mainland media coverage of the Franklin Blockade it appears that the perfect protest is one in which a large number of employed middle class people, on their holidays, ramble through the wilderness, doing as little damage as possible to people or property in a remote corner of Australia. These were the aspects of the Franklin Protest which attracted positive media coverage.<sup>30</sup>

TWS devoted a considerable amount of resources, to mounting a good media campaign. By the time the blockade began a number of journalists



had been convinced that the Franklin was worth saving, and that TWS was a responsible organisation which could possibly prevent the dam from proceeding. Figureheads and liaison people were familiar to journalists before the blockade began.

The Blockade, then, was a mechanism for turning the issue of the dam into an event reportable as news. TWS resources were still necessary even once the protesters had arrived. A team of 8 people held up to 40 live interviews daily; telephones, telexes and stories were provided to ensure material was sent out; broadcast quality film of the Franklin area was sent to television stations; and boat trips were organised for journalists.

In spite of the extensive resources devoted to gaining media coverage, and the support of journalists, only a few aspects of the dam conflict were presented. Front page coverage in the mainland newspapers focussed largely on celebrities with supplementary coverage of the views of assorted political figures on the conflict. On the television news the debate was portrayed through a series of pictures of wilderness, celebrities' faces and arrest tallies, which created impressions often at odds with the commentary.

The coverage of Bob Brown was particularly interesting. Bob was presented in various newspaper articles as an idealist, otherworldly, responsible, reliable, self sacrificing, disciplined and charming. That is, as the perfect protester.

what was actually at issue in the Franklin dispute: unemployment, state economic strategies, preservation of wilderness, aboriginal

sites, gained very little coverage. The issues were generally raised, only when the celebrities and politicians being interviewed mentioned them.

The amount and content of media coverage of the Franklin dispute illustrates the limitations of media coverage of protest. Firstly, in order to gain a substantial amount of coverage a protest group needs to devote a considerable amount of resources to the media campaign. This will be easier for some groups than for others.

Secondly, the coverage of the Franklin dispute suggests that the events and images of a campaign will appear in the media, not the issues. TWS was successful partly because they had already made a strong connection between the issue and the protest through years of public education. This, meant that when the images appeared, people could link these to the issue. 'Further', the images themselves were of 'nice' people, in a 'nice' place, being 'nice' to each other.

#### The Federal Government's Response to the Franklin Blockade

The Fraser Government's response to the Franklin Blockade was to try to buy Gray off. The Federal Liberal party has a basic philosophical position of preservation of state's rights, and the Fraser Government acted consistently with this position. Once Gray had refused the Fraser's compensation offers, Fraser attempted to ignore the issues.

In contrast to the Liberals however, ALP ideology favoured intervention. If, as legal advice suggested, the ALP could use the dams case to broaden the accepted interpretation of the External

Affairs Power of the constitution, the case would further the ALP's interests.<sup>31</sup> Further, it was in the interests of the ALP to see the issue resolved since as long as the Franklin remained an issue, the Left in Tasmania would be split.

For these reasons and the promise of electoral support, the ALP supported the TWS campaign. When the ALP won the election, they passed the World Heritage (Properties Conservation) Act which created a direct conflict with the Tasmanian Law,<sup>32</sup> which had implemented the dam. The High Court decided in favour of the Federal Government.

Ultimately therefore the decision to save the dam was made by the High Court, a body almost completely insulated from protest activities.

The ability of TWS to apply political pressure in Tasmania was inadequate. The transfer of political pressure to the Federal level was effective only because five circumstances coincided: a Federal election was imminent; the election was expected to be a close one; the ALP had internal reasons for supporting TWS; the ALP won the election; the High Court decision favoured commonwealth government intervention.<sup>33</sup>

### Discussion

So what does the Franklin blockade tell us about the right of protest in Australia? In spite of the structural constraints noted earlier, symbolic protest can be an important part of a single issue campaign, influencing decisions in a meaningful way.,, however,-, the effective ,exercise of this right demands considerable financial.,and, personal skills and so in practice:As ,restricted :to .resource rich

groups in society. Symbolic protest is designed to persuade others to the protester's point of view. A group's ability to do this is restricted by the nature of the mass media, the cost of alternative ways of disseminating information and ideas, and the group's campaign skills. The Franklin blockade shows how enormous the resources are which are needed to achieve even a small change through symbolic protest. Not least of these resources are the personal contacts between protesters and journalists and politicians. The lack of personal networks means that symbolic protests by working class groups such as the BLF will receive less positive coverage than that achieved in the Franklin blockade.

The Franklin case also shows that the ability of a group to use protest to influence decisions will depend on factors outside the control of the protest group. For example, on the relationship between the various decision making bodies: state and federal governments, corporate and legal decision makers. The success of the Franklin blockade must be seen in the context of the lack of opposition from corporate interests and the relationships between the state and federal levels of the ALP and Liberal parties.

In any era the controversial rights will be those which, when exercised, affect the important decisions in society. The major decisions which affected peoples' lives in the past have been enacted at the national level. Political rights such as the right of symbolic protest have given members of the community some power to influence major decisions. These rights are still important and worth struggling to protect. However, major decisions affecting the social structures and environments within which communities exist are increasingly being

made at the international level. Investment decisions are made by international capital which the exercise of established rights has little power to alter. In these circumstances the right to intervene to stop work is of great importance. Historically, however, the right to stop work in Australia has been restricted to participants in the productive process: workers - who may strike - and employers who may withdraw their investment in a project. It has been controversial even for unions to use their strike power to pursue wide political goals.<sup>34</sup>

The Franklin blockade shows clearly the constraints on protests designed to stop work. The Franklin case and subsequent intervention actions have shown that governments will change laws and penalties in an attempt to stop intervention from occurring. Intervention is prevented by ensuring that protesters can be arrested before they get close to on-going work, for example by trespass laws. In the Franklin case, when this failed, protesters were simply removed when they had committed no offence at all, or were discouraged by the threat of physical injury.

The inconsistent and sometimes extra-legal response of the police to protest activity is hardly surprising considering the contradictions inherent in the relationship of the police to protest. Protest activity is designed to challenge the 'order' which the law and its police serve to maintain. So at one level the legal system is necessarily hostile to protest. At the same time, the rhetoric of pluralism and individual protection of citizens means that elements of the legal system must be seen as 'impartial' in any dispute between interest groups. In an intervention protest, protesters put the police in a situation in which they can not achieve both the goals of

maintaining the existing order of things and being non-partisan. In these circumstances we are likely to see the disjunction apparent at the Franklin between the image the police project and their actual behaviour towards protesters.

To conclude then, while the Franklin blockade demonstrates the limitations of protest in Australia it shows that symbolic protest can influence important decisions. Symbolic protest will be of use to protesters in a limited set of circumstances. Intervention protests have not so far been permitted in Australia.

- 1 This paper is based on research conducted by Claire Runciman, Linda Parlane, John Stone, Gill Shaw and Harry Barber: Effective Action for Social Change: The Campaign to Save the Franklin River, Unpublished. Thanks to Stephen Mugford for useful comments on the first draft of this paper.
- 2 Claus Offe in his book Contradictions of the Welfare State, MIT Press, Mass. 1984, discusses the fragmentation of state policies in recession as each competing interest group is pacified with concessions until all coherence is lost.
- 3 For example J.C. Davies 'Toward a Theory of Revolution' American Sociological Review, February 1962 volume 27, no. 1, pp. 5-19, discusses the role of aspiration in intentional social change.
- 4 H. Marcuse One Dimensional Man Abacus, Great Britain, 1972.
- 5 See for example T.H. Marshall Citizenship and Social Class and other Essays, Cambridge, 1950.  
  
"A Perfect Strike" in The Incompatibles: Trade Union Militancy and the Consensus Robin Blackburn and Alexander Cockburn (eds) Penguin England, 1967, pp. 160-66.
- 7 Gene Sharpe, The Politics of Non-violent Action: Part Two, The Methods of Non-violent Action, Porter Sargent, Boston, 1973.
- 8 Peter Thompson, Power in Tasmania ACF, 1981, pp. 23-25.

- 9 Jobs for Tasmanians Committee, Tasmanians at the Crossroads 1983, p. 8.
- 10 Tasmanian Parliament, House of Assembly Hansard, Attorney-General's Second Reading Speech, 23 November 1982.
- 11 Hansard, 24 November 1982.
- 12 Letter to John Stone, Linda Parlane and Claire Runciman from Robert Burton.
- 13 Age; Mercury, 2 March, 1983.
- 14 R.O. Ball, -"A Ball at Roxby", The South Australian Police Journal, October 1983, p. 1g,
- 15 Personal Communications, Else Paimans and Annie Jacobs (protesters).
- 16 *ibid.*
- 17 Franklin Blockade TWS, 1983, pp. 74-9.
- 18 Greg Sheehan in Franklin Blockade *ibid* pp. 74 and 78.
- 19 see for example Statutory Declaration , Appendix 1.
- 20 P.O. Ball *op.*



- 21 Personal Communications, Lincoln Siliakus, (TWS Lawyer).
- 22 Scott Kennedy, 'Civil Disobedience and Legal Strategy', WIN Magazine, 28 June, 1979.
- 23 Ibid.
- 24 Page 9, Blockade Book.
- 25 See for example Cloward in Social Science Research Pamphlet 15: Theoretical Studies in the Social Organisation of the Prison U.S.A., 1960, Ch. 2.
- 26 See for example Cloward in Social Science Research Pamphlet 15: Theoretical Studies in the Social Organisation of the Prison, U.S.A., 1960, ch. 2 or Ward and Kassebaum Womens' Prison (Weidenfeld and Nicholson, 1965).
- 27 Personal Communication Brenda Parkes: TWS Prison Support Team. Personal responses of prisoners are provided by Tony Faithful, Ground Swell, Vol. 1, No. 3, and Karen Donaldson, Church and Nation, June 22, 1983, p. 9.
- 28 Brenda Parkes, TWS Prison Support Team. Discussion with authors.
- 29 This section is based on analysis of 346 articles from three newspapers: The Mercury (Tasmania), The Age (Victoria), and The Canberra Times (ACT). Videotapes of all Television News coverage between 12 December 1982 and 17 January 1983 were also used.

Thanks are due to TWS Canberra and Hobart for giving G. Shaw and myself access to press clippings and videotapes.

- 30 A survey of the newspaper coverage of Pine Gap and Roxby protests revealed a similar pattern: these protests lost points in the media for involving less respectable people (e.g. Lesbians); threatening interests closer to home, and damaging property. Tasmanian media coverage of the Franklin Blockade presented, protesters as irresponsible, unemployed, and outsiders.
- 31 B. Galligan 'The Dams Case: A Political Analysis' in Sornarajah The South West Dam Dispute: The Legal and Political Issues, University of Tasmania, 1983.
- 32 Extract of Chief Justice's judgement in Sornarajah The South West Dams Dispute: The Legal and Political Issues, University of Tasmania, 1983:22.
- 33 C. Runciman, et al Effective Action to Social Change: The Campaign to Save the Franklin River unpublished 1986. Chapter 12 - 'Parliamentary pressure and the Franklin Campaign'.
- 34 Broad mandate unionism in Australia is discussed by P.R. Hay "Political strikes: Three burning questions" Journal of Industrial Relations March, 1978; L. Cupper and J. Hearn "Australian Union Involvement in Non-Industrial Issues: The Newport Dispute 1971-1978" in G.W. Ford, J.M. Hearn and R.D. Lansbury (eds.) Australian Labour Relations: Readings 3rd ed. Macmillan, 1980.

## APPENDIX 1

I, Ronald Michael David Levy  
of 31 Wandoo Street, O'Connor, A.C.T. 2601  
employed as a Commonwealth public Servant in Canberra, A.C.T.  
do hereby solemnly declare the following:

I travelled in police custody from Queenstown to Risdon Gaol Hobart between 9.30 p.m. on January 12 1983 and 2.30 a.m. on January 13 1983. Together with 25 other remandees, I had been remanded to Risdon Gaol, having refused to accept certain conditions on my bail imposed by Magistrate Chen in the Queenstown Court of Petty Sessions. These conditions were later removed by Judge Neasey in the Supreme Court of Tasmania in Hobart on January 13 1983.

We were held in custody by 5 policemen, 1 driver and a cadet policewoman, and travelled by bus-.

I wish to register a complaint against the Police who held me in custody for their conduct towards myself and the other remandees during our trip from Queenstown to Risdon Gaol.

Details are as follows:

1. Upon leaving Queenstown lock-up, we were instructed to board the bus and fill all the rear seats. A policeman then told us we were now 'prisoners' and had no 'rights' and that we had to do everything we were told.
2. Brenda Barkes, one of the remandees, requested a policewoman to accompany us on the journey but was told this was not possible by the policeman to which she was talking. Shortly afterwards a female police cadet boarded the bus. I understand from other remandees who had spoken to the cadet, that she had not finished her training and was 19 years of age.
3. Before departure we spoke to two Tasmanian Society lawyers. In view of the aggressive nature shown at the stage by the Police towards us, we expressed our concern to the Society lawyers.
4. A short time after the journey began, a policeman came down the bus and accused us of throwing 'shit' at him. I regard this accusation as completely without justification. I was sitting near the front of the remandees and did not observe any such incident. Furthermore, I find it difficult to believe that Society blockaders would engage in such conduct given the peaceful- and non violent nature of our campaign. The policeman then said 'you are prisoners now and we have ways of punishing\_you. The repercussions are much worse for prisoners'.
5. Despite cold conditions, windows were left open and lighted cigarettes were often thrown out of the window during travel.

The behaviour of the police was raucous with much cheering, loud conversations and lurching about the bus.

6. I observed police officers (including the cadet) drinking alcohol, during the bus trip, from beer bottles. The only policeman who was not drinking was the driver of the bus. The police also threw the empty bottles out the window as we travelled.
7. I observed one police officer appear to urinate into a beer bottle and then throw it out the window.
8. Some time before arriving at Derwent Bridge, the bus ran over an animal on the road which elicited cheers from the police officers with the comment 'pity it wasn't a greenie'.
9. At the toilet stop in Tarraleah, one of the remandees requested to go to the toilet. His request was met with the response: 'I'll take you to the toilet any time, sailor'. The police officer who said the above did so with a lisp and derogatory implications of homosexuality. A female remandee sought this policeman's number. This was refused and the policeman reiterated that she was a prisoner with no rights.
10. I witnessed conduct between the female police cadet and at least two policemen which I found to be offensive. This included excessive physical petting. I considered this to be sexual harrassment of a young cadet as she was in no position to refuse the advances of the policemen concerned.

I must stress the serious nature of my complaints. I can only describe the entire bus journey as a 'horror trip' completely uncalled for and out of keeping with the kind of conduct I expect from police officers.

I urge that this matter be investigated as a matter of urgency.

All the above are matters which I conscientiously believe to be true. And I make this solemn declaration by virtue of section 132 of the Evidence Act 1910.

Declared at Hobart, this  
4th day of March, 1983

Signed: Ron Levy