

# **RACIST VIOLENCE**

**Report of the National Inquiry into  
Racist Violence in Australia**

**Human Rights and Equal  
Opportunity Commission**

Australian Government Publishing Service  
Canberra, 1991

© Commonwealth of Australia  
ISBN 0644 13891 2

Cover design by Eymont Kin-Yee Design  
Photographs used in cover design by Georg Lindstrom, *I'll Take Australia*, Jacaranda Press, and  
Michael Riley  
Printed in Australia by Alken Press Pty Ltd — Smithfield NSW

**Human Rights Australia**



27 March 1991

The Hon. Michael Duffy, MP  
Attorney-General  
Parliament House  
Canberra ACT 2600

Dear Attorney

We present the report of the National Inquiry into Racist Violence which we conducted on behalf of the Human Rights and Equal Opportunity Commission. We respectfully request that the Government give urgent consideration to the Report and to the recommendations made by the Inquiry.

Yours sincerely

IRENE MOSS  
Federal Race Discrimination Commissioner  
(Chairperson of the Inquiry)

RON CASTAN QC (Co-Hearing  
Commissioner)



**Preface** ..... xvii

..... Acknowledgments

**List of Abbreviations** ..... )oci

**Part 1**

**Introduction to the Evidence** ..... 1

**Chapter 1:**

**Background to the National Inquiry into Racist Violence**

..... 3

The Human Rights and Equal Opportunity

Commission ..... 3

    Previous Public Inquiries by the Human Rights

    and Equal Opportunity Commission ..... 4

        The Toomelah Inquiry ..... 4

        Our Homeless Children ..... 5

Background to the National Inquiry into Racist Violence

6

Terms of Reference of the National Inquiry into

Racist Violence ..... 7

Procedure of the Inquiry ..... 7

Definition of Racist Violence ..... 13

    Racially Motivated or 'Racist' Violence ..... 14

    Racist Harassment ..... 14

    Racist Propaganda ..... 14

    Incitement to Racial Hatred ..... 14

    Organised Racist Groups or Extremist Groups ..... 15

Problems of Conducting Research into Racist

Violence ..... 15

    Perceptions of Racist Violence ..... 15

    The Problem of Deciding if an Incident was

    Racist ..... 17

    Problems of Collecting Evidence ..... 18

Developments Since the Inquiry Began ..... 20

Structure of this Report ..... 23

**Chapter 2:**

**Racist Violence, Human Rights and Australian**

**Law** ..... 25

Legal Basis for Inquiry ..... 25

---

## Contents

---

Australia's International Obligations .....	25
Existing Anti-Discrimination Legislation .....	27
Federal Anti-Discrimination Laws .....	27
State Anti-Discrimination Laws .....	27
New South Wales Racial Vilification Legislation .....	27
Western Australian Racial Vilification L e g i s l a t i o n .....	2 8
Other Civil Law Remedies .....	28
Existing Criminal Law .....	29
Law Regulating Broadcasting .....	32
Law Relating to Companies and Associations .....	33
Conclusion .....	34
End notes .....	35
<b>Chapter 3:</b>	
<b>The History of Racist Violence in Australia</b> .....	37
Introduction .....	37
History of Racist Violence against Aboriginal People .....	38
Early Contact: The Frontier Years .....	38
Frontier Conflict .....	38
Native Police .....	40
The Post-Frontier Period .....	41
Physical Violence in the Post-Frontier Period .....	41
Policies of Segregation and Exclusion .....	43
Post-War Years .....	44
History of Racist Violence against Torres Strait Islanders .....	46
History of Racist Violence against People of Non-English Speaking Background .....	47
Chinese Workers in the Goldfields .....	48
South Sea Islanders in the Sugar Industry .....	49
Relations with Southern and Eastern European Immigrants in the Twentieth Century .....	50
Post-War Years .....	51
Conclusion .....	54
End notes .....	55
<b>Chapter 4:</b>	
<b>Demographic Background</b> .....	59

Population Profile .....	59
Aborigines and Torres Strait Islanders .....	59
Immigrants .....	60
Patterns of Immigrant Settlement .....	62
Immigration Policy .....	62
Conclusion .....	64
Endnotes .....	65

## **Part 2**

<b>The Evidence .....</b>	<b>67</b>
---------------------------	-----------

### **Chapter 5:**

<b>Racist Violence Against Aborigines .....</b>	<b>69</b>
Introduction .....	69
Liaison with Police Authorities .....	70
The Evidence .....	70
Political Organisations and Racist Violence .....	70
Social and Cultural Life .....	72
Public Places .....	73
Hotels .....	74
Attacks on Communities and Neighbourhood Violence .....	76
Racist Organisations .....	77
Police and the Criminal Justice System .....	79
Aboriginal Political and Community Organisations .....	81
Social and Cultural Life .....	82
Aboriginal Women .....	88
Over-Policing .....	89
Aboriginal Juveniles .....	94
Forms of Racist Violence .....	96
Policing and Political Power .....	99
Tactical Response Policing .....	101
Treatment in Police Custody .....	104
Failure to Adequately Investigate Complaints .....	107
Failure of Complaints Mechanisms .....	109
Courts and Legislation .....	111
Imprisonment .....	113
Effects on Victims .....	115
Media .....	116

---

## Contents

---

Conclusion: The Extent and Nature of Racist Violence against Aborigines .....	119
Endnotes .....	123

### **Chapter 6:**

<b>Racist Violence on the Basis of Ethnic Identity</b> .....	137
Introduction .....	137
Factors Influencing Racist Violence .....	138
The Evidence .....	139
Political Organisations and Racist Violence •	139
Specific Ethnic Groups and Racist Violence •	140
Violence Against Asian Australians .....	140
Violence Against the Jewish Community .....	142
Violence Against Arab Australians .....	145
Inter-Ethnic Disputes .....	147
Social and Cultural Life .....	149
Threatening Environment .....	150
Direct Threats .....	151
Harassment .....	153
Graffiti .....	155
Desecration .....	156
Violence: Property .....	156
Violence: Person .....	157
Institutional Racism .....	158
Education .....	158
Workplace .....	159
Media .....	161
Housing and Local Neighbourhoods . • • .....	162
Police and the Criminal Justice System • • .....	163
Racist Organisations .....	166
Effects on Victims .....	168
Quantifying the Problem .....	169
Understanding the Problem: The Immigration Debate .....	172
Conclusions .....	175
End notes .....	177

### **Chapter 7:**

<b>Racist Violence against People Opposed to Racism</b> .....	181
Introduction .....	181
The Evidence .....	181

---

## Contents

---

Anti-Racist Community Groups .....	181
Other Community Groups .....	183
Churches .....	185
Public Authorities, Politicians and Public Figures . . . . .	189
Journalists and Academics .....	191
Writers to the Editors of Newspapers . . . . .	193
Carrying Land Rights or Anti-Apartheid Stickers .....	193
Response of Authorities .....	194
Media .....	195
Organised Racist Groups .....	197
National Action .....	198
Australian Nationalist Movement . . . . .	199
League of Rights .....	200
Suggested Responses to Racist Attacks .....	203
Removal of Racist Posters and Graffiti .....	203
Police Response .....	204
Monitoring Telephone Calls .....	204
Tracing Personal Information through Motor Vehicle Registration Numbers .....	204
Community Education . . . . .	205
Media .....	205
Legislation .....	206
Conclusion .....	206
End notes .....	207
 <b>Chapter 8:</b>	
<b>Drawing Conclusions from the Evidence . . . . .</b>	<b>209</b>
Acts of Racist Violence against Aboriginal and Torres Strait Islander People .....	209
Institutional Racism .....	209
Policing .....	210
Findings .....	213
Evidence of Racist Violence against People on the Basis of Ethnic Identity .....	213
Findings .....	219
Racist Violence Perpetrated by Extremist Groups . . . . .	220
Violence against Anti-Racists .....	221
Findings .....	224
Endnotes .....	225

---

## Contents

---

### Part 3

#### **The Overseas Experience .....227**

##### **Chapter 9:**

#### **Racist Violence — The Overseas Experience . . . ....229**

Introduction ..... 229

United States of America ..... 230

    Monitoring and Reporting ..... 230

    The Incidence of Racist Violence ..... 232

    The Institutional Response ..... 233

        The Community Relations Service ..... 233

        The US Commission on Civil Rights ..... 234

        Civil Rights Section of the Department of  
        Justice ..... 235

    Non-government Organisations ..... 235

    Law Enforcement ..... 235

        The Courts ..... 235

        The Role of the Police ..... 236

        The Boston Community Disorders Unit . .... 237

Canada ..... 239

United Kingdom ..... 241

    Monitoring and Reporting ..... 242

    The Incidence of Racist Violence ..... 244

    The Institutional Response ..... 245

        The Commission for Racial Equality ..... 245

        Local Government ..... 246

        The Inter-Agency Strategy ..... 246

    Non-government Organisations ..... 248

    Law Enforcement ..... 249

    Housing ..... 250

Conclusion ..... 251

Endnotes ..... 254

### Part 4

#### **Directions for Change .....257**

##### **Chapter 10:**

#### **The Need for Change ..... 259**

Introduction ..... 259

    The Impact of Racist Violence on Individuals and  
    Communities ..... 259

    The Potential Risk to Our Society ..... 262

The Risk to the Economy .....	262
The Risk to Australia's Human Rights Reputation .....	265
Social Factors .....	267
Requirements for Change .....	268
General Strategies to Combat Racist Violence and Racism .....	268
The Need for Legislative Reform .....	269
Recommendations .....	270
Endnotes .....	271

**Chapter 11:****Legal Measures and Law Enforcement to Combat**

<b>Racist Violence .....</b>	<b>273</b>
Legislative Reform .....	273
The Effectiveness of Existing Laws .....	273
Anti-Discrimination Legislation .....	273
Existing Criminal Laws .....	275
Common Law Civil Remedies .....	277
Law relating to Associations .....	277
Conclusions .....	277
Models of Anti-Racist Legislation .....	278
United Kingdom .....	278
Canada .....	279
United States of America .....	281
European Civil Law Countries . . . . .	283
New Zealand .....	284
New South Wales Racial Vilification Legislation .....	286
Western Australian Criminal Code Amendments .....	288
Former Human Rights Commission's Proposals .....	289
Implementing Article 4 of the Convention on the Elimination of All Forms of Racial Discrimination .....	290
Balancing Rights and Freedoms .....	294
Conclusions and Recommendations .....	296
Racist Violence and Intimidation .....	297
Incitement to Racist Violence .....	298
Racist Harassment .....	298
Incitement of Racial Hostility .....	299

---

## Contents

---

Racist Motivation .....	300
Anti-Racist Advocates .....	300
Religion .....	301
Recommendations .....	301
Court System .....	302
Referrals by Commissioner of Potential	
Criminal Cases .....	304
Interpreters .....	305
The Courts and Cultural Diversity .....	310
Composition of Juries .....	311
Recommendations .....	312
The Police .....	313
The Reporting of Racist Violence .....	313
Priority for the Investigation of Racially	
Motivated Offences .....	316
Police Procedures and Practices . . . . .	317
Community Relations Strategies .....	320
Training, Selection, and Promotion of Police	327
Recommendations .....	331
END notes .....	
	334
Chapter 12:	
Strategies to Confront Racism .....	337
Structural Change .....	337
Introduction .....	337
Racist Violence and Discrimination in	
Housing .....	337
Public Housing .....	337
Recommendations .....	342
Private Housing .....	343
Recommendations .....	343
Racism in the Workplace .....	344
Recommendations .....	345
Education and Racism .....	346
The Educational Response to Cultural	
Diversity .....	346
Schools and Racist Violence .....	348
Recommendations .....	351
Technical, Higher and Adult Education .....	351
Recommendations .....	354
Media .....	
	355
Introduction .....	355

Evidence Presented to the Inquiry .....	356
Reporting on Aborigines .....	356
The Perceptions of People of Non-English Speaking Background on the Role of the Media .....	359
Recommendations .....	360
Reporting Racist Violence .....	361
Recommendation .....	361
The Gulf Crisis: A Case Study .....	361
Recommendations .....	365
Addressing Racism in the Media .....	366
The Australian Broadcasting Tribunal .....	366
The Press Council .....	367
The Australian Journalists Association .....	367
Media Monitoring .....	368
Recommendations .....	368
The Australian Broadcasting Corporation ...	369
SBS .....	370
Public Radio .....	370
Employment and Training Policies .....	371
Recommendations .....	371
Conclusion .....	372
Community Relations .....	373
Introduction .....	373
Local Area Strategies .....	374
Recommendation .....	377
The Role of Local Government .....	377
Recommendation .....	378
Strategies for Federal and State Government	
Agencies .....	378
Management Procedures .....	378
Reporting and Monitoring .....	379
Training .....	379
Recommendations .....	380
Community Education .....	380
Recommendation .....	383
Endnotes .....	384
 Chapter 13:	
Findings and Recommendations .....	387
Findings .....	387
Recommendations .....	389

---

## **Contents**

---

<b>Appendices .....</b>	<b>399</b>
<b>Appendix 1(a)</b>	
<b>List of Submissions .....</b>	<b>401</b>
<b>Appendix 1(b)</b>	
<b>Public Hearings and List of Witnesses .....</b>	<b>409</b>
<b>Appendix 2</b>	
<b>Overview of Group Discussions Co-ordinated     by the Office of Multicultural Affairs .....</b>	<b>415</b>
<b>Appendix 3</b>	
<b>International Convention on the Elimination of     All Forms of Racial Discrimination .....</b>	<b>439</b>
<b>Appendix 4</b>	
<b>Anti-Discrimination Legislation in Australian     States .....</b>	<b>453</b>
<b>Appendix 5</b>	
<b>UK Race Relations Act (1976) .....</b>	<b>455</b>
<b>Appendix 6</b>	
<b>Canadian Human Rights Act (1977) .....</b>	<b>457</b>
<b>Appendix 7</b>	
<b>Canadian Criminal Code (1970) .....</b>	<b>459</b>
<b>Appendix 8</b>	
<b>Council of Europe Consultative Assembly:     Draft Model Law (1966) .....</b>	<b>463</b>
<b>Appendix 9</b>	
<b>NZ Race Relations Act (1971) .....</b>	<b>465</b>
<b>Appendix 10</b>	
<b>NZ Race Relations Act (1977 Amendment) . .</b>	<b>467</b>
<b>Appendix 11</b>	
<b>NSW Anti-Discrimination (Racial Vilification)     Amendment Act 1989 .....</b>	<b>469</b>

**Appendix 12**

Guidelines for Developing an Anti-Racist  
Policy in Agencies and Institutions ..... 471

**Appendix 13**

South Australian Anitracism Education Policy . 473

**Appendix 14**

Tabulation of Alleged Incidents Reported to  
the Inquiry ..... 475



The National Inquiry into Racist Violence was initiated by the Human Rights and Equal Opportunity Commission following representations to it about an apparent increase in the incidence of racially motivated violence in Australia.

In any society, racist violence is the most serious expression of racism. The Inquiry's investigation of racist violence has therefore necessarily involved an examination of racism in our community. We hope that this Report can make a significant contribution to understanding and addressing racism in Australia.

The Inquiry recognised from the outset that racist violence against Aboriginal Australians was a long standing problem which was likely to differ significantly in extent and effect to that directed against people of non-English speaking background. This was confirmed by the evidence given to the Inquiry. The seriousness of this evidence is reflected in the conclusions and recommendations of this Report.

The evidence presented to the Inquiry indicates that multiculturalism is working well in Australia. In spite of our racial, ethnic and cultural diversity, our society's experience of racist violence, intimidation and harassment is nowhere near the level experienced in many other countries. Nonetheless, the level of racist violence and harassment presented in evidence to the Inquiry, particularly against Aboriginal and Torres Strait Islander people, should be a matter of concern to all Australians. It could increase in intensity and extent unless addressed firmly now.



---

## Acknowledgments

---

Two people warrant special acknowledgment for their tireless and outstanding contribution to the preparation of this report: Anne Plummer and Ruth Callaghan. Dominica Nelson also deserves particular mention for undertaking the difficult task of organising the public hearings. The Inquiry could not have succeeded without them.

The Inquiry thanks others who have assisted in many ways. Many people made significant contributions at particular stages, including: Judy Brookman, Professor Stephen Castles, Bill Chapman, Chris Cunneen, Judith Edwards, Robyn Iredale, Peter La Franchi, Danuta Kozaki, Damian Lucas, Paula Masselos, Judy McCormick, Pauline Newell, Stephen Nugent, Jan Pettman, Kim Ross, Chris Sidoti and Greg Tillett. The Inquiry also thanks David Yazbek who typeset the report.

The Inquiry would also like to thank Don Thomas of the Federal Attorney-General's Department, and the Office of Multicultural Affairs in the Department of the Prime Minister and Cabinet for providing its group facilitators to undertake an extensive program of consultation in all States and Territories.



---

## List of Abbreviations Used in this Report

---

<b>ADL</b>	Anti-Defamation League
<b>ALRC</b>	Australian Law Reform Commission
<b>ACPO</b>	Association of Chief Police Officers (United Kingdom)
<b>ANM</b>	Australian Nationalist Movement
<b>ATSIC</b>	Aboriginal and Torres Strait Islander Commission
<b>BIR</b>	Bureau of Immigration Research
<b>CAAIP</b>	Committee to Advise on Australia's Immigration Policy
<b>CDU</b>	Community Disorders Unit (Boston Police Department USA)
<b>CERD</b>	Convention on the Elimination of All Forms of Racial Discrimination
<b>CES</b>	Commonwealth Employment Service
<b>CRS</b>	Community Relations Strategy
<b>DILGEA</b>	Department of Local Government, Immigration and Ethnic Affairs
<b>HREOC</b>	Human Rights and Equal Opportunity Commission
<b>ICCPR</b>	International Covenant on Civil and Political Rights
<b>NA</b>	National Action
<b>NESB</b>	Non-English Speaking Background
<b>OMA</b>	Office of Multicultural Affairs
<b>RPS</b>	Radio Program Standard
<b>RSL</b>	Returned Services League
<b>TRG</b>	Tactical Response Group



## **Part 1**

---

### **Introduction to the Evidence**

---



---

## Chapter 1: Background to the National Inquiry into Racist Violence

---

The Australian Parliament established the Human Rights and Equal Opportunity Commission on Human Rights Day, 10 December 1986. The Commission replaced the former Human Rights Commission as the centrepiece of Australia's strategy to acknowledge and implement its international human rights obligations.

### **The Human Rights and Equal Opportunity Commission**

The objectives of the Human Rights and Equal Opportunity Commission are:

- To increase the understanding, acceptance and observance of human rights and equal opportunity in Australia.
- To promote a fairer society by protecting basic human rights and ensuring that Australia complies with its human rights obligations under international law.

The Commission is a permanent independent statutory authority within the Federal Attorney-General's ministerial portfolio and is responsible for administering the following Acts:

- *Human Rights and Equal Opportunity Commission Act 1986*
- *Racial Discrimination Act 1975*
- *Sex Discrimination Act 1984*
- *Privacy Act 1988*

These Acts give force to international human rights instruments to which Australia has committed itself. They include:

- International Covenant on Civil and Political Rights

---

## **Background to the National Inquiry into Racist Violence**

- Declaration of the Rights of the Child  
  
Declaration on the Rights of Mentally Retarded Persons
- Declaration on the Rights of Disabled Persons
- International Labour Organisation Convention Concerning Discrimination in Respect of Employment and Occupation
- International Convention on the Elimination of All Forms of Discrimination Against Women
- International Convention on the Elimination of All Forms of Racial Discrimination

### **Previous Public Inquiries by the Human Rights and Equal Opportunity Commission**

The Human Rights and Equal Opportunity Commission is empowered to conduct inquiries into alleged breaches of human rights and/or discrimination as a result of complaints being lodged or on its own initiative or at the request of the Federal Attorney-General. The public inquiry function has been an important one in the achievement of the Commission's goal of developing public awareness of human rights issues. The two previous public inquiries undertaken by the Commission resulted in recommendations being made and action being taken in relation to specific human rights problems within Australia.

### ***The Toomelah Inquiry***

The first inquiry conducted by the Commission was the Inquiry into the Social and Material Needs of the Residents of the NSW—Queensland border towns of Toomelah, Boggabilla and Goondiwindi. It was undertaken in response to poor community relations between Aboriginal and non-Aboriginal residents of these towns which culminated in a 'riot' in Goondiwindi in January 1987. The Commission was of the opinion that there were more issues involved in the 'riot' than hatred and prejudice, and initiated a full public inquiry to deter-

---



---

## **Background To The National Inquiry Into Racist Violence**

---

mine the underlying reasons for the tensions between the Aboriginal and non-Aboriginal communities in those towns.

The Inquiry found that the Aboriginal communities were living in appalling conditions. Contributing factors included the failure of relevant government bodies to acknowledge their responsibilities for providing basic goods and services such as education, health and housing. There was poor inter-agency co-ordination and few attempts had been made to implement long-term programs. This highly publicised Inquiry prompted the authorities to act in a positive manner and resulted in significant improvements in economic and social conditions for the Aboriginal people of Toomelah.

One of the most significant achievements of the Toomelah Inquiry was to raise the awareness of non-Aboriginal Australians and alert them to the problems faced by Aboriginal people.

In February 1987, following intensive research and *Our Homeless Children* extensive consultation with a wide range of individuals and organisations working in the area, the Commission decided to conduct an inquiry into the plight of Australia's homeless children and young people, the causes of their problems and the adequacy of government responses.

The Inquiry found that homeless children are being exploited, that very few are able to complete their education or find employment, and that thousands have severe health problems, including mental illness and serious behavioural disorders.

The report of the Inquiry, *Our Homeless Children*, made 77 recommendations to Federal, State, Territory and local governments, the private sector and community organisations. They included recommendations in relation to supported accommodation, the employment of youth workers, increased income support measures,

---

## **Background to the National Inquiry into Racist Violence**

---

legal needs and services and the importance of preventative measures and of family support and reconciliation.

The Commission is continuing to monitor developments and to pursue effective reforms to address abuses of the human rights of this disadvantaged section of the community.

Copies of the reports of the inquiries are available from the Commission.

### **Background to the National Inquiry into Racist Violence**

---

The National Inquiry into Racist Violence was announced in December 1988, at a time when community concern about the incidence of violence had led to the establishment of two other major investigations: an inquiry by the Australian Broadcasting Tribunal into Violence in Television and an inquiry by the National Committee on Violence into Violence in Australian Society.

The National Inquiry into Racist Violence was motivated by a widespread community perception that racist attacks, both verbal and physical, were on the increase. During 1988, a number of church and community leaders and other prominent anti-racists were subjected to what seemed to be a well-organised campaign to intimidate them or deter them from their activities. These violent attacks most commonly took the form of slashing car tyres, graffiti attacks on homes and places of work, bricks being thrown through windows, and death threats.

Prior to the Inquiry, the Race Discrimination Commissioner, Ms Irene Moss, had received a number of representations from community groups concerning racist violence, a subject largely unrecognised by the general public. There were indications of a possible resurgence of racist violence and an increase in organised violence by racist groups — particularly

---

## **Background To The National Inquiry Into Racist Violence**

against people actively involved in working against racism.

The Commission resolved to conduct an Inquiry under section 11(1)(f) and (k) of the *Human Rights and Equal Opportunity Commission Act 1986* and section 20(1)(a) of the *Racial Discrimination Act 1975* to inquire into:

1. Acts of violence or intimidation based on racism directed at persons, organisations or property;
2. Acts of violence or intimidation directed at persons, or organisations on the basis of their advocacy of, support for, or implementation of non-racist policies, including violence or intimidation intended to deter such advocacy, support or implementation;
3. Current or prospective measures by government or government instrumentalities to deal with the above matters.

### **Terms of Reference of the National Inquiry into Racist Violence**

---

It was decided that the Inquiry would not cover matters under consideration by the Royal Commission into Aboriginal Deaths in Custody.

The Commission appointed the Federal Race Discrimination Commissioner, Ms Irene Moss, to chair the Inquiry and Mr Ron Castan QC, formerly a member of the Constitutional Commission's Advisory Committee on Individual and Democratic Rights, as a Hearing Commissioner assisting particularly at public hearings.

The Inquiry opened with a public hearing in Redfern, Sydney, on 24 August 1989. Over the following three months hearings were conducted in six additional centres around Australia:

---

## **Background to the National Inquiry into Racist Violence**

Cabramatta NSW	25 August 1989
Melbourne Vic	21 September, 1989
Townsville Qld	19 October 1989
Clontarf WA	29 November 1989
East Perth WA	30 November 1989
Adelaide SA	15 December 1989

At these hearings the Inquiry heard evidence from 171 witnesses, including police, representatives of State and local government bodies, community workers and, most importantly, people who had been victims of racist violence. A list of witnesses and the organisations they represented is in Appendix 1.

The Commission also called for submissions to the Inquiry. Advertisements were placed in State, Territory and local newspapers. More than 236 individuals, organisations and government bodies responded with written submissions. A list of these is also found in Appendix 1.

Inquiry members and staff also undertook formal meetings and informal discussions with a wide range of community organisations — particularly those representing and working with people from non-English speaking backgrounds and Aboriginal and Torres Strait Islander people. Following the so-called 'Redfern Raid' in February 1990 and the release of an interim report commissioned by the Inquiry on police—Aboriginal relations in Redfern, Commissioner Moss held a number of private meetings with senior officers of the New South Wales Police Department in order to express the Inquiry's concerns about the raid and Aboriginal—police relations generally.

To obtain a more comprehensive picture of racist violence, the Inquiry commissioned a number of specialised studies of particular aspects of the problem.

- **Professor Stephen Castles**, Director of the Centre for Multicultural Studies at the University of Wollongong, was commissioned to provide a

---

## **Background To The National Inquiry Into Racist Violence**

theoretical paper examining the definition of racism and racist violence. Professor Castles was also commissioned to prepare a paper on methods for combating racist violence, drawing particularly on the experiences of other countries. His paper, 'Racist Violence: the Overseas Experience', provided the basis for Chapter 9 of this report.

- **Dr Andrew Markus**, lecturer in the Department of History at Monash University, Melbourne, was asked to provide an overview of the history of racist violence in Australia. Dr Markus' paper on the historical context of racist violence, 'The History of Racist Culture and Racist Violence in Australia', forms the basis of Chapter 3 of this report.
- **Dr Greg Tillett**, Director of the Centre for Conflict Resolution, Macquarie University, was asked to investigate and report on the activities of racist groups in Australia. Material from his report, 'Organised Racism in Australia', is incorporated in Chapters 7 and 8.

Following the increase in tensions in the Persian Gulf and evidence detailing an apparent increase in racist harassment, intimidation and violence against Arab and Muslim Australians, the Minister for Immigration, Local Government and Ethnic Affairs, the Hon. Gerry Hand, MP, wrote to the Race Discrimination Commissioner in December 1990 to request the inclusion of a reference to the current situation of the Arab and Muslim communities in the Inquiry. Dr Tillett was commissioned to undertake further research and consultations with the Arabic and Muslim communities in order to provide an up-to-date assessment of the situation.

- **Mr Josef Szwarc**, formerly of the Victorian Law Reform Commission, and **Ms Kelly Johnson**, a private consultant, conducted a study on inter-ethnic violence. Their study has been used in Chapter 6.

---

## **Background to the National Inquiry into Racist Violence**

- **Dr Pauline Newell**, a consultant sociologist, undertook a research study, 'Migrant Experience of Racist Violence: A Study of Households in Campbelltown and Marrickville'. This has been used in several chapters dealing with the evidence of racist violence.
- **Professor Andrew Jakubowicz**, Professor of Sociology at the University of Technology, Sydney, was commissioned to examine the role of the media in relation to racism and racist violence in Australia. His paper, 'Racism, Racist Violence and the Media', has been used in several sections, most notably in discussion of the media in Chapter 11.
- Relations between Aboriginal people and the police were identified as an area of particular concern to the Inquiry following allegations that Aboriginal people had been subjected to racist violence by police officers. **Mr Chris Cunneen**, then Director of the Aboriginal Law Centre at the University of New South Wales, was commissioned to examine this aspect of the Inquiry in detail. His work involved:
  - extensive field-work and a paper on police—Aboriginal relations;
  - a paper on relations between police and Aboriginal juveniles in Queensland, New South Wales and Western Australia, entitled 'A Study of Aboriginal Juveniles and Police Violence';
  - a special report entitled *Aboriginal/Police Relations in Redfern with Special Reference to the Redfern Raid*, which was commissioned following police activity in Redfern in February and March 1990 and subsequent representations from the Aboriginal community. The report was published in May 1990.

Additional research into racist violence against Aboriginal people was commissioned in order to

---

## **Background To The National Inquiry Into Racist Violence**

---

canvass the experiences and views of Aboriginal people who may otherwise have been unable or unwilling to approach the Inquiry. Six consultants were engaged to gather evidence for the Inquiry on the experiences of different Aboriginal communities throughout Australia:

Allbrook Cattalini for Geraldton, Western Australia;

- Mr Michael Gallagher for the Pilbarra region, Western Australia;
- Ms Sandra Saunders, for Adelaide, South Australia;
- Mr Mark Hollingsworth, for the Cairns region, Queensland;

A consultant who did not wish to be identified for Bourke/Enngonia, New South Wales;

- Ms Raelene Cummings for Darwin, Alice Springs and Katherine, Northern Territory.

Each of these studies has been drawn on in the various chapters of the report which discuss racist violence against Aboriginal people.

It became clear during the first two public hearings of the Inquiry that many people who had been victims of racist violence and harassment were reluctant to discuss their experiences or report them to the police, social workers or other public officials. The Inquiry was concerned that there may be many 'silent victims' of racist violence — particularly Aboriginal people and those from non-English speaking backgrounds — who were not being reached. The Inquiry was told that many victims of racist violence were unwilling to come forward at public hearings either because they feared retaliatory attacks or because they did not believe anyone could help them. An outreach program was initiated to obtain information from these people at risk in a non-threatening way.

---

## **Background to the National Inquiry into Racist Violence**

---

The program included the following strategies:

- Questionnaires were distributed to a large number of individuals and organisations working with Aboriginal people and people from non-English speaking backgrounds. The questionnaires sought specific information on incidents of racist violence as well as the nature and size of the problem. They were made available in several community languages.
- The Office of Multicultural Affairs (OMA) in the Department of Prime Minister and Cabinet provided the Inquiry with the resources to undertake fifty consultations with various ethnic communities throughout Australia in April and May 1989. Small group consultations led by bi-lingual facilitators were held with people from non-English speaking backgrounds. In addition to describing their experiences in group discussion, participants were invited to detail any incidents of racist intimidation, harassment or violence that they had experienced. Overall, 580 people attended forty-three group discussions held by OMA group facilitators. Of those who attended, 169 chose to fill in questionnaires. The geographical location of the groups and the ethnicity of the participants are detailed in the table at Appendix 2.
- Migrant Resources Centres assisted in the distribution of questionnaires and one-page incident sheets to individuals from non-English speaking backgrounds and various ethnic organisations. The questionnaires sought specific information on incidents of racist violence and were available in several community languages. The questionnaires and incidents sheets that were returned reported a total of 950 separate incidents of racist violence.
- The Student Representative Council at Sydney University organised a phone-in for overseas students in April 1989.

---

## Background To The National Inquiry Into Racist Violence

---

Co-operative arrangements with the National Committee on Violence were established for the purposes of the Inquiry. They resulted in the Commission's participation in the National Conference on Violence organised by the Australian Institute of Criminology in October 1989 and the publication of an edition of *Violence Today* (no. 8, December 1989) devoted exclusively to racist violence.

Throughout the Inquiry the hearing Commissioners and staff of the Human Rights and Equal Opportunity Commission liaised with the Commissioners and staff of the Royal Commission into Aboriginal Deaths in Custody. The Royal Commission provided invaluable assistance to the Inquiry in its analysis of issues affecting Aboriginal people.

There has been lengthy academic and philosophical **Definition of** debate about the definition of the terms 'race' and **Racist Violence** 'racism'. The definition of 'violence' is also contentious.

While the *Concise Oxford Dictionary* defines 'violence' as '... unlawful exercise of physical force, intimidation by exhibition of this', the Inquiry was aware that there is some controversy surrounding the interpretation of this term. Although the Inquiry considered these issues important, it was not considered appropriate to discuss them at length in this report.

The term racist violence covers a range of matters which are dealt with in the International Convention on the Elimination of All Forms of Racial Discrimination. Under Article 4 of that Convention:

States Parties condemn all propaganda and all organisations which are based on ideas or theories of superiority of one race or group of persons of one colour or ethnic origin, or which attempt to justify or promote racial hatred and discrimination in any form, and undertake to adopt immediate and positive measures designed to eradicate all incitement to, or acts of, such discrimination ...

---

## **Background to the National Inquiry into Racist Violence**

---

In the context of the Inquiry the term 'racist violence' was taken to include verbal and non-verbal intimidation, harassment and incitement to racial hatred as well as physical violence against people and property. The Inquiry received a large number of submissions and evidence about verbal abuse and other forms of intimidation or harassment motivated by racism. To avoid confusion, the following definitions have been adopted.

**Racially Motivated or 'Racist' Violence** For the purposes of the Inquiry, racist violence was defined as a specific act of violence, intimidation or harassment carried out against an individual, group or organisation (or their property) on the basis of:

- race, colour, descent, or national or ethnic origin; and/or
- support for non-racist policies.

**Racist Harassment** A component of racist violence, this refers to behaviour intended to intimidate or threaten the victim, and can include physical violence, verbal abuse and damage to property.

**Racist Propaganda** This term refers to written or verbal material which is based on a belief in racial superiority or hatred and is generally directed against a group of people identified by reference to race, colour, descent, or national or ethnic origin.

**Incitement to Racial Hatred** The concept of racial hatred is also often referred to as racial vilification or racial defamation. It encompasses the use of words, writing, images or behaviour to stir up hatred in others against a group or groups of people identified by race, colour, descent, or national or ethnic origin.

---

## **Background To The National Inquiry Into Racist Violence**

---

These are essentially organisations which promote and **Organised Racist** incite racial hatred and hostility. They have as a key **Groups or** doctrine a belief which is explicitly or implicitly racist, **Extremist Groups** and their overall purpose is linked to this doctrine.

### **Problems of Conducting Research into Racist Violence**

The Inquiry defined racist violence in such a way as to **Perceptions of** include not only physical attack upon persons and **Racist Violence** property but also verbal and non-verbal intimidation, harassment and incitement to racial hatred. By this definition racist graffiti, intimidating and abusive telephone calls as well as threatening insults and gestures are included. Nevertheless, the evidence offered revealed some divergence of views as to what fell within the Inquiry's focus.

Evidence to the Inquiry from all sources showed that most people agreed strongly with the Inquiry's definition of racist violence. The sub-physical forms of intimidation and aggression were considered by many victims to have a more severe impact than isolated cases of physical assault, particularly if the harassment was continual and carried out by neighbours, workmates and classmates. Several cases of breakdown in physical and mental health as a result of sustained neighbourhood harassment came to our attention. Some victims always kept their children inside their own premises and accompanied them to school. Adults kept going out alone to a minimum and one woman gave up her evening classes rather than face threats and insults as she rode her bicycle.

The nationwide group discussions sought to find out participants' perceptions of what racist violence is. Most of the groups included intimidation by words and gestures, vandalism, and racist graffiti, telephone calls

---

## **Background to the National Inquiry into Racist Violence**

---

and mail in their definitions. There were some significant differences between groups, however. The longer established groups, those who spoke English well, Iranians, Filipinos and Chileans were more inclined immediately to include the less physical manifestations of racist violence. Asians and those who did not speak English well were less inclined at first to include verbal manifestations. This is partly because they did not often clearly understand the angry words said to them but also because the broader meanings of the word 'violence' in English were not usual in their own languages. The Indonesian Northern Territory group, however, included verbal racism when said in anger with aggressive postures.

Many groups reported that continual exposure to abusive and insulting language had an adverse psychological effect on some victims, making them feel inferior and causing depression and insecurity. Evidence collected for the Inquiry by the Commission's Darwin office showed that many Aboriginal people have grown so used to being verbally abused and called by insulting names over the whole period of contact with whites that they tended to focus their complaints upon physical harassment and discriminatory exclusion from social venues. Likewise, some immigrant children had become inured to the use of words like 'wog' and 'chink'.

On the other hand, some people thought that the definition of racist violence used was too narrow. Submissions from immigrants included complaints about non-recognition of professional qualifications, direct and indirect discrimination in the labour market and difficulties encountered in establishing places of worship.

Others gave the Inquiry descriptions of incidents of gross rudeness such as being ignored in a shop, having change thrown at them in a contemptuous manner, or having people pointedly move away from them in buses and trains. Filipino women resented persistent enquiries

---

## **Background To The National Inquiry Into Racist Violence**

about their marriage to white Australian men. The Inquiry took the decision not to collect evidence with a narrow focus but to consider and attempt to address the concerns of victims as they were presented. For the evaluation of the extent of racist violence from research results, however, the only sub-physical forms of violence included were those that were not only clearly racist but also intimidating to an individual or group and not merely unfriendly or disadvantaging. Most of the verbal harassment reported to the Inquiry was of this type.

It was, of course, important to be sure that an incident reported to the Inquiry was in fact racist. In doubtful cases informants were, where possible, asked further questions to clarify the issue. In many cases the racist nature of the harassment was clear from the use of racist abuse or from racist graffiti left behind by perpetrators of property damage. In some cases of vandalism against homes, gardens or vehicles that occurred in the owners' absence, however, the motives of the perpetrators were not so clearly apparent.

The Inquiry's policy in analysing its research was to give weight to the opinions of victims wherever these seemed reasonable. This approach is similar to that recommended by the 1989 UK Home Office Report of the Inter-Departmental Racial Attacks Unit, *The Response to Racial Attacks and Harassment: Guidance for Statutory Agencies*, which favoured definitions giving as much weight to the victims' perceptions as to those of investigating officers.

For example, an incident might be deemed racist where it was established that only the victim's property and those of other non-English speaking background immigrants in the neighbourhood had been attacked.

On the other hand, sexually harassing telephone calls to a woman alone in the home, although extremely threatening, were not deemed racist unless words such

---

## **Background to the National Inquiry into Racist Violence**

---

as 'Asian slut' or 'why don't you go back to your own country' were used, as this kind of harassment can be experienced by women of all backgrounds.

**Problems of Collecting Evidence** In the course of the Inquiry it became apparent that many cases of racist violence go unreported to authorities and agents who might have helped victims. The various reasons for this reluctance to speak out affected the design of the Inquiry's research strategies.

Many Aboriginal people said that they were tired of Commissions of Inquiry concerning their treatment. They felt nothing had changed as the result of past inquiries. Individual Aborigines were reluctant to speak at public hearings. The presence of police (as observers or informants) was an absolute deterrent for some and many of those present would not speak until after the police had left or they had been given a guarantee that what they said would not be taped by the police. Even so some expressed the view that they would 'pay for having spoken out'. In contrast, the Redfern Aborigines were more outspoken because they saw events as having reached a crisis point and themselves as no longer having anything to lose.

Other people did not want to report incidents for fear that raising the issues would somehow make harassment worse. Some Asian informants felt that in time harassment would diminish as people became used to them and that the best tactic was to bear the present stoically and silently. They did not want to appear as people who could not succeed in settling into their new environment. The South Australian Indo-Chinese Association said:

It is very important to keep this issue low key: mass media reporting of it in a sensationalist way makes Asians feel that they are discriminated against and encourages Australians to join in.

Some said that if a situation became unbearable they

---

## **Background To The National Inquiry Into Racist Violence**

---

would prefer to deal with it themselves. However, our research into incidents occurring in Sydney suburbs indicated that serious incidents involving physical injury or damage to property were generally reported to the police or other authorities.

Immigrants who had experienced violence and trauma in refugee camps, civil wars or at the hands of special police or the military were nervous of bringing themselves to the notice of any authorities and found the independence of any body supported by government funding difficult to believe. For some from refugee camps such as the Cambodians, however, the words 'human rights' opened doors as they were familiar with the work of international human rights organisations in the camps.

The most significant restraint upon the collection of evidence was the fear of reprisals. This bore most heavily on those who had to continue in stressful situations, such as residents of public housing estates, employees who had difficulty finding jobs in the first place, people who could not conveniently move their premises, and those in educational institutions.

In order to overcome some of these difficulties a research model was developed, with the assistance of OMA, to provide for participation of individuals or groups who were unlikely or unable to present formal submissions to the Inquiry. The research design was intended to use a form of consultation which was less threatening and more supportive and which allowed individuals to communicate in a small group setting under the guidance of a person who spoke their own language and understood their culture and particular settlement history.

The importance of approaching individuals and communities confidentially through trusted people of their own ethnic background was essential for the consultations with Aborigines and the interviewing of immigrant household members in Sydney. For this

---

## Background to the National Inquiry into Racist Violence

---

reason techniques of random selection were impractical and inappropriate and approaches involving personal contact and unstinted time in venues and languages most comfortable for informants were important.

### **Developments Since the Inquiry Began**

- There have been a number of developments since the Inquiry began of particular relevance to this report.
- In July 1989 the Prime Minister launched the *National Agenda for a Multicultural Australia*, the Government's policy statement on multiculturalism. The *National Agenda* recognises the cultural diversity of contemporary Australian society, explains the aims and goals of multiculturalism and the specific policies being implemented by the Government to ensure social justice and economic well-being for all Australians regardless of their race, nationality or ethnic descent.

One particular initiative announced as part of the *National Agenda* was the development of a \$5.7 million Community Relations Strategy to take place over a three-year period. The aim of the Strategy is to foster and promote awareness of the importance of harmonious community relations for all Australians. The campaign is about to be launched. It will be jointly managed by the Office of Multicultural Affairs, the Department of Immigration, Local Government and Ethnic Affairs, the Human Rights and Equal Opportunity Commission and the Aboriginal and Torres Strait Islander Commission. In announcing the Community Relations Strategy, the Prime Minister said that it was '... the most ambitious such campaign ever mounted in Australia, that will tackle personal prejudice and intolerant behaviour'. He also acknowledged the significance of the Inquiry to the development of the Community Relations Strategy.

- On 1 October 1989, the New South Wales *Anti-*

---

## Background To The National Inquiry Into Racist Violence

---

*Discrimination (Racial Vilification) Amendment Act* commenced. The new legislation amended the *Anti-Discrimination Act 1977*, rendering it unlawful for a person, by a public act, to incite hatred towards, serious contempt for, or severe ridicule of, a person or group of persons on the ground of the race of the person or members of the group.

- In July 1990, the Attorney-General of Victoria appointed a committee to advise the Government whether it should take any legal or other measures to reduce racial vilification in that State.
- In August 1990, the Western Australian Parliament passed the *Criminal Code Amendment (Racist Harassment and Incitement to Racial Hatred) Act 1990*. This Act makes it a criminal offence to possess and/or publish material to incite racial hatred or harass a racial group.

The introduction of this legislation was largely in response to the activities of the Australian Nationalist Movement (ANM), an extremist group engaged in racist and violent activities against people from non-English speaking backgrounds in Perth during 1989 and 1990. In September 1990 three members of the organisation, including their leader Mr Jack Van Tongeren, were convicted of more than 100 offences including arson. The racist campaign carried out by the ANM was the subject of considerable public discussion in WA, and is examined in more detail elsewhere in this report.

- From August 1990 the Gulf Crisis caused considerable concern in the community, and numerous incidents of violence against Muslim and Arab Australians were reported to the Inquiry.

Representatives of the Arab and Muslim communities expressed the view that inaccurate and insensitive media reports were aggravating tensions in the community and may have been contributing

---

## **Background to the National Inquiry into Racist Violence**

---

to an increase in hostile acts against Australians of Arabic background or Muslim faith.

After discussion with leading community representatives, Commissioner Moss and the Chairman of the New South Wales Ethnic Affairs Commission, Mr Stepan Kerkyasharian, jointly convened a meeting of representatives of Australian Arabic and Muslim community organisations to discuss with senior media personnel ways in which concerns could be dealt with. The meeting was held on 28 November 1990.

The concerns discussed at the meeting and the incidence of racist violence against Australians of Arabic background and Muslim faith assumed new significance with the outbreak of the Gulf War in January 1991. Following the success of the Sydney meeting, a similar meeting, jointly convened by the Office of Multicultural Affairs, the Victorian Ethnic Affairs Commission, the Victorian Equal Opportunity Commission and the Human Rights and Equal Opportunity Commission, took place in Melbourne on 21 February 1991.

The Inquiry has been monitoring the incidence of racist violence and harassment against Arab and Muslim Australians closely. These issues are examined in Chapter 6 which deals with evidence of racist violence against people from non-English speaking backgrounds.

- In late November 1990, the Prime Minister met with representatives of the Jewish community in Australia who were concerned at what they believed to be an escalation of racist violence against Jewish people and institutions following the increasing tensions in the Middle East. Community leaders suggested that one way the Government could effectively deal with these problems was to implement national legislation against incitement to racial hatred. The Prime Minister met with representatives of the Arab and

---

## Background To The National Inquiry Into Racist Violence

---

Muslim communities in Australia on 14 January 1991. Community representatives expressed similar concern about the increased level of racist intimidation, harassment and violence against members of their communities.

Part One of the report, Introduction to the Evidence, **Structure of this Report**

describes the background and procedure of the Inquiry and examines the context of the Inquiry in terms of international human rights law and Australia's obligations as a party to the International Convention on the Elimination of All Forms of Racial Discrimination. It concludes with a discussion of the historical background of racist violence in Australia.

Part Two, The Evidence, introduces and examines the evidence of racist violence against Aborigines and Torres Strait Islanders, people from non-English speaking backgrounds and people opposed to racism. This section of the report concludes with an overview of the evidence and an analysis of trends and issues.

Part Three of the report, The Overseas Experience, concentrates on the problems experienced by other countries in relation to racist violence and the programs introduced to combat it.

Part Four, Directions for Change, examines the changes that need to be made at community level, by government and by law enforcement agencies to deal with racist violence. The report concludes with recommendations for dealing with racist violence in Australian society and strategies for implementing change.



---

## Chapter 2: Racist Violence, Human Rights and Australian Law

---

The National Inquiry into Racist Violence was established in the exercise of the functions conferred on the Human Rights and Equal Opportunity Commission under section 11(1)(f) and (k) of the *Human Rights and Equal Opportunity Commission Act 1986* and section 20(1)(a) of the *Racial Discrimination Act 1975*. **Legal Basis for Inquiry**

The *Racial Discrimination Act* was enacted by the Federal Parliament pursuant to international obligations incurred by Australia as a result of having signed and ratified the International Convention on the Elimination of All Forms of Racial Discrimination (CERD). This Convention was opened for signature on 21 December 1965 and came into force on 2 January 1969. The text of the Convention is set out in full in Appendix 3 to this report. **Australia's International Obligations**

The Convention was drawn up as a response to the need perceived by the United Nations Sub-Commission on Prevention of Discrimination and Protection of Minorities to 'impose specific legal obligations on the States Parties to prohibit manifestations of racial and national hatred'.<sup>1</sup> (A 'State Party' is a country which has become a party to any Convention.) The need arose in the context of an 'epidemic' of anti-Semitic and other demonstrations of racist sentiments.' For this reason the Convention places particular emphasis on the control of activities promoting racial hatred and racial discrimination.

Article 1 provides a broad definition of 'racial discrimination' which was taken as the basis for the definition and prohibition in section 9 of the *Racial Discrimination Act*.

Articles 2 and 3 condemn racial discrimination, racial segregation and apartheid. Article 4 condemns all propaganda and all organisations propounding racial

---

## **Racist Violence, Human Rights and Australian Law**

---

superiority, racial hatred or discrimination. Article 4 provides in paragraphs (a)-(c) that dissemination of ideas based on racial superiority, racial hatred, incitement of racial discrimination or acts of violence on racial grounds and other racist activities should be punishable by law; organisations and organised activities promoting and inciting racial discrimination should be prohibited; and public authorities and institutions should be prohibited from promoting or inciting racial discrimination.

Article 5 is an undertaking to eliminate racial discrimination in all its forms. It contains a lengthy but not exhaustive list of rights which are to be protected and in respect of which equality before the law is to be guaranteed. Article 6 requires States Parties to ensure effective protection and remedies through competent tribunals and other state institutions against any acts of racial discrimination. Article 7 is an undertaking to adopt educational and related measures to combat racial prejudice.

Part II of CERD (Articles 8-25) establishes a Committee on the Elimination of Racial Discrimination consisting of eighteen experts elected by States Parties and provides that all States Parties are to submit periodic reports for the Committee's consideration, indicating the legislative, judicial, administrative or other measures taken by the State Party to implement the Convention. The Committee reports to the Secretary-General of the United Nations and also publishes an annual report based on its consideration of the reports submitted by States Parties.

Article 14 provides for a State Party to declare at any time that it recognises the competence of the Committee on the Elimination of Racial Discrimination to receive and consider communications from individuals claiming violations of their rights under the Convention. Procedural provisions empower the Committee to require the State concerned to submit a written explanation or statement to the Committee and to forward to the State any recommendations or suggestions. Australia

---

## **Racist Violence, Human Rights and Australian Law**

---

has not to date made a declaration under Article 14.



### **Existing Anti-Discrimination Legislation**

The Federal *Racial Discrimination Act 1975* (in section 9) contains a broad prohibition on racially discriminatory acts, being those with the 'purpose or effect of nullifying or impairing' the equal recognition, enjoyment or exercise of human rights or fundamental freedoms in public life including those rights listed in Article 5 of the Convention on The Elimination of All Forms of Racial Discrimination. The list of these rights and freedoms is a long one which takes a wide view of public life including such activities as marriage, ownership of property and inheritance. Publication or display of notices or advertisements indicating an intention to discriminate on racial grounds in the provision of land, housing, other accommodation or employment is also prohibited (sections 12, 15 and 16). Incitement of and assisting in or promoting acts prohibited by the Act are also made unlawful (section 17).

At present there are statutory prohibitions on racial discrimination in New South Wales, Victoria, South Australia and Western Australia. Similar legislation is under consideration in Queensland, Tasmania, the Northern Territory and the Australian Capital Territory. These laws provide civil remedies for racial discrimination in employment, accommodation, public education, provision of goods and services and other areas of public life. The extent of coverage varies slightly from one State to another (see Appendix 4).

In June 1989, the New South Wales Parliament passed the *New South Wales Anti-Discrimination (Racial Vilification) Amendment Act* which introduced both civil and criminal remedies

---

## Racist Violence, Human Rights and Australian Law

---

for racial vilification. This is defined as a public act inciting hatred, serious contempt or severe ridicule on the grounds of race (section 20C). The criminal offence of racial vilification involves the additional element of threats of physical harm or incitement of others to physically harm any person, group of persons or property (section 20D). The Act contains a list of significant exclusions which provide considerable scope for freedom of speech and freedom of the press. A detailed analysis of the provisions of the New South Wales legislation is set out in Chapter 11 of this report.

**Western Australian Racial Vilification Legislation** In August 1990, the Western Australian Parliament passed the *Criminal Code Amendment (Racist harassment and incitement to racial hatred) Act*. The Act makes it a criminal offence to possess and/or publish material to incite racial hatred or harass a racial group. The offences created are of a limited nature, involving only 'written or pictorial material' which is defined as 'any poster, graffiti, sign, placard, newspaper, leaflet, hand bill, writing, inscription, picture, drawing or other visible representation'.

**Other Civil Law Remedies** Existing rights of action that could be brought by a private citizen subjected to racial intimidation, harassment or violence are based upon the law relating to defamation, assault and battery, trespass to the person or to land, and nuisance. These rights of action have been developed by the courts (although some, like defamation, are now enshrined in legislation) in the context of the assertion by individuals of their rights of physical integrity, personality or interests in land in the face of interference with these interests by others who are typically individual citizens of at least approximately equal power and resources.

Assertion of these rights of action by an individual or group subjected to racist violence or intimidation by other individuals or groups would be fraught with both

---

## **Racist Violence, Human Rights and Australian Law**

---

legal and practical difficulties. For example, while an action for assault would not require any actual physical harm to have occurred it would require that an identified assailant had deliberately created an apprehension in another specific person of imminent harmful or offensive contact. Generalised threats such as 'Kill all Jews' could lack the element of immediacy or directness. Moreover, even assuming the perpetrator could be identified, the action would need to be brought by a person who could identify himself or herself as the specific target of the threat. Similarly, defamation requires that an individual or a group of identifiable individuals prove injury to individual reputation(s) rather than collective dishonour, contempt or ridicule on the ground of race.

Even where all the appropriate legal elements of an existing cause of action are satisfied, the victim or victims of racist violence or intimidation may not be aware of the remedies available under the general law and may lack the confidence to pursue them.

There are a number of crimes both at Common Law and **Existing Criminal Law** under Statutes or Codes which may be applicable to various cases of racial violence or intimidation. Clearly, \_\_\_\_\_ for example, murder, assault, malicious injury to property as well as less common offences such as riot, affray or sedition could and perhaps should be applied in many of the circumstances described in evidence before this Inquiry. Since none of these offences has been developed to deal with racist activities, the racial motives of the perpetrators form no part in any prosecution unless taken into account at the point of sentencing. Indeed, evidence to the Inquiry has suggested that there has been less will to prosecute offenders influenced by racial motives than would have been the case if the violence had occurred in other circumstances.

There are, however, certain criminal offences which have potential for more widespread use against racist

---

## **Racist Violence, Human Rights and Australian Law**

---

violence and intimidation and which deserve more detailed consideration. Possibly the least invoked is the offence of sedition. While this is more often associated with incitement to disaffection against the sovereign or government, it also involves inciting or exciting the sovereign's subjects to disaffection against the Constitution, the administration of justice or one another. At Common Law sedition is defined as an act, words, writing or publication with a seditious intention. A seditious intention is one defined as follows:

To bring into hatred or contempt or to excite disaffection against the sovereign or the government and constitution ... or the administration of justice;

to incite the sovereign's subjects to attempt, otherwise than by lawful means, the alteration of any matter in church or state by law established;

to incite persons to commit any crime in general disturbance of the peace;

to raise discontent or disaffection amongst the sovereign's subjects; or

to promote feelings of ill will and hostility between different classes of those subjects.<sup>3</sup>

In Australia the three States which have Criminal Codes have provisions in similar terms relating to sedition.<sup>4</sup> The Federal *Crimes Act 1914* (sections 24A—F) also contains a provision against sedition which has an added proviso that an intention to promote feelings of ill will and hostility between different classes of subjects must be such 'as to endanger the peace, order or good government of the Commonwealth' (section 24A(g)).

The offence of sedition contains a number of elements for the prosecution to prove. The Federal provision in particular would require racist words or actions of an extreme nature. In all jurisdictions proof of intention would be necessary and probably intention that classes

---

## Racist Violence, Human Rights and Australian Law

---

of citizenry be incited collectively to feelings of ill will and hostility toward one another. All of the elements of the offence would require proof beyond reasonable doubt.

The use of sedition law not only involves these practical difficulties, but also raises problems of principle on the basis of its potential for excessively wide application to curb legitimate political expression.

Another Common Law crime which might be put to greater modern use in the context of racist violence is that of affray. The Common Law definition of affray is 'unlawful fighting or a display of force to the terror of the Queen's subjects'.<sup>5</sup> In other words, it is sufficient at Common Law that force be threatened and displayed but not actually used. However, in Queensland, Western Australia and Tasmania the Criminal Codes require actual violence or 'fighting' to constitute the offence of affray.' Defined in this more restrictive way the offence overlaps with and is perhaps less useful than the broader concepts of criminal assault and battery.

In New South Wales there are statutory offences of 'violent disorder'<sup>7</sup> and 'apprehended violence'.<sup>8</sup> The former covers violence towards property as well as towards persons and extends to conduct which would be capable of causing injury but which does not in fact do so. Apprehended violence covers situations in which a person's past conduct has given rise to a reasonable suspicion of a specific violent attack without a necessity of an imminent threat as in the case of assault.

A statutory offence of intimidation exists under the Queensland and Western Australian Criminal Codes and under the New South Wales *Crimes Act*.' This offence is one developed in the late nineteenth century for the specific purpose of controlling trade union activities such as pickets and the 'watching and besetting' of non-union labour. The terms in which the offence is couched are therefore specific to this purpose and not appropriate to most of the instances of racial

intimidation revealed by the Inquiry.

Summary offences legislation in Victoria and New South Wales contains criminal penalties for abusive, threatening or insulting words or behaving in an offensive or insulting manner in public places!

Laws providing criminal penalties for defamation still exist in most Australian jurisdictions though they are largely unused. Criminal defamation suffers the same limitations as the civil right of action for defamation with the added difficulties of a criminal onus and standard of proof and the requirement of intention to cause serious harm or at least knowledge of the probability of serious harm! There are also certain very specific offences applicable to specific instances such as harassment or abuse delivered by telephone which is contrary to section 85S of the Federal *Crimes Act 1914*, prohibiting the use of a telecommunications service to menace or harass another person.

**Law Regulating Broadcasting** Under the Federal *Broadcasting Act 1942* the Australian Broadcasting Tribunal is given the power to set program and advertising standards for the broadcasting of material on both radio and television. The Tribunal's powers, however, extend only to commercial broadcasters. The ABC is required by its own legislation<sup>u</sup> to take account of the broadcasting standards set by the Tribunal. SBS has no corresponding requirement but as a matter of policy also takes note of the standards set by the Tribunal.

The standards that have been laid down by the Australian Broadcasting Tribunal include the following:

**A licensee may not transmit a programme which:**

- (a) is likely to incite or perpetuate hatred against; or
- (b) gratuitously vilifies;

---

## **Racist Violence, Human Rights and Australian Law**

---

any person or group on the basis of ethnicity, nationality, race, gender, sexual preference, religion or physical or mental disability!'

There is a corresponding standard for television?'

Sanctions available to the Tribunal for breach of these standards are at present broad ranging, including the power to impose further conditions on a broadcaster and powers to order a broadcaster to undertake certain courses of action considered necessary to avoid breach of the standards. The ultimate sanction would be cancellation of a broadcaster's licence. In 1989 an inquiry was held by the Australian Broadcasting Tribunal as a result of a complaint made to it by a number of government agencies and community organisations concerning broadcasts made by New South Wales radio station 2KY containing alleged breaches of the standard. After a prolonged series of hearings, the inquiry resulted in findings that two broadcasts made by Mr Ron Casey in 1987 represented breaches of the standard in that they represented 'a real chance or possibility of the matter in question inciting or perpetuating hatred in a reasonable listener'. The Tribunal ordered that future broadcasts by Mr Casey be subject to a ten second time delay to allow monitoring by a seniorjournalist who could 'dump' any potentially offending remark or material before it went to air. The Tribunal also ordered the publication in English, Chinese and Japanese language newspapers of a reprimand by the Tribunal to the management of 2KY.

It should be noted that there are no corresponding laws to regulate the print media.

---

Unincorporated associations per se are not subject to **Law Relating to Companies and Associations** regulation by law because they have no legally recognised identity. The activities of members must comply with the laws governing individual citizens including laws against conspiracy and complicity!'

However, the members' rights of association are not

---

## **Racist Violence, Human Rights and Australian Law**

---

restricted. Once organisations incorporate, whether they be non-profit or commercial organisations, they are subject to the relevant legislation governing the incorporation process. This legislation restricts the constitution of proposed corporations to 'lawful' objects only.<sup>16</sup> The unlawfulness of any such object in a proposed Memorandum for Incorporation is a matter of general law.

**Conclusion** In addition to evaluating the extent of racist violence in Australia, the Inquiry was charged with examining current or prospective measures by government or government instrumentalities to deal with acts of violence or intimidation based on racism. In this context it was important to consider the efficacy of existing legislation.

The question of how effectively the existing laws enable Australia to meet its obligations to deal with racist violence is addressed in Chapter 11 of this report.

---

## Racist Violence, Human Rights and Australian Law

---

- 1 E. Schwelb, 'The International Convention on The Elimination of All Forms of Racial Discrimination' (1966) 13 *International and Comparative Law Quarterly* 996, at 998.
- 2 *ibid.*
- 3 *Halsbury's Laws of England* (4th edition) vol. 11, paras 8-7.
- 4 Queensland Criminal Code sections 44 and 52; Western Australian Criminal Code sections 44 and 52; Tasmanian Criminal Code section 66.
- 5 *Halsbury's Laws of England*, *op cit*, para 855.
- 6 Queensland Criminal Code section 72; Western Australian Criminal Code section 71; Tasmanian Criminal Code section 80.
- 7 New South Wales *Summary Offences Act 1988*, section 28.
- 8 New South Wales *Crimes Act 1900*, section 562B.
- 9 Queensland Criminal Code section 550; Western Australian Criminal Code section 550; New South Wales *Crimes Act* section 545B.
- 10 Victorian *Summary Offences Act 1966*, section 17(1) and New South Wales *Summary Offences Act* section 4(1).
- 11 See for example section 50 of the *Defamation Act 1974* in New South Wales.
- 12 *Australian Broadcasting Corporation Act 1983* section 6(ii).
- 13 Radio Program Standard 3.
- 14 Television Programme Standard 2.
- 15 It is noteworthy that the leader and other members of the Australian Nationalist Movement in Western Australia were brought before the court in 1990 on conspiracy charges in relation to their campaign of racist posters and other racial intimidation and that their prosecution resulted in substantial custodial sentences.
- 16 See section 114 of the Federal *Corporations Act 1989*, adopted by enabling legislation (Corporations Acts) in each State. For an example of the State legislation providing a modified form of incorporation for non-profit voluntary organisations see NSW *Associations Incorporation Act 1984* section 7(1).



---

## Chapter 3: The History of Racist Violence in Australia

---

Racist violence is arguably the most extreme form of **Introduction** racism. It is a social problem which has played a major role in history, and which persists today in many societies, including Australia.' This chapter is principally drawn from Dr Andrew Markus' study, 'The History of Racist Culture and Racist Violence in Australia'.<sup>2</sup>

In the two hundred years since European settlement of Australia began, racist violence has taken various forms. The the most extreme has been against the original inhabitants of this continent, the Australian Aborigines.

Racist violence against Aborigines has led to death, injury and cultural loss from the first years of white settlement. During the period of dispossession (early contact years), some 20,000 Aborigines, who were British subjects, were killed in frontier conflict.'

During this century, Aborigines have become the most marginalised and disadvantaged group in Australia. Racist practices against Aborigines have taken the forms of outright racist violence, including harassment; racial discrimination and exclusion; and institutional racism, typified by the lack of response to appalling Aboriginal social conditions.

Racism against immigrants from non-English speaking backgrounds, particularly Asians and Pacific Islanders, included physical violence, but mostly took the form of petty harassment, discrimination and exclusion.

Since the extent and severity of racist violence against Aboriginal people are not really comparable with that experienced by non-British immigrants, the two groups are treated quite separately in this chapter.

---

## The History of Racist Violence in Australia

---

**History of Racist Violence against Aboriginal People** From the beginning, relations between the British colonists and Aboriginal people were characterised by conflict over competing demands for control of resources, particularly the land. At times, this conflict erupted in outbreaks of physical violence. It also led to more subtle and pervasive forms of racially motivated violence against Aboriginal people.

**Early Contact: The Frontier Years** The British colonists who arrived in 1788 considered Australia to be '*terra nullius*' – an unowned and uncultivated wasteland. The British believed that the Aboriginal inhabitants had no concept of property ownership and their right to possession of the land 'continued no longer than the act of possession lasted'.<sup>4</sup>

The English Common Law arrived with the First Fleet, when 'the Aborigines became instant subjects of the King, amenable to, and in theory protected by, that law. They could be murdered, outlawed or made subject to martial law but they could not be treated as enemies of the state'.<sup>5</sup>

Despite the assertion that 'no-one who reads colonial newspapers, speeches, letters or books can overlook the persistent racial violence without grossly distorting the truth'<sup>6</sup> the view that Australia was peaceably colonised remained the official and popular view of Australian history until recent years. There has been little acknowledgment of the extent of the physical violence which characterised relations between European colonists and Aboriginal people.

**Frontier Conflict** The process of colonisation was characterised by small-scale but systematic physical violence as 'a bloody frontier was moved across Australia' for more than 160 years.' It is estimated that during that time approximately 20,000 Aborigines and 2,000 Europeans and their allies were killed in frontier conflict'<sup>7</sup>

---

## The History of Racist Violence in Australia

---

Aborigines rarely opposed the Europeans at first sight and fighting typically broke out months or even years after the settlers had established themselves. Fighting generally involved small groups of pastoralists and their employees who banded together to defend their new properties and to attack Aborigines.'

Until the 1850s, Aborigines presented a major threat to those entering their territory. Aboriginal spears, when used at close range, were a match for muskets and Aborigines using guerilla tactics were more skilful fighters than Europeans.'" However, advances in European gun technology, particularly the use of revolvers and breech-loading rifles, wrought devastating changes.

Punitive expeditions, often led by police, became a common response to Aboriginal resistance and the prospect of settlers abandoning their farms and stations:<sup>1</sup>In New South Wales and Tasmania, the imposition of martial law in the 1820s meant that the military could be used to attack Aborigines. The situation in Tasmania warrants special mention.

At the height of the conflict between the Tasmanian settlers and the Aborigines over ownership of the land during the period 1824 to 1834, the British Government's representative in the colony, Lieutenant-Governor George Arthur, attempted a number of solutions to the problem. Initially he created a reserve for Aboriginal people in order to 'protect' them from the European settlers. However, when Aboriginal people failed to voluntarily settle in the reserve, Arthur organised a military campaign to forcibly remove them from the settled districts. Following sustained Aboriginal resistance to the presence of Europeans, the Governor gave the settlers the power to use force to drive Aborigines off settled land. In November 1828 the Governor introduced martial law against Aboriginal people in the settled districts, effectively giving the military the power to shoot on sight any Aborigine found there.

In addition to using force against Aboriginal people, the

---

## The History of Racist Violence in Australia

---

Governor instituted so-called protective measures 'to round up Aboriginal people in the hope that they could be "advanced in civilisation" '. This protectionist approach failed, ultimately causing the annihilation of Aboriginal Tasmanians through disease, war, malnutrition and other poor living conditions.<sup>12</sup>

During these years, shameful incidents occurred throughout the country.

As white settlers moved further away from the centres of government, random shootings of Aborigines and massacres of groups of men, women and children were common. The most infamous massacre in New South Wales occurred in 1838. Twenty-eight Aborigines were murdered in cold blood by stockmen. The murderers were eventually tried and some were hanged — an unprecedented event which caused an outcry in the white community. Sometimes Aboriginal waterholes were poisoned, or Aboriginal people given flour, sugar or damper mixed with arsenic. These practices, common last century, continued into the first half of this century in some parts of Australia!

**Native Police** From the 1840s, Aboriginal people were enlisted to assist in the suppression of Aboriginal resistance to European settlement. The Native Mounted Police, a paramilitary force of armed Aborigines under the command of European officers, were first used by squatters in northern New South Wales in 1848, under the direct control of the Police Commissioner of that colony. Several years later the Queensland Government also employed Aboriginal police:<sup>4</sup>

The Native Police often knew their territory as well as the local tribes and were able to pursue their adversaries into seemingly impenetrable country, where white police and settlers could not follow.

The task of the Native Mounted Police in Queensland, unsanctioned by law, was to dispense 'retributive

---

## The History of Racist Violence in Australia

---

justice' to Aborigines suspected of committing crimes against Europeans. The activities of the Native Mounted Police were occasionally publicised in the press, but the force was not abolished until it had completed its work of repelling Aborigines on the frontiers of European settlement!

In Queensland (and other parts of Australia) the reality of frontier conflict was disguised, lest humanitarians in the cities and in England caused difficulties. Colonial humanitarians placed great faith in the power of English public opinion and from the 1820s until the 1930s looked to Britain for support in their campaign to help Aborigines.<sup>16</sup>

For the most part, by the end of the nineteenth century, conflict was coming to an uncertain end across Australia. As Henry Reynolds states in relation to North Queensland:

There were no peace treaties, no formal negotiations. The only event which marked the termination of hostilities was when the blacks 'came in' to pastoral stations or fringe camps!

Aboriginal experiences in the first half of the twentieth century have been more extensively documented in northern Australia than in the south. From the evidence available, it seems that violence on the scale reported for the north-west was not to be found throughout the country, but it still remained a constant feature of the lives of Aborigines.

Ann McGrath, in a study of the Northern Territory cattle industry, concluded that 'in the contemporary atmosphere of extreme racialism, flogging an Aboriginal was considered trivial'.<sup>18</sup> Pastoralists in the north justified their treatment of Aborigines with the argument that

### **The Post-Frontier Period**

#### ***Physical Violence in the Post-Frontier Period***

---

## The History of Racist Violence in Australia

---

standards applicable to European employees were out of place in dealings with Aboriginal workers. They maintained that Aborigines did not have the same needs as European workers, that they could not understand the value of money and did not behave rationally."

Aboriginal workers were commonly depicted as unproductive, unreliable and untrustworthy. They were required to obey their masters without question and, in the view of many employers, were not free to sell their labour on the open market.<sup>20</sup>

A frequent visitor to Central Australia in the 1930s, Dr Charles Duguid of Adelaide, concluded that 'cases of cruelty to Aborigines were too common to be regarded as an aberration of individual behaviour'.<sup>21</sup> In 1946, the Berndts reported that in the central-west a large number of Europeans considered violence and the threat of violence as the only effective means of managing the Aboriginal labour force.<sup>22</sup>

According to Aboriginal oral history, those who caused trouble or questioned the authority of Europeans could expect little protection from the law or law enforcers.<sup>23</sup>

There was widespread Aboriginal fear and mistrust of the police. Many Aborigines claimed that police fabricated evidence against them and that a policeman's word was invariably accepted in the courts. Isabel Flick describes conditions in the NSW country town of Collarenebri in the 1930s:

There was always a dreadful fear about the police, and that feeling went right on until the **late 50s ...** Everyone feared them. Because you wouldn't know when they were going to do the rounds. **And they could just walk into your house, didn't matter where you was. Like in our little camp, they could just walk in, didn't matter if you were gettin' dressed or in the bath or in what.**<sup>24</sup>

**Violence was not limited to relations with the police. In Bourke, Brewarrina,, Walgett and Moree, gangs of white**

---

## The History of Racist Violence in Australia

---

men were said to have hunted down and assaulted Aborigines. Jimmie Barker observed that:

... during those years country towns usually had a group of whites waiting around to beat up the black man. The black man always had to fight a mob ... The police were not well disposed to the dark people and did nothing to stop these bashings.<sup>25</sup>

In this century, racist violence against Aborigines has ***Policies of Segregation and Exclusion*** also been expressed in terms of policies of exclusion and segregation, enforced by actual or threatened violence.

In 1897, legislation was introduced to establish Aboriginal reserves in States with large Aboriginal populations. Government authorities were empowered to remove Aborigines to reserves and to detain them against their will.

On these reserves, which were administered by State governments or missionaries, every aspect of Aboriginal life was controlled by Europeans, including the right to marriage, the guardianship of children, the granting of permission to work outside reserves and the management of assets.

'Protectionist' legislation empowered most States to remove Aboriginal children from their families and place them in institutions. It is estimated that, in New South Wales alone, some 5,625 Aboriginal children were removed from their families under the *Aborigines Protection Act* and *Child Welfare Act* between 1883 and 1969.<sup>26</sup> Police were often instrumental in implementing this policy.<sup>v</sup>

In the first half of this century, segregation was practised throughout northern Australia, both in rural districts and in towns. Social ostracism was the sanction against Europeans who flouted segregationist practices.<sup>28</sup>

In general, an Aboriginal man could not enter the house

---

## **he History of Racist Violence in Australia**

---

of a European. If he needed to deliver goods or a message, he was to knock at the back door. He was not to eat or sleep in the same place as a European and was required to use separate eating utensils and separate water containers.<sup>29</sup>

Until the 1960s, Aboriginal people were segregated in many activities. Theatres had roped off special sections, hotels refused drinks, hospitals had separate 'wards' (usually the verandah for Aborigines) and schools could refuse Aboriginal children?)

The segregation and separation of Aboriginal people was not a matter that went uncontested. In 1965, for example, a group of Aboriginal and non-Aboriginal students from Sydney University undertook a Freedom Ride to north-western NSW where they staged demonstrations against racial discrimination against Aboriginal people. The students picketed the Walgett RSL Club (a club which prohibited Aboriginal membership) and encouraged Aboriginal people to assert their human rights. The students also demonstrated at Moree, a town where discrimination against Aboriginal people was widespread. A community demonstration was staged at the swimming pool, where Aborigines were only allowed to use the facilities between 1pm and 3pm. The protestors barred the gate, preventing entry to the pool, and were eventually removed by police. The Freedom Ride was a landmark protest and attracted a great deal of attention to the problems of Aboriginal people.<sup>21</sup>

**Post-War Years** Since World War II, the treatment of Aborigines has undergone certain fundamental changes.

In the 1960s, public pressure mounted for the Federal Government to amend sections 51 and 127 of the Constitution, which denied the Commonwealth power to pass laws dealing with Aborigines and denied them equal rights with other Australians. On 27 May 1967, the amendments to the Constitution were overwhelmingly endorsed by the non-Aboriginal Australian electorate,

---

## The History of Racist Violence in Australia

---

5,183,133 of whom voted for the amendments, and 527,007 against. The referendum gave the Commonwealth powers to legislate for Aborigines in the States, recognised Aboriginal people as Australian citizens with full voting entitlements, and laid down that they should be included in the Census.<sup>32</sup>

From 1955 to 1970, discriminatory legislation, which had denied Aborigines their basic human rights, was gradually removed. Anti-discrimination legislation was adopted by some States and by the Commonwealth, in the form of the *Racial Discrimination Act 1975*. The removal of legal barriers, however, was easier than ending institutional racism which remained entrenched in Australian society.

In areas with a significant Aboriginal and/or Torres Strait Islander presence, petty inter-community violence remained common in a number of contexts, notably schools, hotels and night-clubs. At times, fringe camps and housing occupied by Aborigines were attacked by white youths.<sup>33</sup>

The most common feature of this period continued to be poor relations with police. There was an almost universal perception amongst Aborigines of victimisation: of unequal application of the law; of discrimination apparent in the differing treatment of drunken whites and Aborigines; and in the frequency of police visits to Aboriginal residences.<sup>m</sup>

In the late 1960s and early 1970s, Aborigines in the Sydney suburb of Redfern claimed that they were regularly arrested without cause and that they were the subject of a police-imposed curfew.<sup>35</sup> The extent of complaints concerning discriminatory police methods in Redfern led to the establishment of the first Aboriginal Legal Service in 1970.<sup>36</sup>

Despite the fact that many police had become more circumspect in their behaviour — upholding the letter of the new laws under which they were operating and

---

## The History of Racist Violence in Australia

---

attempting to establish better relations with Aborigines<sup>r</sup> — tensions with the police were still apparent in the early 1980s, the cut-off point for this historical overview. As reported by Gillian Cowlshaw and reinforced by the evidence presented in Chapter 5 of this report:

The experience of many blacks is of harassment, fear and humiliation at the hands of police, welfare personnel and other organisations ... While all agree that the police are less brutal and despotic than in the past, the black population still feels victimised and harassed."

---

### History of Racist Violence against Torres Strait Islanders

---

There is little historical information about the impact of European settlement on the people of the Torres Strait Islands. Unlike the contact experiences of Aboriginal people, which began with European settlement in 1788, European settlement did not have a direct influence on the lives of Torres Strait Islanders until the establishment of a government station in 1863 at Somerset on the tip of Cape York Peninsula.

From accounts written during the 1840s, it is clear that at least three Torres Strait communities — Murray, Darnley and Prince of Wales — were used to the sight of Europeans, engaging in simple communication and limited exchange of goods. However, not all encounters were peaceful.

During this period Islanders learned that they could not withstand the white man's guns. The naval ships, well disciplined and under instruction to establish good relations with the natives, usually went no further than to demonstrate their fire power. But the pearlers and trepangers who came in the next decades were under no such control and were there to stay. If their men chose to make free with gardens or to abduct women, the Islanders had no way of stopping them."

By 1871, when the London Missionary Society made its first tour of inspection, trade between Torres Strait

---

## The History of Racist Violence in Australia

---

Islanders and Europeans had begun to have an impact. Pearlers and trepanners (beche-de-mer fishermen) were forcing islanders to work for them, withholding payment and abducting Islander women.

The missionaries were of the opinion that the rapid decline in the Islander population was attributable to these practices. However the impact of mission settlement was also devastating — disrupting the traditional Islander life-style and spreading European diseases. Epidemics ravaged the Torres Strait Islanders until the end of the nineteenth century, by which time the Islander population had fallen to less than 3,000, possibly half that of the original population."

Islanders were exempted from the first Queensland *Aborigines Protection Act*, which was passed in 1887. However, in 1904 Torres Strait Islanders became subject to the same Act as mainland Aboriginal people, thus becoming officially isolated from the Europeans and able to be exploited for their unskilled labour.<sup>42</sup>

Racist violence against people from non-English speaking backgrounds (principally Chinese in the goldfields and Melanesians in the sugar industry in the nineteenth century, and southern and eastern European immigrants and other immigrants in this century) must be considered within the broader context of Australia's discriminatory immigration and employment policies.

**History of Racist  
Violence against  
People of Non-  
English  
Speaking  
Background**

---

From the early days of colonisation through to the 1960s, Australian culture was characterised by its insularity. Australians of predominantly British descent sought to establish a society modelled on British traditions and practices.<sup>43</sup>In the early years of the colony, Irish convicts were treated with fear and suspicion by the largely British authorities. Reports of armed rebellion in Ireland during the first years of transportation resulted in harsh treatment of Irish prisoners." There was also a general ignorance and great fear and mistrust of people from

---



---

## The History of Racist Violence in Australia

---

'foreign' or non-English speaking countries.

In an attempt to protect the working conditions of Australian workers, the labour movement was instrumental in prohibiting the migration of non-Europeans! Fifty years of agitation, mostly directed at excluding Chinese workers, culminated in the discriminatory Federal immigration legislation, the *Immigration Restriction Act* of 1901. Under this Act, certain classes of people were declared prohibited immigrants, including the insane, the diseased, criminals, prostitutes, contract labourers and any immigrant who

... when asked to do so by an officer fails to write out a dictation and sign in the presence of the officer a passage of fifty words in length in a European language directed by the officer.\*

This provision enabled the Government to exclude anybody considered undesirable. Its enforcement, which was rigidly pursued until the 1960s, became known as the White Australia Policy.

The White Australia Policy was gradually dismantled in the 1960s and finally abolished in 1972, when broader immigration criteria which did not discriminate on the grounds of race, national origin or religion were introduced.

**Chinese Workers in the Goldfields** The first attacks by white miners on the Chinese occurred in the goldfields of Victoria and New South Wales in the 1850s.

The goldrush brought a dramatic increase in migration to Australia, most notably Chinese prospectors. Victoria, with the richest goldfields, tripled its total population in the three-year period to 1854, from 80,000 to 237,000 people. During this period, the Chinese population of Victoria increased dramatically, from 2,000 to 40,000.

Declining yields in the mid 1850s brought about consid-

---

## The History of Racist Violence in Australia

---

erable tension in the goldfields, as miners competed for wealth in gold. There were frequent cases of harassment of Chinese prospectors, numerous petty disturbances and a few major riots as the Europeans sought to restrict and then exclude their Chinese competitors!

Disturbances typically arose from a specific grievance and involved between 50 and 200 miners. Most of the disputes were small-scale, but some serious injuries and property damage were incurred. Deaths, however, were rare."

In the last years of the alluvial fields in the south-east, there were several major disturbances. The worst occurred at Lambing Flat in Victoria, when more than 2,000 miners attacked several Chinese camps." According to the testimony of a European storekeeper, between 400 and 500 Chinese were injured, almost half of the total Chinese population there. It was alleged that several Chinese lost their lives, but there is no evidence to substantiate this claim.

Occupational discrimination against Chinese immigrants commenced from the late 1850s. It affected Chinese storekeepers, hawkers and workers in the furniture trade.

Restrictions on Chinese immigration commenced in the period from 1855 to 1861. They were removed by 1867, but were reimposed by the eastern colonies from 1877 to 1881. By 1888 restrictions were virtually prohibitive and by the late 1890s three of the colonies had adopted a broader form of exclusion, similar to the Federal legislation of 1901.

South Sea Islanders (Melanesians, including Kanaks) **South Sea Islanders in the** were forcibly 'recruited' from their homelands between **Sugar Industry** 1863 and 1904 to work as field labour in the fledgling Queensland sugar industry.<sup>50</sup>

The extent of physical violence inflicted on the MeIan-

---

## **The History of Racist Violence in Australia**

---

asians, especially before 1890, is comparable with the level of violence experienced by Aboriginal workers in the pastoral industry. Like Aborigines, Melanesians were considered to be racially inferior to Europeans. However, according to Markus, South Sea Islander workers were less expendable than Aborigines. There was no shortage of Aboriginal labour, after all, and the recruitment of Aborigines did not incur a significant cost to the employer.<sup>51</sup>

Towards the end of the century, when the industry became less dependent on Melanesian labour, there was increasing pressure to expel them from Australia. In 1885, Queensland enacted legislation to halt further immigration after 1889. This was repealed in 1892, only to be re-enacted by the Commonwealth Government in 1901.

With the enactment of the *Immigration Restriction Act* in 1901, not only was further importation of Melanesians virtually prohibited, but more than three-quarters of those already resident in Australia were deported.<sup>52</sup>

Violence in the sugar districts in the years immediately preceding the deportations was not confined to relations between Melanesians and their employers. There was frequent fighting, both among the Melanesians and between Europeans and Melanesians. In fact, such disputes were a feature of life throughout the north. There were riots on Thursday Island in 1893 and 1895, lasting several days. Riots were also reported at Mackay in 1883 and 1890, Ingham in 1893, Townsville and Rockhampton in 1895, Port Douglas in 1898 and at Mourilyan, Bundaberg, Cairns and Thursday Island in 1900.<sup>55</sup>

### **Relations with Southern and Eastern European Immigrants in the Twentieth Century**

While northern Europeans have always been welcomed as immigrants to Australia, there was a narrowing of the category of acceptable racial and ethnic groups in the first decades of the twentieth century. In the 1920s, controls on the entry of certain southern and eastern European national groups were introduced. A quota

---



---

## The History of Racist Violence in Australia

---

was placed on the entry of Maltese, Greeks, Yugoslavs, Albanians, Czechoslovaks, Poles and Estonians, and in the late 1930s the category of Jews was added. Italians could not be restricted directly because of a treaty between Britain and Italy, to which Australia was a party.<sup>51</sup>

Until the late 1960s, Australia maintained a strict policy of racial assimilation. It was expected that immigrants, in return for admission to Australia, would immediately shed their culture and language and assimilate into mainstream Australian life. Even the British, the most desirable immigrant group, were viewed with suspicion, and at times hostility, if it was perceived that they did not readily embrace 'Australian ways'.<sup>55</sup>

As a result of these attitudes, southern European immigrants faced harassment and discrimination. They were devalued as a people and there were many cases of minor physical violence.

In some rural districts, hostility, particularly in times of high unemployment, led to moves to deprive non-British workers of their livelihood. In Queensland in the late 1920s and 1930s, organised attempts by the British Preference Leagues and the Australian Workers' Union resulted in the restriction of employment opportunities for non-British workers in the sugar industry.<sup>56</sup>

Tension was also evident on the goldfields of Western Australia. In 1919, a riot in Kalgoorlie, following the stabbing of an Englishman by an Italian, led to the temporary expulsion of immigrants from the district. In 1934, a more serious riot broke out which resulted in the looting, wrecking and burning of many buildings occupied or owned by foreigners. The initial cause of the outbreak was the death of an Australian miner following a hotel brawl with an Italian barman.<sup>57</sup>

After 1945, there was a radical shift in immigration **Post-War Years** policy in response to labour shortages and a fear that Australia could be invaded by one of its populous Asian

---

## The History of Racist Violence in Australia

---

neighbours. It became government policy to rapidly expand the country's population, to 'populate or perish'. Groups which had previously been granted only limited admissibility were now encouraged to migrate.

While there was a significant shift in the ethnic composition of the immigration intake after 1947, public opinion was slow to change and in many respects traditional attitudes continued to be reflected until the 1980s.

In addition to the petty harassment, which typified relations in the post-war period, immigrants also faced active discrimination from employers. Racist hiring practices produced ethnic segregation in industry, particularly the automotive industry, in government agencies and in other major institutions, such as banks.<sup>58</sup>

In an attempt to redress occupational discrimination, anti-discrimination and affirmative action legislation was introduced by the Commonwealth and some States in the 1970s and 1980s (see Chapter 2).

Summing up the experience of people from non-English speaking backgrounds in the post-war years, Stephanie Thompson comments that:

People described discrimination which had been so widespread during the 1950s and 1960s in Australia that it was almost impossible to avoid: in the street, on public transport, in hotels, at cinemas, dances, anywhere that people gathered, they heard the same monotonous insults, with Australians asking all the time: 'Why don't you go back home?'

Australia, as experienced by some of the Italians, was like a frontier society in a bad Western, with the Italians being expected to fight their way out of tight situations and, occasionally, as a result, winning the grudging respect of the Australians.<sup>59</sup>

With the abandonment of the White Australia Policy, non-Europeans were permitted to enter Australia but

---

## The History of Racist Violence in Australia

---

still on the basis of much stricter entry criteria than Europeans.

It has been suggested that the impetus for the abandonment of the White Australia Policy was Australia's shifting industrial structure and international economic position:

Throughout the 1950s and early 1960s the importance of Japan and South-East Asia as trading partners increased rapidly. For obvious reasons, the White Australian Policy in its crude form was an embarrassment in this process. This embarrassment increased markedly in the early 1960s with the achievement of independence by several former colonies whose leaders were more likely (and more able) to exert pressure over racist exclusionism.<sup>6</sup>

International factors also precipitated the move away from assimilation. By the 1960s the supply of European refugees had long since dried up and the gap in living standards between Australia and Europe was closing.

Australia began to compete with other nations for migrants from traditional source countries. Immigrants were coming from more diverse social and economic backgrounds — making it more difficult to advocate an exclusionary and assimilationist immigration policy. In the early 1970s Australia began to receive more Asian migrants and slowly began a policy shift away from assimilationism to multiculturalism.

During the period of the Whitlam Government, and later under Prime Minister Fraser, there was a great deal of emphasis on the development of a non-discriminatory immigration policy and cultural diversity. In 1973 the then Minister for Immigration delivered a speech entitled 'Multicultural Society for the Future' which was accorded considerable importance as a statement about the development of a government policy of multiculturalism.

This new emphasis on integration rather than assimila-

---

## The History of Racist Violence in Australia

---

tion led to the recognition that migrants were a disadvantaged group within Australian society who deserved social justice.

**Conclusion** In the process of colonising Australia and making use of the land, the colonists committed brutal acts of violence against Aborigines and Torres Strait Islanders. Aboriginal people were 'removed' from the land by a systematic process of physical violence, enacted in small-scale and localised conflicts, and later by policies of segregation and assimilation.

Although there has been violence against other minority groups throughout Australian history, it has not been of the same magnitude as that against the Aborigines and Torres Strait Islanders. Serious violence has been associated with discrimination against Chinese and Melanesian people, and there is evidence of less extensive violence against minority groups of European origin.

---

## **The History of Racist Violence in Australia**

---

- 1 Castles S., 'Racism and Racist Violence', unpublished **Endnotes** paper commissioned by the National Inquiry into Racist Violence, Sydney, 1990.
- 2 Markus A., 'The History of Racist Culture and Racist Violence in Australia', unpublished paper commissioned by the National Inquiry into Racist Violence, Sydney, July 1990.
- 3 Reynolds H., *The Other Side of the Frontier: Aboriginal Resistance to the European Invasion*, Penguin, Ringwood, 1981 and Broome R., 'The Struggle for Australia: Aboriginal-European Warfare 1770-1930', in McKernan M. and Browne M. (eds), *Australia: Two Centuries of War and Peace*, Australian War Memorial in association with Allen and Unwin, Canberra, 1988 both cited in Markus, op cit, p.15.
- 4 Reynolds H., *Frontier*, Allen and Unwin, Sydney, 1987, p.167.
- 5 ibid, p.4.
- 6 ibid, p.viii.
- 7 Broome R. as cited in Markus A., op cit, p.16.
- 8 See endnote no. 3.
- 9 Markus A., op cit, p.15.
- 10 Broome R. as cited in Markus A., op cit, p.15.
- 11 Reynolds R., *Frontier*, op cit, p.37
- 12 Rowley C D, *The Destruction of Aboriginal Society*, Ringwood, Penguin, reprint 1974, pp.46-51 and p.86.
- 13 Aboriginal and Torres Strait Islander Commission, *Aboriginal People of NSW*, AGPS, Canberra, 1990, p.11.
- 14 Evans R., Saunders K. and Cronin K., *Race Relations in Colonial Queensland*, University of Queensland Press, St Lucia, 1988, p.55.
- 15 Markus A., op cit, pp.18-19.
- 16 Reynolds H., *Frontier*, op dt, pp. 88-89.
- 17 ibid, p.63.
- 18 McGrath A., *Born in the Cattle*, Allen and Unwin, Sydney, 1987, p.109 cited in Markus A., op cit, p.24.
- 19 Markus A., op cit, p.21.
- 20 Markus A., op cit, p.23.
- 21 Duguid C., *Doctor and the Aborigines*, Rigby, Adelaide, 1972, p.144 cited in Markus A., op cit, p.24.
- 22 Berndt C. and Berndt R., *The End of an Era*, Australian Institute of Aboriginal Studies, Canberra, 1987, p.91 cited in Markus A., p.25.

---

## The History of Racist Violence in Australia

---

- 23 Goodall H., *A History of the Aboriginal Communities in NSW 1909-1939*, Ph.D. Thesis, University of Sydney, 1984 cited in Markus A., op cit, p.28.
- 24 *ibid*, p.29.
- 25 *ibid*, p.30.
- 26 Read P., *The Stolen Generations*, NSW Ministry of Aboriginal Affairs, n.d, p.8 cited in Cunneen C., 'A Study of Aboriginal Juveniles and Police Violence', unpublished paper commissioned by the National Inquiry into Racist Violence, Sydney, 1990, p.5
- 27 Goodall H., op cit cited in Cunneen C., op cit, p.5.
- 28 Markus A., op cit, p.23.
- 29 *ibid*.
- 30 Roy A., 'Aborigines in Capitalist Society', Ph.D. Thesis, Somerset University, 1986, p.92 cited in Cunneen C., and Robb T., *Criminal Justice in North-West NSW*, NSW Bureau of Crime Statistics and Research, 1987, p.195.
- 31 Broome R., *Aboriginal Australians: Black Response to White Dominance 1788-1980*, Allen and Unwin, Sydney, 1982, p.176.
- 32 Coombs H C, *Kulinma: Listening to Aboriginal Australians*, Australian National University Press, Canberra, 1978, p.1.
- 33 Markus A., op cit, p.30.
- 34 *ibid*, p.31.
- 35 Lyons G., 'Aboriginal Legal Services' in Hanks P. and Keon-Cohen B. (eds), *Aborigines and the Law*, Allen and Unwin, Sydney, 1984, cited in Cunneen C., *Aboriginal-Police Relations in Redfern: With Special Reference to the 'Police Raid' of 8 February 1990*, Human Rights and Equal Opportunity Commission, Sydney, 1990, p.1.
- 36 Cunneen C., *Aboriginal-Police Relations in Redfern*, op cit, p.1.
- 37 Gilbert K., *Living Black*, Penguin, Ringwood, 1977, p.99 cited in Markus A., op cit, p.30.
- 38 Cowlshaw G., *Black, White or Brindle. Race in Rural Australia*, Cambridge University Press, Cambridge, 1988, pp.169-170,263.
- 39 Beckett J., *Torres Strait Islanders: Custom and Colonialism*, Cambridge University Press, Cambridge, 1987, p.32.
- 40 *ibid*, p.33.
- 41 *ibid*.
- 42 Jenks E., *The History of the Australasia Colonies*, Cambridge

---

## The History of Racist Violence in Australia

---

- University Press, Cambridge, 1896, p.302 and Beckett J.,  
op cit. p.45.
- 43 Markus A., op cit, p.50.
- 44 Jupp J., (ed), *The Australian People*, Australian Bicentennial  
Authority, Angus and Robertson, Sydney, 1988, p558.
- 45 Markus A., op cit, p.52.
- 46 Markus A., *Fear and Hatred Purifying Australia and  
California, 1850-1901*, Hale and Iremonger, Sydney, 1979,  
p.xiv.
- 47 Markus A., 'Racist Culture and The History of Racist  
Violence in Australia', op cit, p53.
- 48 ibid.
- 49 ibid.
- 50 ibid, p.55.
- 51 ibid.
- 52 ibid.
- 53 Markus A., *Fear and Hatred*, op cit, p.193.
- 54 Markus A., 'Jewish Migration to Australia', *Journal of  
Australian Studies*, no. 13,1983, pp.18-31.
- 55 Markus A., 'Racist Culture and the History of Racist  
Violence', op cit, pp.57-58.
- 56 Henderson L., 'Economic or Racist? Australia's Reactions  
to Italians in North Queensland, 1921-1939' in Reynolds  
H., (ed). *Race Relations in North Queensland*, James Cook  
University, Townsville, 1978, pp.327-361 cited in Markus  
A., op cit, p.58.
- 57 ibid.
- 58 ibid, p.60.
- 59 Thompson S., 'Italian Migrant Experiences of Australian  
Culture, 1945-1970', in Cresciani G., (ed), *Australia, The  
Australians and the Italian Migration*, Oxford University  
Press, Melbourne, 1980, p.37 cited in Markus A., op cit,  
p.62.
- 60 Castles S., Kalantzis M., Cope B. and Morrissey M.,  
*Mistaken Identity: Multiculturalism and the Demise of  
Nationalism in Australia*, Pluto, Sydney 1988, p.53
- 61 ibid.
- 62 ibid, pp.53-59.
- 63 ibid, pp.59-66.



---

## Chapter 4: Demographic Background

---

### Population Profile

---

The ethnic composition of Australia's population and changes to it, as well as changes to the pattern of immigration, are a necessary background to understanding the context of racist attitudes and behaviour. The profile of Australia's current population is the result of 200 years of interaction between the original inhabitants, the Aborigines, and successive waves of immigration.

From 1788 the proportion of the population that was of **Aborigines and Torres Strait Islanders** (228,000) in the 1986 census. Over this time the absolute number of Aboriginal people declined. Most estimates of the Aboriginal population at the time of British colonisation were in the order of 300,000 to 400,000 but more recent research estimates a population nearer one million.' By 1933, the total Aboriginal population was estimated at only 81,000 as a result of disease, conflict and the disintegration of traditional society. The number had fallen even lower by 1947, although calculations were distorted by the fact that many people of Aboriginal descent did not acknowledge their Aboriginality.

Since the referendum of 1967 which enabled Aborigines to be counted in the Census, the numbers have gradually increased. The Aboriginal population in 1986 was 42 per cent higher than in 1981. This increase is to be partly explained by improved Census procedures and an increased inclination to identify as Aboriginal.

The distribution of Aborigines within Australia is of significance. Of the 228,000 Aborigines and Torres Strait Islanders who were counted in the 1986 Census, more than half were in New South Wales and Queensland. In Victoria, New South Wales and the ACT, 90 per cent of Aborigines live in urban centres.' Queensland, the Northern Territory and Western Australia have the least urbanised Aboriginal populations. But in the Northern Territory and Western Australia they make up 22 per

---

---

## **Demographic Background**

---

cent and 2.6 per cent of the population respectively. The total numbers of Aborigines in major cities is very small (less than 25 per cent of the total Aboriginal population) and there is little indication from the evidence that changes in the size or distribution of the Aboriginal population have been significant factors affecting the incidence of racist violence.

**Immigrants** By the 1840s, 57 per cent of the population was of British origin. By 1947 that proportion was almost 90 per cent due to a combination of increased British immigration, the White Australia Policy which discriminated against the entry of non-Europeans, and the continued decline of the Aboriginal population. Since the late 1940s the rapid expansion in Australia's immigration program together with moves towards non-discriminatory policies in the 1970s resulted in a dramatic shift in the ethnic composition of Australian society. By 1988 about 75 per cent of the population were solely or partly Anglo-Celtic, 20 per cent other European in origin and 4.5 per cent Asian.'

The high level of immigration to Australia in the last forty years has accounted for about half of the country's population growth. Table 4.1 shows that according to the 1986 Census, 20.8 per cent of the population was overseas-born. Of these, more than half came to Australia from non-English speaking countries.

---

## Demographic Background

---

**Population by Birthplace 1986 Compared with 1976**      *Table 4.1*  
**Proportions**

Birthplace	'000	per cent In 1986	per cent in 1976
Australia	12,254.8	79.2	79.9
Overseas	3,247.4	20.8	20.1
<b>Total</b>	<b>15,602.2</b>	<b>100.0</b>	<b>100.0</b>
<b>Overseas Born Population</b>			
UK and Ireland <sup>4</sup>	1,127.2	34.7	41.1
Other European	1,094.6	33.7	40.2
Asia <sup>4</sup>	431.8	13.3	6.2
New Zealand and Oceania	211.7	6.5	4.3
Turkey, Lebanon and Cyprus	104.4	3.2	2.7
Other	277.7	8.6	5.5
<b>Total</b>	<b>3,247.4</b>	<b>100.0</b>	<b>100.0</b>

Source: ABS no. 41120

It can be seen from Table 4.1 that the proportion of Australia's population born overseas increased slightly between 1976 and 1986. Since 1986 the proportion has increased to 22.5 per cent in June 1990. While the proportion of immigrants from the UK and Ireland and other European countries has decreased in the ten years between 1976 and 1986, the proportion of immigrants coming from Asia, New Zealand and Oceania and the main 'Middle Eastern' source countries has increased considerably. This trend is continuing. In 1986 there were 536,200 Asian born immigrants (including West Asian) and 211,700 people born in New Zealand and Oceania. By June 1990 the numbers had risen to 814,295 and 362,123 respectively. The sharpest rates of growth for 1989-90 have been in the Hong Kong category.

Birthplace composition of the population, however, does not include the Australian born children of immigrants, who are often the targets of racist harassment. Statistics on birthplaces of parents available from the 1986 Census, for example, show that 98,702 Australian born persons had at least one parent born in Asia, and of them 53,841 had both parents born in an Asian country. It is likely that a high proportion of these

---

## Demographic Background

---

are children living at home who are identified socially by their parents' ethnicity.

**Patterns of Immigrant Settlement** There has been a consistent tendency since the large immigration programs of the post World War II years for some States to have a greater attraction for immigrants than others. Of the more than three million overseas-born persons living in Australia nearly two thirds live in New South Wales and Victoria. In 1988 New South Wales received 40 per cent of the total intake, Victoria 24 per cent, Queensland 15 per cent, Western Australia 14 per cent and South Australia 4 per cent. The ACT, Tasmania and the Northern Territory each received one per cent or less of the intake.<sup>5</sup> In recent years New South Wales and Western Australia have received larger numbers of immigrants relative to their population bases than other States.

The attraction of Melbourne and Sydney is largely the reason for the high proportion of immigrants to NSW and Victoria. The overseas-born population is more highly urbanised than the Australian-born population.' In 1986, for example, nearly 80 per cent of the overseas-born resided in major urban centres and a further 12.5 per cent in other urban areas. In particular those born in non-English speaking countries are very heavily concentrated in the capital cities. The reasons for this are that these are the major points of arrival; they are the preferred destinations for people who arrive as a result of family or chain migration; and most of the jobs in the manufacturing and services industries, where immigrants have typically found employment, are located in these cities.

**Immigration Policy** Since the abandonment of the White Australia Policy and the adoption of a non-discriminatory immigration policy in the early 1970s, Australian Governments have progressively moved towards the affirmation of a multi-

---

## Demographic Background

---

cultural society. This has involved expansion in policies aimed at facilitating settlement, teaching English and supporting the maintenance of language and culture. The essence of multiculturalism, however, goes beyond the welcoming of diversity to an acceptance that the nature and unity of Australian society will emerge from the integration of old and new settlers rather than from the assimilation of newcomers into some fixed concept of Anglo-Celtic 'Australianess' that existed in the past. Governments recognised that Anglo-Celtic culture would continue to be a major contributor to Australian society, not only because of the fact that in 1988 it represented 75 per cent of the population' but also because the British Isles are likely to continue for some time as the largest single source of immigrants.

Since the 1970s Australia has maintained high immigration targets. A relatively small but highly publicised part of this has been the acceptance of refugees from Vietnam since 1975, which peaked in the early 1980s. In September 1987, the Federal Government established a Committee to Advise on Australia's Immigration Policies under the chairmanship of Dr Stephen FitzGerald. The Committee's terms of reference covered the relationship of immigration to the economy, key population issues, the overall capacity of Australia to receive significant immigration intakes and Australia's social and cultural development as a multicultural society. The Committee was also asked to advise on the administrative processes of immigration, bearing in mind Australia's commitment to non-discrimination and humanitarian principles.

The Committee reported in May 1988.<sup>8</sup> The report, *Immigration: A Commitment to Australia*, recommended an immediate immigration target increase to 150,000 per year for three years, which it said would be likely to produce average net immigration of 120,000. It considered there was firm community support for an increase in the refugee program from 12,000 to 15,000 per year and the maintenance of a self-determining family reunion intake. The Committee concluded that

---

## Demographic Background

---

surveys of public opinion had shown that most Australians believe policy discrimination directed at Asians or anyone else is not acceptable and that attitudes to Asians were in many respects less hostile and less aggressively expressed than those against the earlier waves of immigrants from Southern Europe in the 1950s and 1960s. Negative attitudes towards multiculturalism were seen as the result of a failure of governments to affirm the principles of multiculturalism to the public and to enhance the 'two-way commitment which is so essential to immigration's success'. The Committee recommended that acquiring citizenship be made more meaningful and require a commitment to the principles of political freedom, equality and parliamentary democracy. Some benefits should be restricted to those who possessed Australian citizenship as a means of enhancing commitment to Australia. No concession was made to those who wanted to restrict immigration on racial or cultural grounds for the sake of social cohesion and harmony. In 1990 the Government announced a new immigration target of 140,000 compared to a target of 132,000 for the previous year.

---

**Conclusion** This profile demonstrates that there has been a dramatic decline in the Aboriginal population over the past two hundred years, with population numbers dropping from 100 per cent in 1787 to 1.4 per cent in the 1986 Census. On the other hand, people born overseas now account for more than 22 per cent of Australia's population — illustrating that we have indeed become a multicultural society. The evidence of racist violence presented in the following chapters should be considered in this context.

1 From Price C., *Ethnic Groups in Australia*, Policy Options **Endnotes** Paper, 1989, p.2.

2 Urban centres are defined in the 1986 Census as consisting of 'one or more adjoining collector districts with urban characteristics and representing a population cluster of 1000 or more people'.

3 Price, C., op cit, p.2.

4 The Australian Bureau of Statistics includes West Asian countries such as Cyprus, Lebanon and Turkey with Asia. In the above table these three countries have been deducted from Asia and shown separately. Likewise the UK and Ireland have been deducted from the European regional total. From Australian Bureau of Statistics, *Overseas Born Australians, 1988*, ABS Catalogue no. 41120, Canberra, 1989.

5 Australian Bureau of Statistics, *Estimated Resident Population by Country of Birth, Age and Sex, June 1986 and Preliminary June 1988*, ABS Catalogue no. 3221, Canberra, 1988.

6 Australian Bureau of Statistics, *Overseas Born Australians*, 1988, op cit.

7 ABS, *Overseas Born Australians*, 1988, op cit.

8 The Committee to Advise on Australia's Immigration Policies, *Immigration: A Commitment to Australia*, AGPS, Canberra, 1988.



## **Part 2**

---

# **The Evidence**

---



---

## Chapter 5: Racist Violence Against Aborigines

---

It would seem that the National Inquiry into Racial Violence has become necessary because of a perception within the community of an increase in racial violence and a greater concern about violence in general. But to Aboriginals, racial violence has been the basis of the treatment they have received from white Australia and an integral part of their lives!

### Introduction

This chapter is concerned with racist violence against Aboriginal and Torres Strait Islander people. It draws on evidence to the Inquiry which was received in the form of written submissions, evidence at public hearings and consultants' studies.

It is difficult to determine the full extent of racist violence against Aboriginal and Islander people. In Australia there has been no attempt to quantify the problem prior to the current Inquiry.<sup>2</sup> Evidence presented to the Inquiry indicates that the problem is widespread. The vast majority of Aboriginal and Islander young people in juvenile detention centres in Western Australia, Queensland and NSW alleged that they had been the subject of violence by police officers.<sup>3</sup> As one paper prepared for the Inquiry noted, 'community relations between Aboriginal and non-Aboriginal people have been marred by regular incidents of racial violence, which have increased in frequency and severity over the last two years'.<sup>4</sup> Evidence from the Northern Territory indicated that racist violence existed in the Territory, although the degree of violence varied from one area to another, with the worst cases reported from Alice Springs. Experiences of violence ranged from police harassment and physical violence to verbal abuse, intimidation and graffiti.<sup>5</sup> The submission from the NSW Aboriginal Land Council noted that 'contact with many (local) Land Councils indicated that threats, intimidation and violence itself is happening throughout New South Wales, particularly in country towns'.<sup>6</sup> Many incidents of serious racial violence were brought to the attention of the Inquiry in public hearings in

---

## Racist Violence Against Aborigines

---

Sydney, Townsville, Melbourne, Adelaide and Perth. In addition many of those who gave evidence were of the view that racist violence had increased over recent years.

**Liaison with Police Authorities** As will become evident in this chapter, there were widespread and serious allegations against police officers. The Inquiry notified police departments of a number of particular incidents for their response. The results of investigations, where advised to the Inquiry, have been referred to in the endnotes.

---

### The Evidence

---

**Political Organisations and Racist Violence** The analysis of racist violence begins with those acts which are directed against the organisations of Aboriginal people in Australia, including Land Councils and other groups, which have as their function the promotion of economic and social well-being.

Many Land Council offices have been the subject of racist attacks. Evidence was received that on 14 December 1989 the offices of the Northern Land Council in Darwin were subjected to shotgun blasts.' On 18 December 1989 the offices of the Northern Land Council in Katherine (NT) were subjected to racist graffiti.' In Katherine the granting of land rights in relation to Katherine Gorge (Nitmiluk) increased the polarisation between Aboriginal and non-Aboriginal people. It was also noted that a systemic form of racist violence had been present in the town for a number of years.' The opposition to land rights included many non-Aboriginal political and community leaders. An organisation known as 'Rights for Whites' who were opposed to the Jawoyn land claim was also established.

In New South Wales submissions to the Inquiry noted that the Batemans Bay Aboriginal Land Council office had been attacked and vandalised." In Nowra the

---

## Racist Violence Against Aborigines

---

Jerringa Land Council had witnessed a deterioration in relations with the white community (including threats and abusive language) after it lodged a land claim in the area.<sup>11</sup> In Budgewoi, a racist campaign was initiated after the Darkinjung Land Council announced plans to establish and operate a caravan park on Land Council land. The campaign included the distribution of racist literature.<sup>12</sup> In Redfern, members of the local Land Council reported having tyres slashed, while other individuals had vehicles with Land Rights stickers attached similarly vandalised!

Other Aboriginal organisations have been the subject of racist attacks. For instance in Western Australia strong opposition was generated against the Manguri Aboriginal Centre when it proposed to develop a cultural, sporting and accommodation complex in the Canning Shire. A special ratepayers meeting was called and a leaflet was distributed prior to the meeting appealing to racial stereotypes with references to newspaper article headlines such as 'Stones and Bottles fly as Blacks Rampage', 'Residents in Terror of Aborigines' etc.<sup>14</sup>

Opposition by Aboriginal groups to particular development proposals has also resulted in racist attacks. The submission from the Townsville Aboriginal and Islander Legal Service noted that, when Aboriginal and Islander people protested against a large scale tourist development on Magnetic Island, they were the subject of racial vilification and violence including threats with firearms. An Aboriginal flag was burnt by pro-development groups. Complaints were also made about the failure of police to respond to such threats and actions.<sup>15</sup> Other evidence presented to the Inquiry's hearing in Townsville noted that as Townsville had developed as a tourist centre Aboriginal and Islander people had been prevented from using public places and facilities which they had previously enjoyed. As a result tension was generated between Aboriginal people and the police, security officers and business operators.<sup>16</sup> In Perth, evidence to the Inquiry was received by both Aboriginal and non-Aboriginal supporters who erected

---

## Racist Violence Against Aborigines

---

a protest camp opposite the Swan Brewery site. Allegations were made of racist attacks by non-Aboriginal people including the throwing of bottles, rocks and cans from passing motor vehicles.'

Other Aboriginal organisations which have been the subject of racist violence include the Committee to Defend Black Rights. Violence included break-ins and two fire bombings of the office, violent disruption of fund raising events and personal threats of violence against Aboriginal members of the organisation. One fire bomb attack on the premises of the Committee to Defend Black Rights occurred twenty-four hours before the first public hearing of the Inquiry in Redfern."

In addition, the Inquiry received evidence that Aboriginal people and organisations involved in organising protests against the Bicentennial celebrations in 1988 were the subject of racist violence by a group calling itself the Revolutionary Bicentennial Commandos. Attacks on property occurred at Tranby Aboriginal College and Radio Redfern. In evidence to the Inquiry, one organiser related having received phone calls threatening violence, damage to both her personal and work cars, and bricks thrown into her backyard."

Acts of racist violence against Aboriginal organisations or against activities organised to promote Aboriginal rights are significant because they represent a resort to violence as a means of opposing legitimate political expression.

**Social and Cultural Life** Evidence presented to the Inquiry indicates that racism and racist violence permeates the day-to-day lives of Aboriginal and Islander people. Their social and cultural life in many areas is continually affected by racist activities. As evidence from Townsville claimed, Aboriginal and Islander people were subjected to violence in respect of 'accommodation, hotels, night-clubs and places Aboriginal and Islander people like to frequent'. Or as an Aboriginal man stated in evidence

---

## Racist Violence Against Aborigines

---

in Melbourne:

Aboriginal people suffer from racism every day of their lives in employment, education, cultural facilities, on public transport and at the hands of government officials including police.<sup>21</sup>

In addition social and cultural activities organised by Aboriginal and Islander people were also the subject of unreasonable surveillance and interference by authorities — a point which will be discussed later in this chapter.

There were many complaints concerning racism against **Public Places** Aboriginal and Islander people using public places such as parks and streets. These complaints frequently referred to incidents of racist violence. It was argued that while public parks were used by both Aboriginal and non-Aboriginal people, the assumption was that Aborigines' use of public areas involved some form of criminality.<sup>22</sup> As a result Aborigines were subjected to harassment while using the parks. In north-west NSW and north-west WA, it was noted that local councils had moved to exclude Aboriginal people from drinking in public places, often through the use of legally dubious by-laws.<sup>23</sup> In both areas it was apparent that the primary concern was not the health problems associated with alcoholism, but rather the public visibility of Aboriginal people drinking. The by-laws have the effect of prohibiting certain behaviour associated by the Councils with Aborigines and thereby justifying powerful intervention to arrest Aboriginal people or 'move them on'.

The submission from the Townsville Aboriginal and Islander Legal Service and evidence to the Inquiry hearing in Townsville noted that Aboriginal and Islander people who were homeless and living under the Victoria Bridge in Townsville had been subjected to harassment and physical violence including the use of crude fire-bombs during the early 1980s. Evidence presented to the Inquiry's hearing in Perth related incidents of verbal abuse ('black sluts', 'black boongs') and physical

---

## **Racist Violence Against Aborigines**

---

violence against Aboriginal adults and children swimming in the Swan River. In one particular incident a member of the Swan Valley Fringe Dwellers group was attacked with a spade by a group of non-Aborigines causing serious injury.<sup>1</sup> Evidence presented to the Inquiry in Adelaide noted that there had been concerted efforts by local businesses and police to remove Aboriginal people from Whitmore and Victoria Squares in the city, including the proposed introduction of by-laws on alcohol consumption, such as those described above.<sup>26</sup>

From across Australia, Aboriginal people alleged that they were treated differently in shops, that they were always served after non-Aboriginal people. This racism was seen to permeate daily life, to the extent that racist violence, intimidation and harassment were regular experiences. 'If a white and a black go into a shop at the same time, a white will be served first.'<sup>27</sup>

Some Aboriginal people had had their purchases thrown at them by non-Aboriginal shop assistants.<sup>28</sup> The Inquiry also found racist attitudes by some business people in Geraldton (WA).<sup>29</sup> It was alleged that some proprietors were active in a local vigilante movement.<sup>30</sup> The role of local business proprietors in organising 'law and order' meetings in north-west NSW has also been noted.<sup>31</sup> Evidence to the Inquiry from Port Adelaide indicated that public meetings had been held to discuss Aboriginal people in the Mall at Port Adelaide.

*Hotels* There were widespread complaints in relation to the use of hotels in all States and Territories. These complaints concerned refusal of service, racist abuse and behaviour and general harassment. Often this went to the extent of actual and threatened violence.<sup>32</sup>

In Cairns (Qld) it was noted that Aboriginal young people were excluded from nightclubs. Such exclusion caused resentment and frustration which was manifested in street behaviour which then became the subject of police intervention.<sup>33</sup> In Townsville it was alleged that

---

## Racist Violence Against Aborigines

---

Aboriginal and Islander people were provoked into violence by threats from non-Aboriginal people." In Camooweal (Qld) field officers with the Aboriginal and Islander Legal Service witnessed the exclusion of Aboriginal people from the front bar of the hotel in June 1989 and heard allegations of violence on the part of staff." Aboriginal people have been excluded from or refused service in hotels in Mareeba (Qld)." In December 1990 two hotels in Mareeba were found to have unlawfully discriminated against Aborigines under the *Racial Discrimination Act*. Similarly evidence from the Townsville Aboriginal and Islander Legal Service outlined complaints of discrimination in hotels and night clubs in Townsville including the use of violence by security guards."

Violence by security guards or 'bouncers' was a common concern in evidence from a number of other areas." Similarly, in Adelaide, there were complaints relating to discriminatory treatment in some hotels in relation to access, dress rules and violence by bouncers. Aboriginal people were also effectively excluded from access to other places of leisure and recreation in Adelaide such as the Casino and Festival Centre because of the action of security guards which prevented Aboriginal people from 'hanging around.'" A submission from the Aboriginal Health Organisation in South Australia also outlined attacks by non-Aboriginal men on Aboriginal people outside hotels in the Port Adelaide area." The Inquiry also found that hotel bouncers in Katherine and Alice Springs exploited their position of control over Aboriginal people, and engaged in both verbal and physical abuse!"

Incidents involving violence between Aboriginal and non-Aboriginal people in October 1987 and July 1988 in Geraldton (WA) as a result of perceived racism by hotel employees were reported to the Inquiry. In the later incident a riot developed after comments were allegedly made by a publican in relation to a recent Aboriginal death in police custody. Similarly the submission from the NSW Land Council noted that the 1987 Brewarrina

---

## **Racist Violence Against Aborigines**

---

riot partly centred around a hotel regarded by the black community as being racist. The Brewarrina riot also occurred shortly after an Aboriginal death in police custody. ° The evidence confirms that pub brawls are often the inevitable result of constant provocation and continual discrimination reinforced by the overt use or threat of physical violence.

### ***Attacks on Communities and Neighbourhood Violence***

There were also complaints of violence and intimidation by non-Aboriginal people who attacked particular Aboriginal communities. The Aboriginal settlement on the outskirts of Mareeba (northern Qld) had been subjected to visits by car loads of youths in the early hours of the morning shouting racist abuse and throwing bottles. The submission from the Townsville Aboriginal and Islander Legal Service noted that Aboriginal people in camps at Charters Towers had their property burnt and destroyed by non-Aboriginal persons (allegedly security guards) in early 1986. °

In Katherine (NT) the Aboriginal community was frequently the subject of verbal abuse by non-Aboriginal youths. ° In Alice Springs there were complaints that Aboriginal people were being 'terrorised' by groups of whites. Such incidents involved the alleged rape of Aboriginal teenage girls, an alleged poisoning of Aboriginal men in which five people died and the dousing and painting of Aborigines!

In Adelaide some Aboriginal people who were interviewed by the Inquiry stated that there were incidents of racist violence after they moved into a particular street. The incidents started with racist abuse and then involved threats of violence including bombing, rape and assault. ° One Aboriginal family was moved by the Aboriginal Housing Trust to another area. The Aboriginal Housing Board regularly received complaints from non-Aboriginal people about Aboriginal people living in 'their' neighbourhoods. ° A member of the Aboriginal Housing Board gave evidence to the Inquiry in Adelaide that it was difficult for the Board to purchase houses and

---



---

## **Racist Violence Against Aborigines**

that Aboriginal people were the subject of racist abuse in their homes."

In New South Wales evidence was received that in Wagga Wagga and Warren racist verbal abuse and physical violence had occurred against Aboriginal people after they had moved into particular houses.<sup>51</sup> A survey of twenty-six Aboriginal households was conducted in western Sydney for the Inquiry. Half of the respondents alleged that they had been victims of racist violence perpetrated by neighbours within their local area. Respondents stated that they had been subjected to physical violence, attacks upon motor vehicles and property, racist abuse and harassment.

In Queensland, evidence was received from Aboriginal people in Bundaberg of racist verbal abuse and threats of violence from individuals in the street where they lived.<sup>52</sup> At the public hearing of the Inquiry in Perth it was stated that Aboriginal people in Marble Bar had been moved, during the mid-1980s, out to the town's rubbish tip.<sup>55</sup>

As the evidence to the Inquiry clearly shows, the climate of racist violence against Aboriginal people permeates Australian social life.

Evidence presented to the Inquiry showed that in some **Racist Organisations** cases incidents of racist violence were perpetrated by persons claiming to represent certain organisations. For instance, in Sydney, various attacks were made against the Committee to Defend Black Rights by individuals referring to themselves as members of National Action!' Reference has previously been made in this chapter to attacks by a group referred to as the Revolutionary Bicentennial Commandos. There was also evidence presented to the Inquiry relating to the distribution of racist literature. For instance, racist literature calling for vigilantism and violence against Aboriginal people was distributed in Wagga Wagga (NSW) in February 1989.<sup>55</sup>

---

## Racist Violence Against Aborigines

---

There were numerous incidents presented to the Inquiry which involved persons identifying themselves as members of the Ku Klux Klan (KKK). While there is no evidence that the KKK exists at an organisational level in Australia,<sup>56</sup> it is clear from the evidence that individuals in particular areas throughout Australia have taken on the trappings of the Ku Klux Klan to intimidate and threaten Aboriginal people.

In Mareeba (Qld) an elderly Aboriginal man was abducted by two persons wearing KKK outfits. Two Aboriginal girls witnessed the event and the man was released. There was no police investigation into the event until some three months later, although a police investigation later corroborated the story.<sup>57</sup> Evidence was also presented that persons dressed in KKK attire had been seen at Kuranda (Qld).<sup>58</sup> Evidence presented at the Townsville hearing related incidents of non-Aboriginal people in Rockhampton wearing KKK clothing and threatening a number of Aboriginal and Islander adults and children during January 1988.<sup>59</sup>

In May 1988 a group claiming to be a local chapter of the KKK in Port Hedland (WA) allegedly sent hangman's nooses to a Member of Parliament, a local police station and the office of a Western Australian newspaper claiming that the device would be of use to 'native prisoners'.<sup>60</sup>

In the Northern Territory it was noted that Nhulunbuy residents at a bicentennial party in 1988 dressed as members of the KKK. Police who investigated the incident claimed it was a practical joke with no malicious intent." Both the attacks on Land Council offices in Darwin and Katherine in December 1989 involved the use of graffiti referring to the KKK.<sup>62</sup> While in the same month KKK graffiti was written on a Social Security office at Casuarina (Darwin).<sup>62</sup> During the same month a number of shots were fired over Aboriginal communities around Darwin."

The submission from the NSW Land Council noted that

---

## Racist Violence Against Aborigines

---

KKK graffiti had been sprayed on the Batemans Bay Land Council office in May 1988 and had been used to deface an Aboriginal bark canoe tree in the area.<sup>65</sup> The submission also noted the role of the League of Rights in spreading anti-land rights propaganda.

While the KKK may not exist as an organised group in Australia, and that has implications for the way law enforcement agencies should respond to such incidents of violence, for the purposes of understanding racist violence and its effects on victims, the intimidation involved in the use of KKK symbols should not be underestimated.

An overwhelming feature of the evidence by Aboriginal **Police and the** and Islander people in relation to racist violence was **Criminal Justice** complaints against police officers. The six regional System consultancy papers from the Pilbara (WA), Geraldton (WA), Cairns (Qld), Adelaide (SA), Bourke (NSW) and Northern Territory all mentioned Aboriginal—police relations as an important issue. In addition some twenty-five of the fifty written submissions to the Inquiry relating to Aboriginal and Islander people were concerned with allegations of police violence. As well, evidence was received at all the public hearings in relation to alleged assaults by police officers. While the intensity of the police violence alleged may vary from area to area, it was clear from all the evidence presented to the Inquiry that the treatment of Aboriginal and Islander people by police was an issue of national significance.

At public hearings in Redfern, Townsville, Perth and Adelaide, numerous complaints were made of an unprovoked and irrational pattern of police violence towards Aboriginal people. Responsible senior police officers and officials who also gave evidence at Redfern,<sup>67</sup> Townsville ° and Pere confirmed the existence of this problem, and referred to problems of training young police officers who reflect the values of the white communities from which they were recruited.

---

## **Racist Violence Against Aborigines**

---

Information collected in the Bourke region indicated that 90 per cent of Aboriginal people in the area had contact with police and 'the contact usually has racist violence overtones.'" Information to the Inquiry from the Pilbara region (WA) noted that the incidence of racist violence 'can only be described as alarming. The most consistent complaints from Aborigines were concerned with their interaction with police officers.'" Sixteen cases of alleged violence by police officers were documented by the Inquiry." Generally the most common complaints made against police were the degree of force used in making arrests; the use or threat of physical violence while in custody (particularly with juveniles); and the provocative and disrespectful language and the rough handling of Aboriginal women by male police officers." One study commissioned by the Inquiry in South Australia noted that, of the eighty-five Aboriginal individuals interviewed, 'all had either personally experienced violence from police or had seen or heard of an Aboriginal family that had.'" Information from the Northern Territory noted that Aboriginal—police relations were identified as a major problem in each centre (Darwin, Katherine, Alice Springs) and the most serious reported allegations involved the police either directly or indirectly. Evidence from the NSW Land Council noted that in Redfern the 'biggest source of racial harassment comes ... from the police'."

The Townsville Aboriginal and Islander Legal Service noted that there were numerous complaints relating to either inadequate police responses to requests for assistance, or the abuse of police powers, in particular relating to physical abuse." The Principal Legal Officer with the WA Aboriginal Legal Service made precisely the same point in relation to complaints made to the Legal Service in that State." Information before the Inquiry in NSW, Qld and WA also found extensive evidence of allegations relating to violence by police officers. The report on Aboriginal juveniles found that 85 per cent of the 171 juveniles interviewed in three States alleged they were assaulted in some form by police officers."

---

## Racist Violence Against Aborigines

---

Corroborating evidence of the seriousness of police responses to Aboriginal people was received in a statement from a serving Queensland police officer with twelve years experience. He stated:

There is entrenched racism in the police force and there is an element of police officers who are racist ... I have been present when racist comments have been made by senior officers. I have also on occasions seen violent behaviour towards Aborigines by police officers. [There is] consistent and widespread maltreatment of Aboriginal and Islander people by police.<sup>80</sup>

Some complaints were made concerning violent behaviour by Transit Authority Police in Adelaide<sup>81</sup> and Sydney<sup>82</sup> against Aboriginal juveniles. There were also some complaints in relation to Aboriginal liaison/community police. However these were relatively few in number.

There were a number of allegations that police had **Aboriginal Political harassed either Aboriginal organisations or members of and Community Organisations** those organisations.

Since the Aboriginal Legal Services were introduced in the early 1970s there have been allegations of harassment. A study of police relations in Redfern commissioned by the Inquiry noted complaints of police arresting and harassing office holders at the legal service. Submissions were received from South Australia in relation to allegations of police harassment against individuals and families related to Aboriginal persons who had died in custody.<sup>84</sup> The Committee to Defend Black Rights also gave evidence of the harassment of family members of those who had died in custody including threats by police officers and alleged bashing in police cells.<sup>85</sup>

There have been allegations that police harassed an Aboriginal community organisation in Roebourne (WA) which assists young offenders!<sup>6</sup> In Murray Bridge (SA) it was noted that a leading Aboriginal figure on the

---

## Racist Violence Against Aborigines

---

Aboriginal—Police Liaison Committee allegedly had his house raided after he had raised the issue of police violence at one of the Committee's meetings!

In Western Australia the conflict over development plans for the Swan Brewery site has led to complaints in relation to police measures against Aboriginal protesters. A submission was received from the Swan Valley Fringe Dwellers in relation to a particular police raid on their camp." In addition, evidence was presented to the Inquiry in Perth by both Aboriginal and non-Aboriginal witnesses that police used violence to provoke confrontation with Aboriginal people camped opposite the Swan Brewery site," and that the police generally harassed the campers at night through the use of police sirens and lights.<sup>90</sup> Evidence was also presented by a Minister of the Uniting Church of police harassment at the site." Evidence from the Townsville hearing of the Inquiry also alleged that individuals who were identified as being involved in protests or marches were selectively arrested!" Similarly the Inquiry found evidence that Aboriginal people in north-west NSW were harassed by police when returning from the Bicentenary demonstrations in Sydney in January 1988.<sup>93</sup>

**Social and Cultural Life** Historically, police had the function of enforcing official policies of segregation. There has always been a degree of police surveillance and intervention in Aboriginal life well beyond the experiences of non-Aboriginal Australians.

The Inquiry received substantial evidence that such unreasonable levels of surveillance continue in Aboriginal communities. For instance, spotlights were used frequently by police patrols in Aboriginal areas during the 1970s.<sup>94</sup> Spotlighting is still frequently engaged in by police when patrolling Aboriginal communities. It is an intrusive and intimidatory practice. The Inquiry heard evidence on the use of spotlights by police when patrolling the Aboriginal community at Mareeba (northern Qld).<sup>95</sup>

---

## Racist Violence Against Aborigines

---

The Inquiry was informed that violent incidents between Aboriginal people and police in October and November 1989 occurred after constant police patrols in a particular street in Geraldton. The incidents had occurred as a result of tension generated from police surveillance." Aboriginal people in Murray Bridge (SA) complained of police driving slowly past people's homes, following people while they were walking, and stopping and questioning people on the street! Other evidence from South Australia described police over-reaction amongst Aboriginal people living in Port Adelaide." It was alleged that, unlike in other communities, when a suspected Aboriginal offender was sought, all Aboriginal families were the subject of searches often involving the use of police dogs.

The Inquiry was told that it is common practice for police to enter Aboriginal homes in Roeboume (WA) at night without a warrant to conduct searches and inquiries about alleged offences." Similar complaints came from Murray Bridge (SA).<sup>10</sup> Further evidence was presented to the Inquiry in Adelaide from a survey of Aboriginal households conducted by staff at Hinders University and the Aboriginal Education Foundation. The survey found that 62 per cent of respondents in Adelaide reported that police had visited their households without having been called during the previous two years, while 24 per cent reported that police had entered the household without being invited, without a warrant and without proceeding to arrest someone. A further 19 per cent claimed that someone in their household had been physically abused by police."

Police practices in relation to particular communities in NSW were also commented upon in the submissions from the NSW Office of Aboriginal Affairs and the NSW Land Council, and the paper commissioned by the Inquiry from Mr Chris Cunneen on Aboriginal—police relations in Redfern." In an incident at Alexandria Park in Redfern, a plain-clothed police officer discharged his firearm while pursuing an unarmed offender into a crowd of approximately 1,000 Aboriginal people at a

---

## **Racist Violence Against Aborigines**

---

sport's carnival.'" According to the NSW Land Council submission 'no white community would ever have to experience the terror and basic disrespect for individual lives that happened at Alexandria Park!'" Evidence at the Inquiry's Redfern hearing by three eyewitnesses to the event described police actions as horrific.'" The Cunneen paper noted that there was a history of complaints relating to police practices in Redfern which dated back at least to the original establishment of the Aboriginal Legal Service in 1970. Many of these complaints related to both discriminatory policing practices and the excessive use of force by police. Redfern was often presented by the NSW Police Association and the media as potentially a 'no-go' area. However the paper presented evidence that over-policing rather than under-policing occurred, both in the level of intervention (the number of police used in particular situations, the extensive use of foot and vehicle patrols) and in the nature of the intervention (the use of particular squads such as the Tactical Response Group (TRG)).

Police activities in particular communities were clearly of considerable concern. A submission was received from the Yarrabah (Qld) community and further investigated by Cunneen.<sup>w</sup> Yarrabah is a designated community under the Queensland Deeds of Grant in Trust legislation and has community by-laws and Aboriginal community police in addition to State police (see *Community Services (Aborigines) Act 1984*). Evidence presented to the Inquiry related to events between 1987 and 1989 and included allegations of police assaults on individuals (including Council members), drunken State police officers on duty, harassment, allegations of attempts to plant drugs on Council members, and a complete breakdown in relations between Aboriginal community police and the State police. The Inquiry received a copy of a petition from thirty-three residents at Yarrabah which had been addressed to the Queensland Police Commissioner. The petition stated that the residents had no confidence in the Officer in Charge of Yarrabah and requested his removal. The submission from the Townsville Aboriginal and Island-

---

## Racist Violence Against Aborigines

---

er Legal Service also offered evidence of police violence and intimidation by State police officers against the Palm Island community." The submission noted that there had been several complaints which have been forwarded to the Queensland Police Complaints Tribunal relating to alleged assaults by State police officers.

Police practices in dealing with Aboriginal people in public places were also the subject of considerable evidence. The Inquiry noted police harassment of Aboriginal people in public places in Mareeba and Kuranda (Q1d).<sup>108</sup> The submission from the Townsville Aboriginal and Islander Legal Service also offered evidence of police harassment and assaults on Aboriginal and Islander people in Townsville. In one incident an Aboriginal person was allegedly told that he was being arrested for being 'black in a public place'. There were two witnesses to the statement and the later police assault."

In Bourke, the Inquiry found that Aboriginal people on the street at night were the subject of police surveillance." In Murray Bridge (SA) it was stated that whole Aboriginal groups were removed from parks if there was misbehaviour involving one person — a form of policing which was felt to be different from the way non-Aboriginal people were treated." A submission from Streetmeet in South Australia outlined discriminatory police practices in public places in Adelaide." In areas such as Hindley Street where rowdy behaviour by groups of people is common, it was alleged that Aboriginal people were singled out for police intervention." In one case documented in the submission, a worker with the Aboriginal Sobriety Group was arrested and charged with loitering while he was on duty in the Hindley Street area." Further evidence was received from four Aboriginal men who alleged that they were harassed, assaulted and arrested by police simply as a result of their presence at particular public squares within the city. According to one witness they were treated 'like dogs'.<sup>115</sup> Other evidence claimed that Aboriginal people drinking in public in Glenelg were

---

## Racist Violence Against Aborigines

---

treated differently by police than non-Aboriginal people engaging in the same activity. Further evidence was presented to the Inquiry in Adelaide from a survey conducted by staff at Flinders University and the Aboriginal Education Foundation. Some 40 per cent of respondents claimed that they had been subjected to unreasonable attention in public places by police.<sup>116</sup>

The nature of police responses to Aboriginal people in policing public places was also confirmed in a submission from a retired Police Inspector.<sup>117</sup> The submission noted that in Camooweal (Qld) the local sergeant had admitted to the Inspector that he detained Aboriginal people in the watch house without preferring charges against them 'just to keep them out of the way'. Further evidence was supplied by another (serving) Queensland police officer who stated that one police officer he served with in Townsville had an 'obsessional hatred for Aboriginal people and he was notorious for bashing them and arresting them for no good reason'.<sup>118</sup> One example of several supplied by the officer related to the arrest of thirteen Aboriginal people for being drunk. 'It appeared to me that none of those persons were drunk.'<sup>119</sup>

Police activity in other areas where Aboriginal people socialised were of concern to those who presented evidence to the Inquiry. There were a number of complaints of discriminatory policing practices outside hotels which Aboriginal people frequented. In an incident in January 1990, a solicitor from the Brisbane Aboriginal and Islander Legal Service was threatened with arrest when he attempted to take photos of police activity outside the *Prince Consorts* Hotel in Brisbane.<sup>124</sup> At closing time fifteen police were present at the entrance to the hotel and proceeded to arrest Aboriginal patrons for no apparent reason as they left. Other evidence included statements from Roebourne (WA) which alleged unlawful arrest outside a hotel and assaults at the police station.<sup>121</sup> Evidence was presented at the Townsville hearing of the Inquiry in relation to alleged police assaults outside hotels in Mareeba (Qld).

---

## **Racist Violence Against Aborigines**

---

Statements by three Torres Strait Islanders alleged they were attacked and assaulted by off-duty police in front of a night club in Cairns.<sup>122</sup> Confidential statements were received from three Aboriginal men in western Queensland in relation to an unprovoked assault by a police officer in plain clothes. The assault occurred in January 1989 in a local hotel. The three were arrested, and one person was allegedly again assaulted at the police station.<sup>123</sup>

Police activities at Aboriginal organised social events were also the subject of considerable evidence to the Inquiry. Evidence presented at the Townsville hearing of the Inquiry indicated that Aboriginal and Islander people had organised their own discos, partly as a result of harassment and discrimination at other venues.<sup>141</sup> One of the organisers alleged that police consistently interfered with the operation of the disco. According to the evidence four or five police cars and the dog squad would arrive at the disco allegedly because of complaints of fighting. The organiser denied that such fighting occurred. After arrival, provocation on the part of police resulted in the arrests of young Aboriginal people on public order charges. In Adelaide evidence was presented by a non-Aboriginal Uniting Church Minister who attended an Aboriginal sports carnival in Elizabeth (SA). The Minister stated that the event was organised and policed by the community in an 'efficient and relaxed way'. He attended a social night at a local hotel and on leaving was confronted by 'probably a dozen police paddy wagons with a double phalanx of police, most of them with Alsatians straining at the leashes'.<sup>125</sup>

Cunneen analysed two particular incidents in Brisbane where police had intervened apparently unnecessarily and harshly at Aboriginal organised social events. At Rosalie on 27 September 1986 large numbers of police and police dogs intervened at a football presentation night. Many Aboriginal men, women and children were struck with batons and the police dogs were unleashed on the crowd. The Brisbane Aboriginal and Islander Legal Service collected statements from many Aborig-

---

## Racist Violence Against Aborigines

---

inal and non-Aboriginal people who witnessed the police assaults.<sup>126</sup> At Annerley on 23 August 1987 police intervened at a 21st birthday party held in a local RSL Hall. Statements from those present indicated that police indiscriminately used batons, while other persons were kicked and had their heads smashed against police vehicles." In both the Annerley and the Rosalie incidents many witnesses claimed that the 'riots' occurred as a direct result of unnecessary intervention, police provocation and the use of excessive force.

In South Australia, it was alleged that Aboriginal people complained of police harassment and unnecessary violence on National Aborigines and Islanders Day and during other Aboriginal events in Adelaide.'

**Aboriginal Women** Evidence was presented to the Inquiry which indicated that Aboriginal and Islander women and girls have been sexually threatened and abused by police officers. In Mossman (northern Qld) an Aboriginal woman alleged that she had been raped by a police officer whilst in custody." There were also complaints from Alice Springs that Aboriginal teenage girls had been assaulted and raped by police officers and other white males." Evidence was received from a non-Aboriginal person who had witnessed a police officer detain and line-up young Aboriginal women outside the Burketown (Qld) hotel on Friday nights during early 1988. The officer then offered the young women to white male patrons in the bar for sex. According to the evidence other non-Aboriginal locals, including other police, knew of the practice but adopted an attitude of 'who cares'." Evidence was presented at the Townsville hearing of the Inquiry of allegations of sexual harassment of Aboriginal and Islander girls at Kuranda (Qld)" and of sexual abuse in watch houses in Townsville." One woman who gave evidence said police in Townsville had threatened to rape her." While not specifically concerned with police, evidence to the Inquiry hearing in Redfern also raised the issue of the sexual harassment of Aboriginal women."

---

## **Racist Violence Against Aborigines**

---

Evidence presented to the Inquiry in Adelaide by an Aboriginal youth worker related to an incident of alleged rape by police officers of a fifteen-year-old girl. According to the youth worker the girl was too terrified and ashamed to lodge any formal complaint.<sup>136</sup> In another case an Aboriginal welfare worker gave evidence of a serious police assault on her daughter who was pregnant at the time and miscarried as a result of the violence. Besides being assaulted the girl was allegedly raped by police officers while in custody. According to her mother, the young woman was too traumatised by the event to lodge a formal complaint."

Evidence indicated that Aboriginal girls in New South Wales, Western Australia and Queensland had been abused with sexist and racist language by being referred to as 'black sluts', 'black molls' etc.<sup>138</sup> Others had been threatened with sexual assault, while one girl claimed she had witnessed a sexual assault by police officers on another Aboriginal girl while they were held in police custody in a Sydney police station." A submission from Rockhampton (Qld) alleged that police had threatened, assaulted and verbally abused an Aboriginal woman in the Rockhampton Watch House after charging her with obscene language." The submission from Streetmeet in Adelaide also confirmed that Aboriginal teenage girls were the subject of sexism and sexual innuendo by police."

Further evidence was supplied by a serving Queensland police officer who recounted a number of allegations in Townsville against a police officer who had allegedly raped Aboriginal women.

The concept of 'over-policing' encapsulates a number of **OverPolicing** concerns about police intervention in Aboriginal life which were raised in evidence to the Inquiry. The NSW Aboriginal Land Council noted that the Aboriginal experience of policing had been 'police occupying Aboriginal space, indiscriminately dealing with offenders and non-offenders, displaying intimidating and often over-

---

## Racist Violence Against Aborigines

---

whelming force and keeping Aboriginals under constant surveillance as potential trouble makers'.<sup>142</sup> Over-policing was said to occur in the Pilbara region (WA) where there are high concentrations of Aboriginal people. In Roebourne there are approximately ten times the number of police than in nearby Karratha.<sup>143</sup> This over-policing is reflected in large numbers of charges brought before the court and an intrusive level of surveillance." During the Inquiry hearing in Redfern a count of police activity on the corner of Vine and Eveleigh Streets was kept. There were patrols by eight cars and three police wagons during the five-hour period.

Over-policing refers to both the nature and level of police intervention. <sup>m</sup> In relation to Aboriginal communities, it was an argument which suggested that police intervention occurred to a greater extent, both in the *degree* of intervention and in the *nature* of intervention, than it did in non-Aboriginal communities. These issues will be dealt with in the following sections of this chapter.

The degree of intervention can be demonstrated through the number of police stationed in areas with large Aboriginal communities and through the type of specialist police used to control Aboriginal communities (such as the Tactical Response Group).

The nature of intervention occurs through particular policing *practices*, and may refer to a whole range of activities including:

- the discriminatory use of particular legislation (for example, the use of public order offences);
- regular foot or vehicle patrols which create an atmosphere of surveillance and tension;
- spotlighting by police of houses in Aboriginal settlements;
- discriminatory policing of particular activities such

---

## Racist Violence Against Aborigines

---

as the stationing of police in front of hotels patronised by Aboriginal people.

Essentially the link between over-policing and racist violence is one of structural racism. It draws its legitimacy from the conditions of colonialism and the history of the role of the police as an instrument in the maintenance of colonial relations!"

Over-policing is directly linked to racist violence by a number of factors. First, it can be argued that the act of arrest is itself an act of violence through the deprivation of liberty. The factors which constitute 'over-policing' mean that disproportionate numbers of Aboriginal people are arrested. In a study of arrests rates in five north-western NSW towns during 1985-86 it was found that Aborigines were over-represented by a factor of 3.2.<sup>147</sup> That is, more than three times the number of Aborigines were arrested compared to what might be expected if Aboriginal and non-Aboriginal persons were arrested in roughly the same proportion as their respective populations.

Second, a disproportionate number of Aboriginal people, after arrest, are placed in police cells or watch houses leading to further deprivation of liberty. The research unit of the Royal Commission into Aboriginal Deaths in Custody conducted a national survey of persons detained in police cells or watch houses during August 1988.<sup>148</sup> The survey revealed that Aboriginal people made up almost 29 per cent of the 28,566 people held in police custody throughout Australia in August 1988, although Aboriginal people comprised only 1.5 per cent of the national population. In addition Aboriginal people were generally held for longer periods in the cells than non-Aboriginal people. Conditions in police cells and watch houses are often appalling — a factor which further affects the institutionalised nature of racist violence.

Third, a disproportionate number of Aboriginal and Islander people end up in prison. At the 30 June 1987

---

## Racist Violence Against Aborigines

---

national prison census some 14.6 per cent of prisoners were Aboriginal, which meant that Aboriginal persons were ten times more likely than non-Aboriginal persons to be in prison." The prison system has itself been shown to be more dangerous and violent than the outside society. Australian prisons have a suicide rate five times higher, and a homicide rate three times higher, than the general community.<sup>150</sup>

Fourth, over-policing continues the polarisation of Aboriginal—police relations. The way in which police and Aborigines interact means that Aboriginal people continue to *resist* police incursions into their activities. This resistance may manifest itself in day-to-day antagonistic attitudes or may erupt in large scale confrontations or riots.<sup>151</sup>

The issue of the apparent disproportionate number of police stationed in Aboriginal areas has been raised above. Cunneen analysed the number of police in several NSW towns with large Aboriginal populations. The results are shown below in Table 5.1.

**Table 5.1** NSW Police Authorised Strength

<b>Town</b>	<b>May 1986</b>	<b>March 1990</b>	<b>Approx. Town Population</b>	<b>1990 Ratio Police/Pop.</b>
Bourke	26	30	3,400	1:113
Brewarrina	7	11	1,600	1:145
Walgett	17	26	2,500	1:96
Wilcannia	6	11	800	1:73
<b>NSW</b>	<b>10,743</b>	<b>12,427</b>	<b>5,701,500</b>	<b>1:459</b>

Sources: NSW Police Department, ABS, Local Councils.

The empirical evidence strongly suggests that there are disproportionate numbers of police in the so-called 'Aboriginal' towns in NSW. All the towns shown in Table 5.1 have significantly greater numbers of police per head of population than the State average and all have higher proportions of Aboriginal people in their populations.

---

## Racist Violence Against Aborigines

---

The police/population ratios in these towns should be contrasted with the Eric St Johnston ratio which was recommended by the Queensland Fitzgerald Report<sup>152</sup> as the most appropriate for the determination of police numbers (see Table 5.2).

### Eric St Johnston Ratio Police to Population

*Table 5.2*

<b>Population Size</b>		<b>Ratio Police/Population</b>
Population under 5,000		1:1000
From 5,000 to 20,000	1	: 530
Over 20,000		1: 350

Source: Fitzgerald, 1989, p.225

Using this formula Fitzgerald estimated that one police district, Charleville, had 2.25 times the required police numbers." If the Eric St Johnston formula were applied to the towns shown in Table 5.1, Wilcannia would have one officer instead of eleven, Brewarrina one to two officers instead of eleven, Walgett two to three officers instead of twenty-six and Bourke three to four officers instead of thirty.

In some areas the high level of policing was directly the result of political lobbying by the local shire council and Chamber of Commerce. The lobbying itself was based on claims of a breakdown in law and order which was attributed to Aboriginal people.<sup>154</sup> In Bourke for instance the number of police doubled from thirteen to twenty-six between 1976 and 1986 while the town's population remained stable at a little over 3,000 persons.<sup>155</sup>

Despite what might appear to be objective criteria in allocating police resources through systems of workload measurement,<sup>156</sup> the discretionary nature of policing will itself directly affect any model for workload measurement. It has long been established that particular policing strategies such as targeting of particular offence categories or groups will have cumulative effects. Certainly, as Grabosky and others have noted,<sup>157</sup> pro-

---

## Racist Violence Against Aborigines

---

active policing will generate much of its own workload. In towns with large Aboriginal populations, proactive policing, given the nature of Aboriginal—police interaction, is likely to amplify conflict between the groups and thus justify further police intervention. Such intervention may in itself lead to the conclusion that more authoritarian reactive styles of policing (such as the use of tactical response police) are the most appropriate.

The number of police stationed in towns with significant Aboriginal populations directly affected the way in which Aboriginal people perceived their relations with police.<sup>158</sup> In interviews conducted with Aboriginal community leaders in Wilcannia, Bourke and Walgett the issue of police numbers was raised repeatedly. Those interviewed saw the large scale police presence as part of the mechanism of control over Aboriginal people. In other words, the question of police numbers was not simply an abstract question of the ratio of police per head of population, but one which was embedded in the wider political relations between Aborigines and white society. Far from a feeling of participating in the establishment and control of the policing priorities, the local Aboriginal communities felt that they were the subjects of control.

**Aboriginal Juveniles** The evidence presented to the Inquiry clearly demonstrated that the issue of relations between Aboriginal juveniles and police was a particular area of major importance. The subject of Aboriginal juveniles and police violence was specifically analysed for the Inquiry in a paper by Cunneen,<sup>159</sup> and will be discussed below.

Other consultants also raised the issue. One noted complaints of harassment by police against Aboriginal youths in Mareeba (Q1d).<sup>160</sup> In the Pilbara region (WA) the relationship between police and Aboriginal juveniles was cause for serious concern. Of the sixteen incidents of alleged police violence documented, nine involved serious violence against Aboriginal male and female juveniles.<sup>161</sup> In Geraldton (WA) Aboriginal corn-

---

## Racist Violence Against Aborigines

---

munity leaders claimed that Aboriginal juveniles were harassed by police and subjected by some police to racist language and abuse.<sup>162</sup> In South Australia, Aboriginal young people spoke of 'continually being harassed by police and felt scared of the police'. At a public meeting in Murray Bridge (SA) young Aboriginal men stated they had been assaulted and verbally abused by police while being detained." Evidence was presented at the Inquiry hearings in Redfern by the Co-ordinator, the Executive Officer and young members of the Youth Action Group which specified various incidents of police harassment and assault in public and while in custody."

Police assaults on Aboriginal juveniles in Alice Springs were an area of concern." A submission from a youth worker at Fitzroy Community Youth Centre (Melbourne) outlined particular incidents relating to police assaults on Aboriginal juveniles and the inadequacies of the police investigation into the complaints." A submission signed by seven residents of Woolloomooloo (NSW) referred to assaults by police on (primarily male) Aboriginal teenagers in early 1990<sup>67</sup> In Perth, evidence was presented at the Inquiry hearing by a Minister of the Uniting Church of allegations of police harassment against Aboriginal juveniles."

A submission from Taree (NSW) complained of excessive force in the arrest of several Aboriginal children on 28 March 1989.<sup>1</sup> An extensive submission was received from the Streetmeet group<sup>m</sup> in South Australia. The group presented evidence in relation to four case studies of police harassment and violence against Aboriginal juveniles in Adelaide.<sup>171</sup> The submission stated that they had witnessed many incidents of police harassment and rough handling of juveniles over the four years of the group's existence. Further evidence of police violence against Aboriginal juveniles in South Australia was presented by various individuals at the Inquiry's hearing in Adelaide.

The Inquiry found that 85 per cent of the 171 Aboriginal and Islander juveniles interviewed in Queensland, New

---

## Racist Violence Against Aborigines

---

South Wales and Western Australia reported that they had been hit, punched, kicked or slapped by police officers (82 per cent in NSW, 90 per cent in Qld and 94 per cent in WA). Sixty-three per cent of the juveniles interviewed reported being hit with objects by police. The most common object was a police baton (49 per cent), but telephone books (23 per cent), torches (14 per cent) and other objects (including baseball bats, chairs, books, brooms etc.) were also included. Many of the juveniles who reported being hit with batons stated that the incidents occurred not during arrest as might be expected, but at the police station and often in the police cells. Some 32 per cent of those interviewed reported having police revolvers either drawn and/or fired.<sup>172</sup>

The alleged assaults which were reported in the evidence collected by Cunneen occurred on the street, during arrest and at the police station. Complaints about violence and harassment in public places came particularly from suburban and business centres in Brisbane, Sydney and Perth, but also included rural areas in the three States. Most of the juveniles interviewed had complaints concerning violence while they were detained in police stations and were being questioned about alleged offences. This issue will be discussed later in the chapter. Overall the incidence of alleged assaults was geographically widespread across the three States. In addition, all the other evidence presented to the Inquiry clearly indicated that the treatment of Aboriginal juveniles by police is an issue of national concern.

**Forms of Racist** Racist violence by police officers was found to take a **Violence** number of forms including verbal abuse, physical assault, provocation and harassment.

Aboriginal juveniles complained of being slapped across the back of the head or the side of the head, of being punched in the head and body areas, of receiving black eyes and split lips, of being kicked and hit with various objects. In some cases more unusual forms of violence were used such as the sixteen-year-old youth from north

---

## **Racist Violence Against Aborigines**

---

metropolitan Perth who was taken to a Perth police station by CIB officers for questioning. Initially he refused to answer questions. He stated that the police said to him, 'If you don't talk we're going to do something really bad to you'. He alleged that he was assaulted and later stripped to his underpants. During mid-winter, he was left in a room with the air-conditioning set on the coldest temperature. He eventually made a statement in relation to offences for break and enter, car theft, assault and malicious damage. He alleged he knew nothing of the offences, but commented 'they were torturing me'.<sup>174</sup>

In another case, a fifteen-year-old Aboriginal youth had been arrested in Brisbane Mall and taken to police headquarters. He claimed he was taken to a room and handcuffed to a chair with rollers on the base. He was then pushed around the room and punched by two police officers.<sup>m</sup> Another Aboriginal youth said that he was rolled in a blanket in the cells at an outer Brisbane police station and beaten by police officers.<sup>176</sup> Similarly a sixteen year-old youth claimed that, while in the police cells at a south-western NSW station, he had a blanket put over his head while he was kicked and punched.'

Aboriginal girls reported similar examples of police violence to those made by male youth. For instance a sixteen-year-old girl stated that she was ankle-cuffed to a table and smacked and punched at an inner-metropolitan Sydney police station. She stated:

They were asking questions. They ankle-cuffed me to the table, and they said, 'If you're not going to answer us, we're going to keep belting you'.

**They smacked me in the head, punched me in the head. And I started crying because I was upset. And they just kept on asking me questions.**<sup>178</sup>

**In Kuranda (Qld)** two elderly Aboriginal people were allegedly assaulted by the police with batons."<sup>n</sup> These assaults were investigated by the Police Department and the responsible officers were transferred. In the Northern

---

## **Racist Violence Against Aborigines**

---

Territory common complaints included rough handling, assaults and wrongful arrest by police officers."

Supporting evidence of the use of violence against Aboriginal people was received in submissions from serving and former police officers. A retired police Inspector from Mt Isa (Qld) outlined the circumstances of a severe assault on an elderly Aboriginal man by a police officer. The Inspector stated that 'violence is used against Aboriginal people, and that such violence is not connected with the use of necessary force to effect an arrest on a legitimate charge'.<sup>1</sup>"

There was considerable evidence presented to the Inquiry that police officers had made suggestions of suicide or threatened to hang Aboriginal or Islander people when they were taken into custody. The study by Cunneen found that many Aboriginal and Islander juveniles had received such threats.<sup>182</sup> In Western Australia some 21 per cent of the juveniles interviewed stated police officers had either made threats or suggestions relating to hanging or suicide. The report also related similar evidence from New South Wales and Queensland. In addition the evidence from the three States covered a wide geographic area within those States. Suggestions of suicide by police officers were made in a number of different circumstances. On some occasions the suggestions had been preceded by incidents of alleged police violence. These kinds of suggestions are particularly disturbing for Aboriginal people as many Aborigines have died in custody as a result of hanging or other forms of suicide — a subject studied at length by the Royal Commission into Aboriginal Deaths in Custody. On other occasions the threat to hang an Aboriginal person in custody appears to have been used as an attempt to control what were perceived to be 'difficult' prisoners. In other incidents the threat was used as part of a wider process of intimidation in relation to gaining admissions."

The Inquiry was told of an incident in northern Queensland where an Aboriginal woman who was held in

---

## **Racist Violence Against Aborigines**

---

custody in Innisfail was allegedly offered a pair of socks with which to hang herself." Evidence from an Aboriginal woman in Rockhampton also stated that police offered her a sock with which to hang herself while in custody." Evidence put before the Inquiry at hearings in Redfern, Townsville and Perth related similar allegations of police suggesting that particular detainees commit suicide."

There was widespread evidence presented to the Inquiry relating to racist verbal abuse by police officers. Eighty-one per cent of the 171 Aboriginal and Islander juveniles interviewed in New South Wales, Queensland and Western Australia alleged that they had been the subject of racist abuse." The type of language allegedly used by police included 'coon', 'nigger', 'abo', 'boong', 'black dog', 'black cunt', 'black arsehole' etc.

Racist verbal abuse by police officers is an extensive problem!" The use of such derogatory language, besides being racist in its content, is also important in relation to the provocation involved and the likely consequences of further charges (assault police, resist arrest, offensive language) should Aboriginal people retaliate to the abuse in some manner. The use of abusive racist language, coupled with the power held by police officers, compounds the fear of actual violence. Therefore, the psychological effects of such racist abuse (and, in the case of females, linked with sexist abuse) should not be underestimated.

A number of submissions and reports to the Inquiry ***Policing and Political Power*** raised the issue of the role of law and order meetings in identifying Aboriginal people as a cause of the 'crime problem'. In May 1988 a number of law and order meetings were held in Port Hedland (WA) and attended by Labor and Liberal Members of Parliament. The meetings reportedly established vigilante groups to combat vandalism and car theft. 'Drunken Aborigines' and Aboriginal juveniles were considered to be the cause of the crime problem."

---

## **Racist Violence Against Aborigines**

---

There was also evidence presented to the Inquiry which suggested political pressure had been placed on police to harass Aboriginal communities. A submission from Dr Harris, Chairman of the Kuranda Citizens Liaison Committee (Qld) outlined changes in police behaviour in the mid-1980s after they had been told to 'clean up the town'.<sup>19°</sup> Such a move had been publically called for by politicians and certain developers. Several new police with overt racist attitudes were posted to the town. There were allegations of serious police assaults and harassment, some of which resulted in complaints to the Police Complaints Tribunal. According to Dr Harris, a new police officer posted to the town stated, 'I hate boongs, and the only thing worse than boongs is the sort of white scum that would mix with them'. During the period of the mid-1980s another medical practitioner in Kuranda kept notes on more than twenty Aboriginal and Islander people who had gone to his surgery for treatment in relation to injuries allegedly caused by police violence.

Similarly, evidence presented to the Inquiry hearing in Redfern noted the role of law and order meetings in north-west NSW between 1985 and 1987<sup>20</sup> At those meetings there were examples of overt racism which referred to Aboriginal people as 'degenerate breeds' and were closely aligned to a League of Rights position (see Chapter 7). There were calls for vigilantism. It was stated that such meetings had a direct impact on policing practices. As noted earlier in this chapter, Cunneen analysed the impact of such meetings in relation to increased police numbers in Bourke. It was found that decisions were regularly made about how to police Aboriginal people which excluded their views but included other powerful and interested parties including representatives of chambers of commerce and local government.

Policing schemes have been designed which reflect the concerns of the non-Aboriginal residents. Cunneen found that in the north-west of NSW the police had devised a contract for parents to sign which gave police power to remove children from the street. While the

---

## **Racist Violence Against Aborigines**

---

contract does not specifically mention Aboriginal children, the bottom of the form requests any parents who wish to participate to contact their local Aboriginal Police Liaison Officer. Clearly the intent of the scheme is the policing of Aboriginal youth."

Complaints in relation to the use of tactical response ***Tactical Response Policing*** police were received from Western Australia, Northern Territory and New South Wales.

A submission from the Swan Valley Fringe Dwellers noted the methods used by Western Australian tactical response police in a raid on an Aboriginal camp in December 1989.<sup>1</sup> According to the submission, the raid involved thirty police from the Tactical Response Unit who were armed with rifles and handguns. Rifles were held to the heads of woman and children who were present. Naked women were taken from the shower block and herded together. The alleged reason for the police raid was that arms were concealed at the campsite."

Evidence was received from Elcho Island (NT) where an Aboriginal man was shot dead by NT tactical response police in May 1989. Eight police were sent to arrest the man who was armed with a knife. The police ignored the requests of the Aboriginal police aide who was present at the time, and allegedly shot the man in the head."

The use of the Tactical Response Group (TRG) in New South Wales was the subject of considerable evidence. Submissions from the NSW Land Council claimed that the TRG in Redfern in August 1988 had provoked disorder through their presence as a fully-kitted riot squad." The Youth Action Group in Redfern also gave evidence of racist abuse by members of the TRG and over-reaction against the Eveleigh Street Aboriginal community." Cunneen analysed the use of the TRG in a raid involving 135 police on Redfern on 8 February 1990.<sup>199</sup> The paper noted that there had been several complaints in the late 1980s which related specifically to

---

## Racist Violence Against Aborigines

---

the use of the TRG. There had also been an increased use of the TRG in policing operations in Redfern during the late 1980s. The paper argued that the apparently routine use of the TRG in Redfern needed to be seriously questioned. Such a use of the group undermined any commitment to community policing. The nature of the TRG, as a fast response tactical police unit without ties to any locality, was the antithesis of community policing. In addition, the nature of the group (both in training and in operational duties) predisposed it towards an excessive reliance on force. There was evidence from Redfern and elsewhere in NSW, that the use of the TRG in policing Aboriginal communities has increased polarisation between Aboriginal people and the police.

The use of the TRG in the policing of Aboriginal communities was, from the outset, the subject of controversy.<sup>200</sup> Shortly after the TRG was established, the NSW Police Association requested that the Police Department form TRG units in Moree and other north-western towns. Moree was itself the site of intense conflict between Aborigines and police during the early 1980s. In rejecting the Association's request, Assistant Commissioner Graham, on behalf of the Police Department, stated:

The attendance of Tactical Response Group personnel at Moree or other country centres where racial problems exist could lead to feelings of provocation on the part of some people and lead to unnecessary confrontations.<sup>201</sup>

By the mid-1980s police thinking had changed to the extent that it became acceptable to fly in TRG police specifically to control Aboriginal people in rural areas. The change indicated an important reversal in policing policy which legitimised the reliance on proactive, paramilitary police squads to maintain order — even in the face of overseas evidence that such policing methods could polarise resistance to state intervention.<sup>202</sup>

In relation to the raid on Redfern, the signed statements by persons who were the subject of the raid indicated

---

## **Racist Violence Against Aborigines**

---

that excessive force was used in the execution of the search warrants; that the use of excessive force had the potential to cause serious injury or death to innocent persons, including children and the elderly; and that — given both the number of statements by witnesses, and the training, available firepower and routine functions of the TRG — it was likely that shotguns were used in the raid.

Justification for the raid was based on the perceived racial characteristics of Aboriginal people. Sydney District Commander Peate was reported as referring to the Redfern Aboriginal community as 'one breed' where normal surveillance and policing activities would not operate.<sup>23</sup> A notion of 'race' was used as a prediction of particular social characteristics. Those social characteristics implied a social abnormality. The community itself was defined in a particular manner rather than any alleged criminals within the community. At an operational level, particular policing practices were legitimised on the basis of 'race'. These practices included surveillance (such as the use of high rise office blocks, the TNT Towers, in Redfern) and a large scale policing operation conducted in the early hours of the morning (the raid). The simultaneous execution of the search warrants, and the number and type of police involved, indicated that the policing operation was, from its inception, designed as an operation in relation to a particular community rather than a series of individuals. The report concluded that it was appropriate to consider these policing practices as constituting institutional racism where the perceived difference of the Aboriginal community was used to legitimise an exceptional use of force. It was considered that the use of force in the policing operation thus constituted an act of racist violence. The violence which occurred involved physical violence (alleged assaults on some individuals); psychological violence (many witnesses stated they were terrified); and violence to property (during forced entry into houses and during the conduct of searches). The Inquiry concurs with these views.

---

## **Racist Violence Against Aborigines**

---

The issue of the use of heavily armed tactical response police has developed as an important area of concern for Aboriginal communities in a number of Australian States. The routine use of such police is a relatively new phenomenon in Australian policing. The evidence put before the Inquiry suggests that careful consideration should be given to the use of such police in operations involving Aboriginal communities because of their propensity to rely on excessive force, their potentially provocative profile and the polarising effect they have on Aboriginal—police relations.

**Treatment in Police Custody** There were a large number of complaints relating to treatment while being held in police custody. The paper by Cunneen relating to Aboriginal youth extensively documents the allegations of most of the juveniles who complained of police violence while being questioned for alleged offences." In some cases the Aboriginal juveniles who were interviewed by Cunneen stated that they had committed the offences for which they were being questioned; in other instances they stated that they had not committed the offences. Clearly the use of violence by police officers is not justified irrespective of whether an individual has committed an alleged offence or not.

Some complaints related to harassment based on racist attitudes. For instance a former Visitor with the Aboriginal Visitors Scheme in Perth stated that he was called to Warwick Police Station one winter's night where he found an Aboriginal boy aged about seven, standing in front of the police station without any shirt. The police had taken the shirt because they alleged it was stolen. The Visitor interviewed the police sergeant who stated that they had taken the shirt because it was silk and they 'figured it was stolen'. The assumption was that Aboriginal people could not own a silk shirt. It was later revealed that the shirt belonged to the boy's older brother. The same Visitor alleged that he had, on other occasions, been threatened and assaulted by police, while conducting his work as a Visitor to Aboriginal

---

## Racist Violence Against Aborigines

---

persons in custody.<sup>208</sup>

The Inquiry was told of incidents of Aboriginal men being hosed down while in custody at Yarrabah. Police who were interviewed admitted that this practice occurred as a method of 'quietening down' detainees.<sup>202</sup> Evidence from the Families and Prisoners Support Group in north Queensland outlined racist abuse, assaults and denial of proper medical treatment in relation to Aboriginal men held in custody at the Cairns Watch House in May 1989.<sup>208</sup> Attention was also drawn to the conditions in the watch house where fourteen individuals were in a cell designed for four detainees. Allegations of assaults in Cairns Watch House were also documented by Cunneen!" The submission from the Townsville Aboriginal and Islander Legal Service referred to alleged assaults in watch houses in Townsville and Palm Island.<sup>210</sup> Similar evidence relating to Townsville was also presented at the public hearing of the Inquiry in Townsville.<sup>222</sup> In South Australia, the report from Murray Bridge noted complaints that police assaults usually occurred in the cells while in police custody.<sup>212</sup>

In Western Australia considerable evidence was presented to the Inquiry relating to treatment of Aboriginal people in police custody. Many incidents were documented of alleged violence in the Pilbara by police officers against adults and juveniles, male and female, while in police custody. Many of the assaults related to the gaining of information or admissions from those in custody. Evidence also highlighted allegations of degrading treatment while in custody. It was alleged that Aboriginal men had been forced, through lack of water, to drink from toilet bowls while they were held in police cells.<sup>223</sup> Evidence was presented at the Inquiry by a non-Aboriginal woman who was arrested with a group of Aboriginal males and females. In her statement she alleged that the Aboriginal detainees were:

humiliated ... laughed at, jeered at, enticed to say something wrong so that the punishment would be even

---

## **Racist Violence Against Aborigines**

---

greater, threatened with the padded cell, abused with the most insidious remarks ... I had never [before] seen this kind of human abuse, this mental torture, never.

The events she described occurred in East Perth lock-up. Evidence was also received from the Swan Valley Fringe Dwellers Association of alleged assaults in East Perth lock-up in early February 1989.<sup>21</sup>

One of the many examples of police assaults supplied to the Inquiry related to an incident in Yarrabah Watch House concerning Aboriginal dancer Paul Pryor in May 1986.<sup>215</sup> According to Pryor's statement he was arrested and taken by a police sergeant and constable to the watch house at around 10.30pm on 29 May 1986. He was taken to the backroom of the station and thrown against the wall several times. He was later thrown on the ground, jumped on and choked. He was picked up and thrown against the wall. He was picked up by the hair and an attempt made to ram his head into a table. According to police, Pryor's injuries were sustained when he fell over a block of concrete at the time of his arrest. A medical report indicated multiple lacerations to the face (some requiring stitches), bruising to the right and left cheekbones, neck and shoulders, amongst other injuries. The medical report concluded that the injuries were inconsistent with the patient falling over rocks or concrete. A complaint was made to the Police Complaints Tribunal." In January 1988 Paul Pryor committed suicide in Melbourne after alleged mistreatment by the Victoria Police. The Queensland Police Tribunal had not completed its inquiries into the Yarrabah incident at the time of Pryor's death. As a result of his death it did not recommend criminal charges against the police officers involved, although it did recommend that they be warned.

Evidence supplied by a serving Queensland police officer also confirmed police assaults on Aboriginal and Islander people whilst they were custody. The officer recounted a number of incidents, mainly in Townsville, which he had personally observed. The officer's

---

## **Racist Violence Against Aborigines**

---

evidence included two cases of Aboriginal women being struck with rulers across the head while they were being questioned. In one incident the officer himself was assaulted by another police officer when he intervened to stop the violence."

Witnesses to the Inquiry alleged that police failed to investigate and trivialised the seriousness of racist actions by non-Aboriginal people against Aboriginal people. As mentioned in the introduction to this chapter, the Inquiry notified State police authorities of a number of serious allegations against police officers and the results of investigations have been referred to in the endnotes.

### ***Failure to Adequately Investigate Complaints***

In Bundaberg (Qld) it was alleged that four complaints had been made to police in relation to particular incidents of verbal abuse and threats of violence against an Aboriginal family. No action was taken." In Perth a member of the Swan Valley Fringe Dwellers group was the subject of a racist attack in January 1988 resulting in a serious head injury requiring hospitalisation.<sup>219</sup> There were several witnesses to the attack, both Aboriginal and non-Aboriginal. Although the witnesses were interviewed by the victim's lawyer, none of the witnesses was interviewed by the police. The victim stated that police attempted to influence her statement and told her that she was 'making a very big thing of it'. The victim's lawyer stated that the police were acting as accomplices to the attack. According to the victim's evidence to the Inquiry no police investigations were made and no person was charged with any offence.<sup>229</sup>

In his survey of Aboriginal communities in New South Wales and Queensland, Cunneen also noted complaints of police failing to follow-up investigations when the complainants were Aboriginal. In one case in Boulia (Qld) police had failed to take action when an Aboriginal woman was thrown off a balcony and received serious injuries requiring hospitalisation.<sup>211</sup>

---



---

## **Racist Violence Against Aborigines**

---

The submission from the Townsville Aboriginal and Islander Legal Service provided evidence in relation to the failure of police to respond to requests for assistance from Aboriginal and Islander people in Townsville and Magnetic Island. Evidence suggested that, if police did respond to incidents involving Aboriginal and non-Aboriginal people, it was non-Aboriginal people's account of incidents which were believed.<sup>222</sup> Evidence from Mareeba (Qld) claimed that on a number of occasions police had failed to respond to requests for assistance from members of the Aboriginal community.<sup>223</sup> Similarly evidence presented to the Inquiry in Adelaide and Sydney alleged that when complaints had been made to police in relation to violence against persons or property, police failed to make investigations. In cases where Aboriginal people responded to such incidents themselves, they were arrested and charged rather than their non-Aboriginal counterparts.

The Committee to Defend Black Rights also gave evidence of inadequate police investigations in relation to attacks on their premises in Sydney.<sup>224</sup>

Evidence was presented in a number of cases of police failing to act in instances of domestic violence. For instance, at the Perth hearing of the Inquiry it was alleged that police had arrested a woman in Broome for drunkenness after she attended a police station to complain of physical threats from her husband.<sup>226</sup> In another incident a serving Queensland police officer gave evidence of a rape investigation in which he was involved. The senior officer investigating the case told the officer that 'You can't rape a coon'. The senior officer when interviewing the Aboriginal woman discouraged her from making a complaint and failed to take any action, despite the fact that there were independent witnesses to the rape.<sup>222</sup> Evidence from other research confirms police reluctance to take seriously sexual assault offences against Aboriginal and Islander women.<sup>228</sup>

---

## Racist Violence Against Aborigines

---

Widespread evidence from consultants' reports, *Failure of* submissions and public hearings pointed to the **Complaints** inadequacies in the operation of procedures for **Mechanisms** complaints against police officers.

In the Pilbara region (WA) there was widespread opinion within the Aboriginal community that it was futile to make complaints because nothing was achieved and there was the possibility of further retaliatory actions.<sup>229</sup> Evidence presented to the Inquiry from Mareeba (Qld) noted that the fear of victimisation prevented people lodging complaints against police." Aboriginal people in Adelaide and the Murray Bridge area were reluctant to make complaints because it was seen to be a waste of time and to invite further harassment.<sup>231</sup> The Townsville Aboriginal and Islander Legal Service noted that its clients were fearful of lodging formal complaints and that 'the failure to provide an adequate investigative body capable of policing the police resulted in serious friction between police and Aboriginal and Torres Strait Islander people'.<sup>232</sup> Evidence presented at the Inquiry hearing in Redfern also pointed to dissatisfaction and disillusionment with police complaints mechanisms.

Evidence was presented to the Inquiry hearing in Perth by the Principal Legal Officer of the Aboriginal Legal Service (WA) in relation to making complaints against police officers including the problems of getting evidence, time delays in investigations, and the vulnerability of the complainants. In addition it was stated that in the vast majority of complaints dealt with through the Aboriginal Legal Service the end results were 'no action', 'charges withdrawn' and 'matters not followed up'." Some idea of possible time delays to conclude internal investigations was presented to the Inquiry in the Pryor case (which has been noted above). The Queensland Police Complaints Tribunal completed its final consideration of the matter in December 1989, some three and a half years after the event and nearly two years after Paul Pryor's death.

---

## **Racist Violence Against Aborigines**

---

Of the sixteen alleged incidents of police violence documented by Gallagher, eleven were the subject of formal complaints to the Police Complaints Tribunal by the Aboriginal Legal Service. None of the eleven complaints was sustained.<sup>234</sup> Cunneen analysed twenty-seven complaints made by the Brisbane Aboriginal and Islander Legal Service against police!<sup>33</sup> Only one of those complaints was sustained. The outcome in that particular case was that the officer was reprimanded. The vast majority of complaints related to allegations of police assaults and over half the cases originated from Aboriginal and Islander juveniles under the age of eighteen years. The submission from Streetmeet in South Australia outlined four complaints to the Police Complaints Authority with which they had been involved. The four complaints were not investigated. The submission noted that it seemed impossible to sustain a complaint against a police officer.<sup>236</sup> The point is reinforced in a submission to the Inquiry from a retired Queensland Police Inspector who noted that, when an investigation commenced against an officer in relation to an Aboriginal person, 'the shutters of silence go up and reference is made to "nigger lovers" and so on'.<sup>232</sup>

The survey of Aboriginal juveniles by Cunneen found that although 85 per cent of those interviewed alleged incidents of police violence, less than 10 per cent had made any form of complaint!" Some of those who had initiated formal complaints withdrew from the process through fear of further harassment. While fear of retaliation and ignorance of procedures were often given as reasons for not reporting assaults, one of the most alarming factors mentioned was that Aboriginal people had a sense in which such violence was a 'normal' part of police procedures and something to be expected.

Even if Aboriginal people did report acts of violence to an Aboriginal Legal Service, such complaints were not necessarily proceeded with. Cunneen cited the response of an Aboriginal Legal Service solicitor to the problems which were faced:

---

## Racist Violence Against Aborigines

---

Many children come to me with allegations of being bashed in the cells by detectives. Some are exaggerated; most are true. Most of the [complaints] slip through the system ... I've even found myself placed in the position [in court] where I've been unable to mention, or even [had to] tell the kid to shut up about the beating he received, because the back-up action hasn't been taken. Kids go into Longmore complaining of police bashing. Injuries are observed; it's all written down, but it doesn't get to their solicitors.

So I can't take the proper steps ... the reason why it's better for me not to mention it in court, is because, if it's raised, and raised without any back-up ... then the child is seen to be an exaggerating child and lying. If the issue of credibility is an important one in the trial, then I don't want any slurs upon his truth-telling.

It happens often and nothing is being done about it.<sup>239</sup>

The statement by the solicitor captures succinctly the closure and silence around police violence. In addition to all the reasons for *not* reporting police assaults such as lack of knowledge, fear, intimidation and resignation, it is clear that when complaints are made the legal system itself appears to ensure that, *on the basis of the most beneficial outcome to the client*, it is a matter which is best left quiet. When one adds to this the problems of evidence, delay and unsatisfactory outcomes encountered through the official mechanisms of complaint, it is difficult to avoid the conclusion of an institutionally sanctioned acceptance of police violence.

Evidence presented to the Inquiry suggested that there was a strong perception of institutionalised injustice in relation to the court system. Part of that perception is that Aboriginal offenders are treated more severely than non-Aboriginal offenders. One significant example concerns a case where a non-Aboriginal man was charged with traffic offences after the death of two teenage Aboriginal girls in suspicious circumstances. The all-white

---

## Racist Violence Against Aborigines

---

jury found him innocent of the charges. There was an outcry from the Aboriginal community in relation to this case.<sup>240</sup>

The issues of bail" and probationary conditions were also raised in evidence brought before the Inquiry. An issue of particular concern is the banishment of Aboriginal people from their hometowns. In Murray Bridge (SA) an Aboriginal man was banished from the town through bail conditions set by the court for at least three months in early 1990. The banishment effectively excluded the man from caring for his family and attending funerals, weddings and other family occasions." Cunneen also analysed the use of banishment in north-west NSW. Aboriginal juveniles and adults had been the subject of banishment orders in Wilcannia, Bourke, Brewarrina and Walgett. Cunneen argued that such probationary and bail orders were probably an abuse of power and clearly violated international standards on human rights in relation to freedom of movement. Similarly, curfew conditions had been placed on juveniles.' The discriminatory use of such curfew conditions against Aboriginal juveniles in Bourke and Wellington has been remarked upon by the NSW Ombudsman?" Cunneen noted that there was enormous pressure, particularly given the importance of informal kin networks in Aboriginal social and cultural life, to break conditions of curfew or banishment. If the conditions were broken, then the processes of criminalisation were further extended.

The use of particular legislation was also the subject of evidence before the Inquiry. It was noted that public drunkenness was still an offence in many States of Australia, despite the recommendations of the Interim Report of the Royal Commission into Aboriginal Deaths in Custody." The discriminatory use of particular legislation relating to failure to cease loitering, disorderly behaviour and resisting arrest was commented upon in South Australia?" Similarly the use of obscene language and drunkenness charges in Queensland were seen to be offences for which Aboriginal and Islander people were

routinely convicted.

The submission from the NSW Aboriginal Land Council argued that the reintroduction of the NSW *Summary Offences Act 1988* has had serious repercussions for Aboriginal people with the increase in police power over street offences.<sup>247</sup> Evidence was also presented at the Redfern hearing which outlined the use of the *Summary Offences Act* in particular situations.<sup>248</sup> In one case an Aboriginal man in Bourke was sentenced to two months imprisonment for the use of offensive language. It was also argued that other public order laws including violent disorder and riot were discriminately used against Aboriginal people. Certainly there is evidence to show that Aboriginal people are massively over-represented in the statistics for minor public order offences?" Cunneen analysed court appearances in Brewarrina between January 1989 and July 1989 for the Inquiry.<sup>250</sup> It was found that 48 per cent of adult court appearances and 44 per cent of juvenile court appearances were for minor public order offences.

The question of Aboriginal and Islander imprisonment ***Imprisonment*** was raised in a number of submissions presented to the Inquiry. Some dealt with the over-representation of Aboriginal and Islander people in the system, while others were concerned with alleged acts of racist violence. The level of Aboriginal over-representation has been indicated previously in this chapter.

A submission from the Incarcerated Peoples Cultural Heritage Aboriginal Corporation (IPCHAP) in Queensland raised allegations of racist violence at Brisbane Correctional Centre (Boggo Road Gaol).<sup>251</sup> There were allegations that the Corrective Services Commission's Security Squad had discriminately used dogs and other forms of provocation against Aboriginal prisoners.

Evidence was presented to the Redfern hearing relating to the use of strip searches at Bathurst Gaol. It was alleged that the wives and children of Aboriginal

---

## **Racist Violence Against Aborigines**

---

prisoners were strip-searched in front of other members of the public at the gaol.

Evidence from Victoria indicated that intimidation and violence had been used against Aboriginal and Maori prisoners in Pentridge Gaol.<sup>252</sup> The evidence involved the use by prison officers of Ku Klux Klan hoods. According to the evidence of a prisoner, in January 1988 an officer had worn the hood to frighten prisoners. The hood had been used on previous occasions. A photograph of two prison officers and a third person wearing KKK hoods was presented to the Inquiry. The photograph was published in May 1989 and as a result three prison officers were reprimanded. A further officer was reprimanded for burning a white cross. However, according to the submission, others involved in the intimidation were not charged.

In general there were not a large number of allegations in relation to racist violence within the prison system. This may be explained by the fact that the Inquiry was conducted with an emphasis on public meetings. The paper by Cunneen which analysed Aboriginal juveniles and police violence commented upon the issue of racist violence in relation to juvenile detention centres." There were a number of allegations of violence by detention centre staff and some complaints of discriminatory treatment in relation to discipline and punishment. However, of more concern was the massive over-representation of Aboriginal juveniles within the detention centre population. The over-representation was generally larger than that experienced by Aboriginal adults. It was found in Western Australia, where 73 per cent of the juvenile population in detention centres were Aboriginal, that the Aboriginal rate of detention was 539 per 100,000 compared to a non-Aboriginal rate of 62 per 100,000.<sup>54</sup> Cunneen recommended that consideration be given to investigating programs conducted within institutions, particularly behaviour modification programs, in relation to their impact on Aboriginal cultural values.

---

## Racist Violence Against Aborigines

---

The evidence presented to the Inquiry indicates that **Effects on Victims** direct physical violence is only one aspect of the effect on the victim. There are also psychological effects to be considered. In addition the effects are cumulative in nature rather than simply derived from any single incident. Some acts, such as vandalism or verbal abuse, while not in themselves directly involving violence, clearly imply a threat of personal violence to the victim. These effects are further compounded when one considers that the perpetrators of such actions may be persons in positions of legitimate authority, that is, the very persons from whom one would expect redress from such actions. When this is the case, feelings of powerlessness are reinforced.

There was widespread evidence put before the Inquiry of the extreme effects of racist violence on victims. One effect was a sense of hopelessness. In Murray Bridge there was 'a sense of acceptance, resignation and helplessness because people either don't know what to do or believe quite strongly that nothing will be done'.<sup>25</sup> Similarly Cunneen found in his interviews with Aboriginal juveniles a sense of acceptance of police violence for similar reasons.<sup>26</sup> Evidence from the public hearings of the Inquiry in Redfern, Townsville and Perth related similar findings of a lack of confidence in anyone being able to address the experiences of Aboriginal and Islander people.

Similarly there was evidence of the psychological effects of such violence. An ex-member of the Aboriginal Visitors Scheme in Perth stated, 'You have got to witness what happens ... the anguish, the distress and emotional disorders ... and to see the police officers stand around and mock them and laugh at them'.<sup>27</sup> A number of Aboriginal people who gave evidence to the Inquiry referred to their treatment by police as amounting to torture. Furthermore, it was pointed out by the Townsville Aboriginal and Islander Legal Service that a disturbing feature of racial violence was that the 'targets of such acts are often the people in extremely desperate social situations ... not capable of taking adequate steps

---

## Racist Violence Against Aborigines

---

to defend themselves or expose what has occurred'.<sup>258</sup>

**Media** The evidence presented to the Inquiry demonstrated that Aboriginal and Islander people were keenly aware of media images which they felt to be racist. Examples were provided of such reporting in the Inquiry's public hearings throughout Australia.<sup>19</sup>

Aboriginal people who gave evidence at the Inquiry hearing in Redfern complained of a particular television program.<sup>260</sup> In July 1989 Channel Nine transmitted a *Sixty Minutes* program on the Redfern Aboriginal community entitled 'The County'. The program centred around police perceptions of Redfern and was filmed from inside a patrol car in Eveleigh St Redfern at night. Police officers in the car spotlighted members of the community. The title referred to 'Coon County', a racist name allegedly used by police for Redfern.

Two Aboriginal organisations (the Redfern Youth Action Group and the NSW Land Council) made official complaints to the Australian Broadcasting Tribunal in relation to a breach of the Television Program Standards relating to racial vilification. The Tribunal accepted Channel 9's defence of the program and rejected the complaint. Professor Andrew Jacubowicz has noted:

Given that the [*Sixty Minutes*] report reinforced the most popular prejudices about Aborigines, and privileged police views of the situation, one may well ask what the programme would have had to have done to convince the Tribunal that 'susceptible people' would have their hatred against Aborigines perpetuated.<sup>261</sup>

Prof. Jacubowicz's media study for the Inquiry revealed that 38 per cent of newspaper articles which mentioned Redfern during 1988 and 1989 were articles which were 'stereotypically negative stories about Kooris'.<sup>262</sup> Within these stories, the largest subject category identified Aboriginal people with crime and violence.

The Inquiry was told that the media may generate a climate which provides legitimacy for racist violence. While the actual facts may be true, the media, it was submitted, was inclined to report in a sensationalist manner, particularly with respect to headlines, with the effect that the headlines frequently obscured the details of the story. For instance the *Daily News* in Perth (29 November 1989) portrayed a picture of Geraldton as 'under siege' by Aboriginal youth. The headline stated 'Black Terror Grips WA's Sunshine City' and purported to describe a 'Black crime wave'. Evidence to the Inquiry suggested that an underlying factor in the volatility of race relations was the 'prolonged, sensational and biased media coverage which has encouraged racial stereotyping and the denigration of the Aboriginal community'.<sup>263</sup> The Inquiry found that Aboriginal people in Adelaide also complained of racist and sensationalist reporting and broadcasting.<sup>264</sup> In other evidence presented to the Inquiry's hearing in Adelaide complaints were made of discriminatory newspaper reporting in relation to racial stereotypes of Aboriginal people drinking in public places.<sup>m</sup> In the Northern Territory the Inquiry found that media reports generated fear and tension in their reporting of race issues.<sup>266</sup> In another submission from the Northern Territory complaints were made in relation to cartoons which appeared in the *Sunday Territorian* which depicted and legitimised violence against Aboriginal people protesting against proposed changes to sacred sites legislation.<sup>267</sup> Similarly a worker with the Swan Valley Fringe Dwellers in Perth gave evidence that Aboriginal people protesting against development plans at the Swan Brewery site were referred to as 'nitwits', 'misfits', 'dole bludgers' etc. on Radio 6PR.<sup>268</sup>

Evidence to the Inquiry indicated that local media in many rural areas regularly contain racist views and provocative material.<sup>26</sup> The Inquiry heard that, in Bourke (NSW), local community radio station (2WEB) was the subject of complaints by the Burran Aboriginal Media Corporation because of limited air time available to Aboriginal broadcasting and an unreasonable editorial

---

## Racist Violence Against Aborigines

---

control over Aboriginal content on-air.<sup>m</sup>

Evidence from Townsville stated that the media had the potential to provoke violence and was particularly concerned with discriminatory reporting in relation to crime stories where a person's ethnic and racial origin was only mentioned if the person was Aboriginal or Islander.<sup>vi</sup> Similarly a study of newspaper reporting in north-west NSW found that discriminatory reporting occurred during periods when law and order meetings were conducted. During such periods Aboriginal people were directly linked with criminality. No other racial or ethnic identification was used except when the alleged offenders were Aboriginal.<sup>v2</sup> Other research on media reporting of Aboriginal people has argued that there has been a shift over the last thirty years from stereotypical portrayals of Aboriginal people as 'victims' to stereotypical portrayals as 'criminals'<sup>73</sup>

In the Dubbo *Daily Liberal* (August 1989) a photo was printed in the social pages of four young men dressed in Ku Klux Klan outfits and carrying a wooden cross. The caption read 'the Ku Klux Klan were out in force at the Westside players end of season dinner ... this fun night was really enjoyed by all'. The fact that the report was presented as a humorous piece suggested the framework of prevailing views of both the paper and the readership.<sup>r4</sup>

The evidence presented to the Inquiry from across Australia suggested a range of factors of serious concern to Aboriginal people in relation to the media. Of particular concern was the representation of Aboriginal people as 'criminals'. There was ample evidence of discriminatory reporting and racial stereotyping. It was argued that the effects of such presentations provided a legitimisation of coercive and violent measures against Aboriginal people.

---

## Racist Violence Against Aborigines

---

The evidence before the Inquiry shows clearly that the problem of racist violence against Aboriginal and Islander people is widespread across Australia. Furthermore, the forms of racist violence manifest themselves in a number of social and institutional arenas. Clearly a major problem brought to the attention of the Inquiry is the problem of racist violence by police officers.

**Conclusion:  
The Extent and  
Nature of Racist  
Violence against  
Aborigines**

---

Inevitably there will be objections by some that the evidence of police violence rests partially on *allegations* — *claims* which would not necessarily be upheld in a court of criminal law. There are however a number of factors which fundamentally undermine such potential criticisms.

First, the evidence which was received was extensive; indeed it represented material from across Australia which was presented as verbal evidence at public hearings, as written submissions and as reports researched by independent academic consultants.

Second, the evidence indicated a similarity in the type of complaints which were made from different States on different sides of the Australian continent. There was thus an internal consistency in relation to the statements concerning police violence amongst a large number of individuals and organisations across a wide geographical area.

Finally, and most importantly, those who presented evidence to the Inquiry were generally poor and disadvantaged people who have difficulty in formally proving a legal case or pursuing an official complaint. Given the fundamental inequality in terms of Aboriginality and (in the case of women) gender of those assaulted, compared to the power and authority of those who allegedly committed the assaults, the chance that the legal demands for adequate evidence would be met are slim indeed. As noted earlier in this chapter there is a silence around the issue of police violence — even by

---

## **Racist Violence Against Aborigines**

---

those who recognise its existence and have the task of defending Aboriginal people in court.

A further factor which needs to be confronted is whether the violence by police officers is racist. There are compelling reasons for considering the use of violence by police officers against Aboriginal and Islander people as part of an institutionalised form of racist violence. The wider policing processes which bring such a massively over-representative number of Aboriginal people into the criminal justice system has the effect of subjecting those persons to violent treatment: the violence which is part of the routine practices of policing. In other words, the processes of criminalisation entail subjecting individuals to varying degrees of violence. Those same processes selectively discriminate against Aboriginal people. In addition, the over-representation has racist outcomes. Aboriginal people are seen in some way to be 'naturally' criminal.<sup>v5</sup> As was clear from the report on Redfern and other evidence before the Inquiry, particular policing practices (often involving excessive force) were legitimised on the basis of race. Thus there are structural reasons for regarding the violence against Aboriginal people as constituting racist violence.

In addition, there is a 'vocabulary' of racism which goes with the violence and transforms what may be a simple violent act into an action which constitutes racist violence. Evidence put before the Inquiry indicated the extensive use of racist language by police. The use of racist language exacerbates the fear of violence for Aboriginal people and reinforces the racist nature of the incident. The violence becomes an act motivated by racism rather than a physical act with a particular purpose such as gaining an admission to a crime. The act of violence derives its social meaning through a context which is defined in racial terms. The person being assaulted is not simply a 'suspect'; he or she is simultaneously categorised in racially derogatory terms such as 'Abo' or 'boong'.

Similarly one might consider the language involved in

---

## Racist Violence Against Aborigines

---

sexist abuse. The evidence presented to the Inquiry makes clear that the sexist abuse is always contextualised by race: 'you slut' inevitably becomes 'you black slut'. Indeed at the Townsville hearing, evidence by an Aboriginal woman captured the combination of threats of violence towards Aboriginal women when she stated that, while she was in police custody in Townsville, police officers alternated between saying 'should we rape her' or 'should we hang her'. In this case the threat of sexual violence and racial violence are used in combination. Thus particular actions are placed within a context which articulates and defines them as racist. The act of violence, when it occurs, is thus an act of racist violence.

The policing apparatus clearly operates within a wider social and political framework. It is apparent that the extensive nature of racist violence by police could only occur in a situation which provides some form of legitimacy or at least condones such actions. The early sections of this chapter outlined the evidence presented to the Inquiry in relation to complaints of racist violence in a number of areas. There were many allegations of individual racist attacks on Aboriginal and Islander individuals and organisations. Powerful individuals and institutions which condone or legitimise such actions exacerbate racist violence.

The portrayal of Aboriginal people as a law and order problem, as a group to be feared, or as a group outside assumed socially homogeneous values provides legitimacy for acts of racist violence. Those acts of racist violence cover a wide range of incidents, of which police violence is the most extreme and of most concern. However it was clear to the Inquiry that racist violence is an endemic problem for Aboriginal and Torres Strait Islander people. The fact that Aboriginal and Torres Strait Islander people are faced with racial discrimination in almost every aspect of their daily lives is the underlying reason for the high levels of racist violence reported to this Inquiry. In addition, Aboriginal and Islander organisations whose aim it is to promote the

---

## **Racist Violence Against Aborigines**

---

economic, social and political well-being of Aboriginal and Islander people were also the subject of attacks — either directly or through processes engendering fear, distrust and opposition. Such attacks are of particular importance because they constantly undermine Aboriginal and Islander initiatives to control and enhance their own lives.

---

## Racist Violence Against Aborigines

---

- 1 Submission no. 3.13, NSW Aboriginal Land Council, p.1. **Endnotes**
- 2 As indicated in Cunneen C., 'A Study of Aboriginal Juveniles and Police Violence', an unpublished paper commissioned by the National Inquiry into Racist Violence, Sydney, 1990a, p.44, less than 10 per cent of the young people interviewed made any complaint in relation to police violence. Further, a British survey in 1982 found that 60 per cent of racial attacks were never reported to the police. The overseas response to this problem is discussed in Chapter 9 of this report.
- 3 Cunneen C., 1990a, op cit.
- 4 Allbrook Cattalini, 'Community Relations in Geraldton, Western Australia', unpublished paper commissioned by the National Inquiry into Racist Violence, Sydney, 1990, 1<sup>3</sup>.
- 5 Cummings R., 'Report on Racist Violence in the Northern Territory', unpublished paper commissioned by the National Inquiry into Racist Violence, Sydney, 1990, p.10.
- 6 Submission no. 3.13, op cit, p.2.
- 7 Cummings R., op cit. p.13.
- 8 *ibid*, p.16.
- 9 *ibid*.
- 10 Submission no. 3.13, op cit, p.3.
- 11 *ibid*, p.3.
- 12 *ibid*, p.5.
- 13 *ibid*, p.25.
- 14 Rob Riley, Perth Hearing transcript pp.30-34.
- 15 Submission 3.17, Qld Aboriginal and Torres Strait Islander Corporation for Legal Aid Service, pp.7-10.
- 16 Mr Jensen, Townsville Hearing, transcript pp.65-66.
- 17 Robert Bropho, Perth Hearing, transcript p.37, Derrick De Cruz, Perth Hearing, transcript pp 205-206.
- 18 Warren Martins, Redfern Hearing, transcript pp.70-71.
- 19 Linda Burney, Redfern Hearing, transcript p.64.
- 20 A. Min, Townsville Hearing, transcript p.10.
- 21 R. Blow, Melbourne Hearing.
- 22 Name withheld, 'A Report on Community Consultations Regarding Racist Violence Experienced by Aborigines in the Bourke/Enngonia Region of North Western NSW', unpublished paper commissioned by the National Inquiry into Racist Violence, Sydney, 1990, p.16.
- 23 Cunneen C., 'An Overview of Aboriginal Police

---

## Racist Violence Against Aborigines

---

Relations', unpublished paper commissioned by the National Inquiry into Racist Violence, Sydney, 1991a and Gallagher M., 'Evidence of Racist Violence from the Pilbara Region Western Australia', unpublished paper commissioned by the National Inquiry into Racist Violence, Sydney, 1990.

- 24 Submission no. 3.17, op cit.  
25 Margaret Jeffery, Perth Hearing, transcript pp.168-171.  
26 Sister Janet Mead, Adelaide Hearing, transcript pp.22-24.  
27 Vonray Borgas, Townsville Hearing, transcript p.22.
- 28 Cummings R., op cit.  
29 Allbrook Cattalini, op cit.
- 30 Cunneen C., 'Constructing a Law and Order Agenda', *Aboriginal Law Bulletin*, vol. 2, no. 38, June 1989, pp.6-7.
- 31 *ibid.*
- 32 See, for example, submission no. 3.13, op cit; and Name withheld, 'Report on Racist Violence in Bourke/Enngonia', op cit.
- 33 Hollingsworth M., 'Report on Racist Violence in the Innisfail, Mossman, Mareeba, Kuranda and Cairns Area', unpublished paper commissioned by the National Inquiry into Racist Violence, Sydney, 1990, p.9.
- 34 Wayne Wharton, Townsville Hearing, transcript p.38.
- 35 Submission no. 3.17, op cit.  
36 Hollingsworth M., op cit.  
37 Submission no. 3.17, op cit.
- 38 Allbrook Cattalini; and Clayton Lewis, Perth Hearing, transcript p.96.
- 39 Saunders S., 'Report on Community Consultations in Adelaide and Murray Bridge', unpublished report commissioned by the National Inquiry into Racist Violence, Sydney, 1990, pp.9-10.
- 40 Submission no. 3.46, Aboriginal Health Organisation, p.1.  
41 Cummings R., op cit, pp.19-27.  
42 Allbrook Cattalini, op cit, p.16.
- 43 Submission no. 3.13, op cit.  
44 Hollingsworth M., op cit.  
45 Submission no. 3.17, op cit, Attachment 1.  
46 Cummings R., op cit, p.20.  
47 *ibid.*, pp25-28.

In two separate incidents an Aboriginal man was doused in motor oil and an Aboriginal man was painted in white

---

## Racist Violence Against Aborigines

---

- paint from the chest down (Cummings, 1990, pp.27-28).  
A similar painting incident occurred in Cove in 1987  
(*Centralian Advocate*, 22 November 1989).
- 48 Saunders S., op cit, pp.8-9.  
49 ibid  
50 Bill Butler, Aboriginal Child Care Agency, Adelaide  
Hearing, transcript pp29-32.  
51 Submission no. 3.13, op cit. p.4.  
52 Submission 3.14, Tracy and Kevin Appo.  
53 N. Morich, Perth Hearing, transcript p.42.  
54 Warren Martyrts, Redfern Hearing, transcript pp.70-71.  
55 Submission no. 3.13, op cit, p.5.  
56 Tillet G., 'Organised Racism in Australia', unpublished  
paper commissioned by the National Inquiry into Racist  
Violence, Sydney, 1990, pp.30-31.
- 57 Hollingsworth M., op cit, p.6.  
58 Vonray Borgas, Townsville Hearing, transcript p.25.  
59 G. Smallwood, Townsville Hearing, transcript pp.51-52.  
60 Gallagher M., op cit, p.2.  
61 Cummings R., op cit.  
62 ibid, p.13.  
63 ibid.  
64 ibid, Appendix B.  
65 Submission no. 3.13, op cit.  
66 ibid, p.9.  
67 Superintendent A. Iredale, Redfern Hearing, transcript  
pp.35-36.  
68 Sergeant T. Adcock, Townsville Hearing, transcript  
pp.70-71.  
69 T. Jewell, Perth Hearing, transcript p.75, pp.77-71.  
70 Name withheld, 'Report on Racist Violence in Bourke/  
Enngortia', op cit, p.6.  
71 Gallagher M., op cit, p.32.  
72 ibid, pp.11-28.  
73 ibid, p.31.  
74 Saunders S., op cit.  
75 Cummings R., op cit.  
76 Submission no. 3.13, op cit.  
77 Submission no. 3.17, op cit. pp.2-15.  
78 Greg McIntyre, Perth Hearing, transcript pp.10-13.  
79 Cunneen C., 1990a, op cit, p.2.  
80 Cited in Cunneen C., 1991a, op cit.

---

## Racist Violence Against Aborigines

---

- 81 Submission no. 3.9, Streetmeet.
- 82 B. Morgan, Redfern Hearing, transcript p.61.
- 83 Cunneen C., *Aboriginal-Police Relations in Redfern: With Special Reference to the 'Police Raid' of 8 February 1990*, Report commissioned by the National Inquiry into Racist Violence, HREOC, Sydney, May 1990, pp.2-3.
- 84 Submission no. 3.19, Royal Commission into Aboriginal Deaths in Custody; and Submission no. 328, Aboriginal Deaths in Custody Watch Committee, SA (Inc).
- 85 Warren Martins, op cit, p.7.
- 86 Gallagher M., op cit.
- 87 Saunders S., op cit.
- 88 Submission no. 3.6, Fringe Dwellers of the Swan Valley.
- 89 C. Isaacs, Perth Hearing, transcript at p201, and Robert Bropho, transcript pp.36-37.
- 90 C. Isaacs, op cit.
- 91 Rev. T. Holmes, Perth Hearing, transcript pp.67-68.
- 92 R. Silva, Townsville Hearing, transcript p.84, and V. Wyles, transcript pp.85-88.
- 93 Cunneen C., 1991a, op cit.
- 94 Gilbert K., *Living Black*, 1977.
- 95 Hollingsworth M., op cit.
- 96 Allbrook Cattalini, op cit, pp.15-17.
- 97 Saunders, op cit, p.2.
- Police commented that allegations of police harassment do not indicate the cultural background of the complaint. It cannot be determined therefore that there is a higher level of harassment towards Aborigines than ethnic groups.
- 98 Saunders, op cit, p.5.
- 99 Gallagher, op cit, p.9.
- 100 Saunders, op cit, pp.1-3.
- 101 Graham Brice, Flinders Medical Centre, Adelaide Hearing, transcript pp.92-93.
- 102 Cunneen C., 1990, op cit.
- 103 *ibid*, p.10.
- 104 Submission no. 3.13, NSW Aboriginal Land Council, p.5.
- 105 See, for example, Tiga Bayles and Shane Phillips, Redfern Hearing, transcript pp.10-13, and pp.31-32, respectively.
- 106 Investigated by Cunneen, 1991a, op cit.
- 107 Submission no. 3.17, op cit, pp.11-12.

---

## Racist Violence Against Aborigines

---

- 108 Submission no. 3.42, op cit.
- 109 Submission no. 3.17, op cit. pp.8-10.
- 110 Name withheld, 'Report on Racist Violence in Bourke/Enng'onia', op cit.
- 111 Saunders, op cit, p.1.
- 112 Submission no. 3.9, op cit.  
A Task Force set up by the SA Attorney-General into the alleged police harassment of an Aboriginal youth recommended that a cautionary diversionary program be introduced. The program involves youth workers working closely with police in the area. As a result there has been a decline in the number of Aboriginal arrests.
- 113 Submission no. 3.9, op cit.
- 114 *ibid.*
- 115 *ibid.*
- 116 Graham Brice, Adelaide Hearing, op cit.
- 117 Submission no. 3.1, C. Corner.
- 118 Cunneen C., 1991a, op cit.
- 119 *ibid.*
- 120 As told to the Inquiry by Mr Chris Cunneen.
- 121 Gallagher M., op cit, pp.8-10.
- 122 Submission no. 3.45, Confidential.
- 123 Submission no. 3.3, Confidential.  
The matter was investigated and dismissed by the QLD Police Complaints Tribunal.
- 124 David Smallwood, Townsville Hearing, transcript pp.47-55.
- 125 Rev. Lee Levett-Olson, Uniting Church Minister, Adelaide Hearing, transcript pp.58-60.
- 126 Cunneen C., 1991a, op cit.  
See also the *Legal Services Bulletin*, April 1987, pp.76-77, for a fuller account of the Rosalie incident.
- 127 Cunneen C., 1991a, op cit.
- 128 Saunders S., op cit.
- 129 Hollingsworth M., op cit, p.4.
- 130 Cummings R., op cit, p.23.
- 131 Submission no. 329, Anonymous.  
The matter was investigated by the Police Complaints Tribunal and referred to the Official Misconduct Division, Criminal Justice Commission. Action will be taken pending the advice of the Commission.
- 132 Hollingsworth M., op cit, p.8.

---

## Racist Violence Against Aborigines

---

- 133 Jenny Prior, Aboriginal Child Care Agency, Townsville Hearing, transcript p.106.
- 134 Virginia Wyles, Aboriginal Child Care Agency, Townsville Hearing, transcript, pp.85-89.
- 135 Linda Burney, Redfern Hearing, transcript pp.64-65.
- 136 Lisa Robinson, Adelaide Hearing, transcript pp.64-65.
- 137 Isabel Norvil, Adelaide Hearing, transcript p.74.
- 138 Cunneen C., 1990a, op cit.
- 139 *ibid.*
- 140 Submission no. 3.4, Candice Row Row.
- 141 Submission no. 3.9, op cit.
- 142 Submission no. 3.13, op cit.
- 143 Gallagher M., op cit.
- 144 See also Edmunds M., *They Get Heaps*, Australian Institute of Aboriginal Studies, Canberra, 1989.
- 145 Cunneen C., 1991a, op cit.
- 146 See Goodall H., 'A History of Aboriginal Communities in NSW, 1909-1939', unpublished Ph.D Thesis, Sydney University, 1982; Evans R., Saunders K., and Cronin K., *Race Relations in Colonial Queensland*, University of Queensland Press, St Lucia, 1988; and Foley M., 'Aborigines and the Police' in Hanks P. and Keon-Cohen B., (eds) *Aborigines and the Law*, Allen and Unwin, Sydney, 1984.
- 147 Cunneen C., and Robb T., *Criminal Justice in North-West New South Wales*, NSW Bureau of Crime Statistics and Research, Sydney, 1987.
- 148 McDonald D., *National Police Custody Survey August 1988*, Research Paper no. 13, Royal Commission into Aboriginal Deaths in Custody, Canberra, 1990.
- 149 Biles D., *Aboriginal Imprisonment - A Statistical Analysis*, Research Paper no. 6, Royal Commission into Aboriginal Deaths in Custody, Canberra, 1989.
- 150 Hatty S. and Walker J., *National Study of Deaths in Australian Prisons*, Australian Institute of Criminology, Canberra, 1986.
- 151 Cowlshaw G., *Black, White or Brindle*, Cambridge University Press, Cambridge, 1988; and Cunneen C. and Robb T., op cit.
- 152 Fitzgerald A., *Report of a Commission of Inquiry Pursuant to Orders in Council*, Queensland GPS, Brisbane, 1989, p.225.

---

## Racist Violence Against Aborigines

---

- 153 *ibid*, p.226.
- 154 Cunneen C. and Robb T., *op cit*, p.210.
- 155 *ibid*, p.211.
- 156 Police have highlighted several factors which determine police allocation in isolated rural areas. Such factors include workload, the number of vehicles in the area, difficulty of replacing officers and the need for support in case of crisis.
- 157 Grabosky P., 'Efficiency and Effectiveness in Australian Policing: A Citizen's Guide to Police Services', in Vernon J. and Bracy D. (eds), *Police Resources and Effectiveness*, Australian Institute of Criminology, Canberra, 1989.
- 158 Cunneen C., 1991a, *op cit*.
- 159 Cunneen C., 1990a, *op cit*.
- 160 Hollingsworth M., *op cit*, p.7.
- 161 Gallagher M., *op cit*.
- 162 Allbrook Cattalini, *op cit*, pp.16-17.
- 163 Saunders S., *op cit*.
- 164 See Redfern Hearing, transcript pp29-32; 44-46; and 56-59.
- 165 Cummings R., *op cit*.
- 166 Submission no. 3.51, 'The Fitzroy Diary'.
- 167 Submission no. 3.50, Stacey Miers.
- 168 Reverend Trevor Holmes, Uniting Church Aboriginal Islander Congress, Perth Hearing, transcript pp.67-69.
- 169 Submission no. 3.5, Wendy Lawrence.
- 170 The group was established in early 1986 as a result of concerns by Aboriginal parents in relation to Aboriginal youth-police relations.
- 171 Submission no. 3.9, *op cit*.  
Refer to endnote 112 above.
- 172 Cunneen C., 1990a, *op cit*, p.19.
- 173 See also the *Aboriginal Law Bulletin*, no. 44, June 1990 for a special issue concerning Aboriginal young people and the criminal justice system.
- 174 Cunneen C., 1990a, *op cit*, pp.17-33.
- 175 *ibid*.
- 176 *ibid*.
- 177 *ibid*.
- 178 *ibid*, p.24.
- 179 Hollingsworth M., *op cit*, p.8.
- 180 Cummings R., *op cit*.

---

## Racist Violence Against Aborigines

---

181 Submission no. 3.1, C. Corner.

182 Cunneen C., 1990a, op cit, pp.42-44.

183 For instance a 17-year-old youth stated that he was taken to a south western WA police stations for questioning in relation to a break and enter. A threat was made to hang the youth from the bars in the station. It was one of a numbers of threats and incidents of alleged violence including being hit over the back of the head, knocked to the ground and kicked, referred to as a 'black dog' and being forced to sit under a table. As a result of the violence and threats, the youth made admissions to the break and enter. However the charges were never pursued because a number of non-Aboriginal youths were eventually charged for the same offence (see Cunneen C., 1990a, op cit, p.44.)

184 Hollingsworth M., op cit, p.2.

185 V. Wyles, Townsville Hearing, transcript p.87.

186 Research conducted by the Equal Opportunity Commission in Western Australia also found that 'derogatory comments related to Aboriginal deaths in custody were alleged to be commonly made by police officers'.

187 Cunneen C., 1990a, op cit, p.41.

188 Hollingsworth M., op cit; Gallagher M., op cit; Allbrook Cattalini, op cit; Saunders S., op cit; Cummings R., op cit; evidence at public hearings in Redfern, Townsville, Perth and Adelaide and submission no. 3.17.

In addition to the extensive evidence put before the Inquiry from across Australia, the report from the Equal Opportunity Commission in Western Australia noted that complaints about constant verbal abuse by police officers were raised in nearly all the Aboriginal community consultations which were undertaken.

189 Gallagher M., op cit.

190 Submission no. 324, Dr Michael Harris.

191 Chris Cunneen, Refem Hearing, transcript, pp.81-86.

192 Cunneen C., 1991a, op cit.

193 Submission no. 3.6, Robert Bropho, spokesman for Swan Valley Fringe Dwellers.

194 The Aboriginal Legal Service requested police to discontinue their inquiry as civil litigation was taken against the State in the matter of *Edna Bropho and Others v. the State of Western Australia*. To date the matter has not been

---

## Racist Violence Against Aborigines

---

- finalised.
- 195 Submission no. 3.55, Northern Regional Council of Congress, Uniting Church.
- 196 Police Commissioner of NT unable to comment on this matter, as the Coronial Inquiry has yet to be completed.
- 197 Submission no. 3.13, op cit.
- 198 Shane Phillips, Redfern Hearing, transcript pp.26-31.
- 199 Cunneen C., 1991a, op cit.
- 200 *ibid.*
- 201 *NSW Police News*, vol. 64, no. 4, October 1983.
- 202 Scarman, Lord, *Report of the Inquiry into the Brixton Disorders, 10-12 April 1981*, cmd 8427, HMSO, London, 1981.
- 203 District Commander A. Peate, quoted in *The Sydney Morning Herald*, 9 February 1990.
- 204 One of the more disturbing incidents described in Cunneen's (1990a) paper on Aboriginal Juveniles concerned the number of juveniles who were detained for questioning in Perth in relation to the murder of a homeless man. One youth stated that he was picked-up several times over a number of weeks for questioning during which time he was assaulted. He alleged that he was assaulted so badly on one occasion that he tried to admit to the offence himself. However no charges were laid. Another youth stated that he was beaten up by the police in the process of them trying to extract information from him in relation to the murder. The youth stated that he was in East Perth lock-up at the time of the death. A third youth stated that he was picked-up for questioning in relation to the death and, like the previous two, taken to Perth Central CIB. He alleged that a metal paper bin was placed over his head and that it was hit while he was being questioned. He was then made to sit in a corner with the bin on his head while police who walked past were in a position to hit it. Finally he was placed in a small room with the bin still over his head. He was later released without charges being laid.
- 205 The Aboriginal Visitors Scheme was established as a result of deaths in custody in WA. The scheme is administered by the Aboriginal Affairs Planning Authority.
- 206 Rob Eggington, Perth Hearing, transcript, p.47.

---

## **Racist Violence Against Aborigines**

---

- 207 Hollingsworth, op cit.  
208 Submission no. 3.16, Families and Prisoners Support Inc.
- 209 Cunneen C., 1991a, op cit.  
210 Submission no. 3.17, op cit.
- 211 See, for example, V. Wyles, Townsville Hearing at transcript, pp.87-88; and Jenny Prior, transcript at p.106. Submissions received from Queensland involving the police required further information from the Queensland Police in relation to investigations and outcomes. The Police Complaints Tribunal investigated four of the five complaints. One matter was referred to the Official Misconduct Divison, Criminal Justice Commission. Action will be taken pending the advice of the Commission. In another complaint the recommendations of the Tribunal were accepted and implemented by the Police Service. In another no action was taken following an investigation. In a further complaint the finding was insufficient evidence. One complaint was not reported to the Tribunal.
- 212 Saunders S., op cit.  
213 Gallagher M., op cit.  
214 Submission no. 3.6, op cit.  
215 Submission no. 3.17, op cit.
- 216 The Pryor case was investigated by the Tribunal. Its recommendations were accepted by the Police Service. The Tribunal was of the view that if Pryor had been alive, criminal charges would have been laid.
- 217 It is also noteworthy that there have been two relatively recent cases of successful civil proceedings against police by Aboriginal people in Queensland. In September 1989 Danny Doyle succeeded in a civil court action against two Brisbane detectives. Doyle was 'verballed' on a confession for a Brisbane break and enter. He was able to prove that he was in Sydney at the time of the robbery. In August 1989 in the Mt Isa District Court, Healy J awarded damages of \$25,000 to Trevor Hendry of Normanton. Judge Healy found that three police officers had assaulted Henry at Normanton Watch House. The assault including kicking around the head and shoulders, jumping up and down on the head and shoulders of the victim and urinating on the stomach of the victim.

---

## Racist Violence Against Aborigines

---

- 218 Hollingsworth M., op cit.
- 219 Margaret Jeffery, Perth Hearing, transcript pp.168-172.
- 220 Police state that no charges were laid because of conflicting evidence from witnesses.
- 221 Cunneen C., 1991a, op cit.
- 222 Submission no. 3.17, op cit.
- 223 Hollingsworth M., op cit.
- 224 Submission no. 3.43, Committee to Defend Black Rights.
- 225 There has been recent and extensive analysis of violence against Aboriginal women and the failure of the criminal justice system to deal with the situation. See the special issue of the *Aboriginal Law Bulletin*, vol. 2, no. 46, in particular, articles by Atkinson and Payne.
- 226 Michael Gallagher, Perth Hearing transcript, p.87.
- 227 Cunneen C., 1991a, op cit.
- 228 See *Aboriginal law Bulletin*, vol. 2, no. 46, October 1990.
- 229 Gallagher M., op cit.
- 230 Hollingsworth M., op cit.
- 231 Saunders, op cit.
- 232 Submission no. 3.17, op cit.
- 233 Greg McIntyre, Perth Hearing, transcript pp.11-17.
- 234 Gallagher M., op cit.
- 235 Cunneen C., 1991a, op cit.
- 236 Submission no. 3.9, op cit.
- 237 Submission no. 3.1, C. Corner.
- 238 Cunneen C., 1990a, op cit.
- 239 Cunneen C., 1990a, op cit, p.48.
- 240 Cited in Name withheld, 'Report on Racist Violence in Bourke/Enngonia', op cit; and submission no. 3.48, G. Cowlshaw.
- 241 Including both police and court bail.
- 242 Saunders S., op cit.
- 243 Cunneen C., 1991a, op cit.
- 244 NSW Office of the Ombudsman, *Annual Report 1985-86*, Sydney, 1986.
- 245 Muirhead, J H, *Interim Report*, Royal Commission into Aboriginal Deaths in Custody, AGPS, Canberra, 1988.
- 246 Saunders S., op cit.
- 247 Submission no. 3.13, op cit.
- 248 Chris Cunneen, Redfern Hearing transcript p.85.
- 249 Eggleston E., *Fear, Favour or Affection*, ANU Press, Canberra, 1976; Milne T., 'Aborigines and the Criminal

---

## Racist Violence Against Aborigines

---

- Justice System' in Findlay M., et al (eds) *Issues in Criminal Justice Administration*, Allen and Unwin, Sydney, 1983; and Cunneen C. and Robb T., op cit.
- 250 Cunneen C., 1991a, op cit.
- 251 Submission no. 3.53, Incarcerated Peoples Cultural Heritage Aboriginal Corporation.
- 252 Submission no. 3.54, Peter Reed.
- 253 Cunneen C., 1990a, op cit.
- 254 *ibid.*
- 255 Saunders S., op cit.
- 256 Cunneen C., 1990a, op cit.
- 257 Robert Eggington, Perth Hearing, transcript p.51.
- 258 Submission no. 3.17, op cit.
- 259 See, for example, T. Bayles, Redfern Hearing, transcript pp.11-30; and S. Phillips, Redfern Hearing, transcript pp.27, 22; B. Caine, Redfern Hearing, transcript p.39. W. Wharton, Townsville Hearing, transcript p.41-42.
- 260 T. Bayles, Redfern Hearing, transcript p.11.
- 261 Jakobowicz A., 'Racist Violence, Racism and the Media', unpublished paper commissioned by the National Inquiry into Racist Violence, Sydney, 1990.
- 262 *ibid.*, p.18.
- 263 Allbrook Cattalini, 'Community Relations in Geraldton, Western Australia', op cit, p.35.
- 264 Saunders S., op cit. pp.13-14.
- 265 Sister Janet Mead, Adelaide Hearing, transcript p.23.
- 266 Cummings R., op cit.
- 267 Submission 3.21, P. Trotman, pp.1-2.
- 268 M. Jeffery, Perth Hearing, transcript p.168.
- 269 Name withheld, 'Report on Racist Violence in Bourke/Enngonia', op cit, p.10.
- 270 *ibid.*
- 271 W. Wharton, Townsville Hearing, transcript pp.41-42.
- 272 Cunneen C., 'The Newspaper Reporting of Crime, Law and Order in North West NSW', *Journal of Studies in Justice*, vol. 2, pp.14-32.
- 273 Goodall H., 'The Media and Aborigines', unpublished paper.
- 274 *ibid.*, p.4.
- 275 Commissioner Wootten made this point succinctly in relation to the death of Mark Quayle in Wilcannia, NSW. He wrote, 'I find it impossible to believe that so many

---

## Racist Violence Against Aborigines

---

experienced people could have been so reckless in the care of a seriously ill person dependent on them, were it not for the dehumanised stereotype of Aborigines so common in Australia and in the small towns of western NSW in particular. *In that stereotype a police cell is a natural and proper placer for an Aboriginal'* [emphasis added]. See Wootten H., *Report of the Inquiry into the Death of Mark Anthony Quayle*, Royal Commission into Aboriginal Deaths in Custody, AGPS, Canberra, 1991.

276 V. Wyles, Townsville Hearing, transcript p.87.



---

## Chapter 6: Racist Violence on the Basis of Ethnic Identity

---

This chapter is concerned with racist violence against persons on the ground of their ethnic identity (or perceived ethnic identity), including race, or ethnic origin or descent, except as far as Aboriginal and Torres Strait Islander people are concerned. Although there are common elements in all racist violence, there are sufficient differences between the origins and manifestations of racist violence directed against Aboriginal and Torres Strait Islander people and people of other ethnic identities for the matters to be considered separately.

### Introduction

Although the Inquiry was open to submissions from people of all backgrounds, it received almost no evidence at all from people of English-speaking backgrounds.' This chapter therefore specifically concerns violence against those who are, or who are perceived to be, of non-English speaking background. The term 'ethnic', or 'someone of ethnic origin' is popularly used to refer to people other than white Australians of English-speaking backgrounds, it being widely if inaccurately assumed that they are the only people who have 'an ethnic background'.

Racist violence is directed at persons on the basis of the ethnic identity attributed, rightly or wrongly, to them by those perpetrating the violence. The Inquiry received evidence from people, including those of Chinese and German descent, who were second, third or fourth generation Australians by birth but who were perceived to be 'foreigners'.

The Inquiry received evidence on a wide range of matters, including rudeness, discrimination and the refusal to recognise professional qualifications gained overseas. These were all said to constitute racist violence. The Inquiry took a broad approach to racist violence. Even so, this chapter focuses somewhat more narrowly on forms of behaviour which result in a real apprehension of threat, particularly of physical danger. This is not to ignore the importance of institutionally based discrim-

---



---

## Racist Violence on the Basis of Ethnic Identity

---

ination or what is often described as structural violence, which may in some cases be equally powerful in its impact on an individual or a group, and which is the subject of specific recommendations later in this report.

**Factors Influencing Racist Violence** The extent to which members of any particular ethnic group are subjected to violence is influenced by a number of factors:

### 1 The visibility of the members of the group

The more visibly different a person is the more likely he or she is to be subjected to racial discrimination or racist violence. Visibility may be based on physical appearance (for example, being Asian) or dress (for example, wearing the *hijab* or Muslim women's headscarf). A person who appears to be of white, English-speaking, 'Australian' origin may become the victim of a racist response if he or she is discovered to be of different ethnic origin (for example, because of an accent or a name; or because the person discloses his or her ethnic identity). The majority of matters reported to the Inquiry involved violence against persons who were from visibly different minorities.

### 2 The ethnic identity of the group

Some ethnic groups have traditionally faced greater hostility than others. Since the mid 19th century, Asians have been the victims of discrimination and hostility, although the level of intensity has varied from time to time. Jews have been identifiable as a specific target group primarily by organised racist groups and individuals. There is also a considerable history of hostility towards people of Arabic descent, and this has increased as a result of the Gulf War. Other groups have experienced specific periods of hostility. The most obvious example is the German community, towards whom considerable

---

## Racist Violence on the Basis of Ethnic Identity

---

hostility, including racist violence, was directed in the past, particularly during the two world wars and immediately afterwards. Recent arrivals and refugees from Central and South America are now facing a new set of problems.<sup>2</sup>

### 3 The social, economic and political context

The social context or climate at the time in which acts of racist violence occur affects the nature, direction and extent of incidents. Factors such as changes in patterns of immigration, levels of unemployment, crime reports, international conflicts, and public statements by prominent Australians may trigger and inflame racist actions, while not by themselves providing sufficient causal explanation for them.

The major ethnic communities from which evidence was received were the Jewish, Asian (particularly the Vietnamese) and Arabic communities. The OMA consultations and the interviews with households in Sydney and Melbourne also revealed a disturbing level of violence against the silent minorities, notably Central and South Americans, Maoris and Pacific Islanders. Although some evidence related to experiences over many years, for practical purposes the Inquiry limited its research to the period after 1984.

#### The Evidence

---

Community groups provided substantial evidence of **Political** violence against ethnically identified organisations.<sup>3</sup> In **Organisations and** some cases these seemed to be part of longstanding **Racist Violence** campaigns (for example, daubing of swastikas on synagogues and buildings occupied by Jewish organisations), in others they seemed to be contextual (for example, attacks on Arab and Muslim organisations during the Gulf crisis).

Evidence was given to the Inquiry of a range of violence against community, political, welfare and religious

---

## **Racist Violence on the Basis of Ethnic Identity**

---

organisations, including abusive telephone calls and letters, telephone threats (including bomb scares), graffiti and vandalism, burglary and arson. Workers in these organisations often experienced fear as a result of threatening telephone calls.

Violence against such organisations has considerable symbolic importance; it attacks groups established specifically to provide support and protection to those who otherwise often feel dispossessed and powerless. Where religious groups are involved, it may take the form of the desecration of sacred buildings and places and be compounded by the powerful impact such violation involves.

**Specific Ethnic Groups and Racist Violence** Some ethnic groups have been the particular targets of racism and racist violence in Australia throughout much of its history, and others have found themselves targets because of particular circumstances. Following World War II, Southern Europeans were the main focus of racist violence and harassment. Although the Inquiry has received some evidence of violence and discrimination against Southern Europeans in recent years (see, for example, the discussion of the so-called 'Greek Conspiracy' case later in this chapter), the problem is far less significant than that currently experienced by the Asian, Jewish and Arabic communities.

**Violence Against Asian Australians** People of Asian origin have been traditional targets of racism and racist violence in Australia, although the intensity of prejudice or hatred has depended upon the social, economic and political context (see Chapter 3). The Inquiry received many submissions reporting discrimination against, harassment of and violence towards Australians of Asian origin, much of it directly able to be related to contemporary political debate (for example, the immigration debate), the national economic situation (particularly high unemployment levels) or current media focus (for example, negative stories about Japanese property developers).

---

## **Racist Violence on the Basis of Ethnic Identity**

---

There generally seems to be little distinction made by those holding prejudices or perpetrating violence between different Asian groups. There appeared to be an assumption on the part of perpetrators that Asians are Asians, and ethnic distinctions amongst them do not matter. When specific groups of Asians are the focus of hostile attention, there is an assumption that all Asians belong to that group. Thus, when the issue of Vietnamese refugees was controversial, Asians generally tended to be identified as Vietnamese.

People who were second or third generation Australians of Asian descent were equally likely to face racism. Students from universities reported that, during a period of controversy over the number of Asian students who should be allowed into Australia, Australian-born students of Asian descent were subjected to harassment and abuse, with calls for them to 'go home' by other students objecting to the number of overseas students on campus. It was their ethnicity to which exception was taken, not their nationality.

Asians have been the focus of attention of several racist groups, particularly the Australian Nationalist Movement and **National Action**, and campaigns including graffiti, posters and pamphlets have been run against them. Witnesses stated on numerous occasions before the Inquiry that constantly seeing posters and graffiti made them feel unwelcome and dispossessed in Australia.

Most significantly, a number of Asian witnesses expressed fear about publicising the extent of anti-Asian sentiment. The immigration debate was cited as a major reason for exercising caution. If giving prominence to the issue did increase racist incidents, wasn't it better just to keep quiet? The Asian-Australian Consultative Council drew attention to the fear which pervades the Asian community:

**We do acknowledge that the Asian ethnic communities may not be aware of their rights ... or fully comprehend**

---

## Racist Violence on the Basis of Ethnic Identity

---

the police and judiciary systems; know how to utilise police, local council, government resources; or know how to utilise and participate in the Australian political process. Lack of knowledge is not, however, peculiar to [Asians] ... but what does permeate the Asian communities is the fear of being heard, the fear of authorities, the fear of politics. These are matters that require attention.<sup>4</sup>

**Violence Against the Jewish Community** The Inquiry received a great deal of information about racist violence against Jewish people, and about anti-Semitism in general. This year alone, there have been arson attacks on the Temple Emanuel kindergarten in the Sydney suburb of Chatswood (26 January 1991), the Sephardi Synagogue in Woollahra (26 February 1991) and the Bankstown War Memorial Synagogue (5 March 1991).<sup>5</sup> Later in March, the Arncliffe Synagogue was the target of arsonists. In Melbourne, the Jewish War Memorial kindergarten in Doncaster was also attacked in late January.

The Executive Council of Australian Jewry submitted that:

There has probably been a rise in instances of anti-Jewish violence and abuse in Australia during the past few years, although it is extremely difficult to be precise about this, or to quantify it, and it might be argued that the volume of anti-Semitism is less than a generation ago, for instance during the period of the Jewish refugee influx after 1945. Certainly..., there have been a disturbing number of anti-Semitic incidents during the past few years, generally from neo-Nazi sources.<sup>6</sup>

The Council suggests several reasons for the apparent increase in racist violence and intimidation against Jewish people. These include a questioning of the 'former consensually benevolent view of all minorities and universal endorsement of multiculturalism' arising from the immigration debate; the prominence given to three unrelated issues concerning Jewish affairs: the continuing *intifada* among Palestinian Arabs and Israel's

---

## Racist Violence on the Basis of Ethnic Identity

---

attempts to suppress it; the issue of War Crimes trials in Australia; and, most significantly, the growth in white racist groups like National Action among marginalised youth.'

Mr Sam Lipski, editor of the *Australian Jewish News*, points out that anti-Semitism, like racism, manifests itself in a variety of ways:

In Australia, it makes sense to distinguish between at least seven categories of anti-Semitic behaviour:

- (1) Physically violent acts or threats directed against Jews, Jewish institutions and Jewish property;
- (2) Verbal abuse against Jews in Jewish neighbourhoods;
- (3) Political agitation on the fringe by extremist groups accompanied by the dissemination of propaganda literature material of the racist (anti-black, anti-Asian) and classic anti-Semitic variety;
- (4) Public expression of hostility against Jews in the mainstream, church and ethnic media or in the mainstream ideas marketplace;
- (5) Private or casual prejudicial statements against Jews, sometimes described as 'ritual anti-Semitism';
- (6) Acts of discrimination against Jews in the workplace;
- (7) Acts of terrorism against Jews or Jewish property by anti-Israel elements.<sup>8</sup>

As far as racist organisations are concerned, anti-Semitism is essentially directed at all Jews on the basis of their ethnicity, although some organisations would consider a Jew who converted to Christianity as undeserving of hostility.

---

## **Racist Violence on the Basis of Ethnic Identity**

---

In the case of opponents of Israel, or of Zionism, it could be claimed that their actions are directed against a State because of its policies rather than against a people because of their ethnicity. The Jewish community itself, however, does not see a distinction between anti-Semitism and anti-Zionism. Graffiti on the wall of a Jewish club may well be a sign of political protest against the treatment of Palestinians, but its effect on many members of the Jewish community, particularly those who survived the Holocaust, will be to promote a sense of the threat of violence on the basis of their ethnicity.

One particular case reported to the Inquiry highlights this issue. When the Sydney University Muslim Students' Association sought to hold a seminar entitled 'Zionism: The Other Face of Nazism' in August 1989, they were refused access to University Union facilities for the seminar, and posters for the seminar were torn down. The Association complained to the Inquiry that this was a form of racism against it, and defended the title of the seminar (to which the Union and a number of students, both Jewish and non-Jewish, had expressed objections) on the ground that the seminar was in opposition to a specific form of Zionism and of specific actions of the State of Israel, but indicated no antagonism to Judaism as a religion or Jews as a group.<sup>9</sup> Clearly Jewish students saw the title as racist and offensive.

The evidence presented to the Inquiry also supports the observation that there is a connection between inflammatory words and violent action.<sup>10</sup> This issue is discussed in detail in Chapter 11. Overall, however, the Inquiry concurs with Mr Lipsld's comments that:

To focus on [these issues] is to examine a minor, but currently troubling, feature of the totality of Jewish experience in Australia. Otherwise in its interaction with the wider Australian society, that experience remains overwhelmingly positive and shows every sign of continuing in that vein... There is no history of violent anti-Semitism in Australia. We have not had expulsions, pogroms, and deportations. This is not Europe.<sup>11</sup>

---

## Racist Violence on the Basis of Ethnic Identity

---

Anti-Arab and Muslim feeling is largely based on stereotypes about Arabs and Muslims: a generalised identification of Arabs and Muslims with violence (such as terrorism and the taking of hostages), a stereotyped identification of Arabs and Muslims with 'unAustralian values' (for example, religious fundamentalism, conservative views about women and moral issues, dietary restrictions, conservative and conspicuous clothing, prohibitions on alcohol, and a desire for a separate cultural identity), media coverage reinforcing these perceptions, and responses by some groups within the Arab and Muslim communities which have the effect of reinforcing these stereotypes (for example, calls for the death of Salman Rushdie). In addition, there has been a general social, political and economic context conducive to scapegoating, arising from the 'war mood' associated with the Gulf crisis.

### ***Violence Against Arab Australians***

However, the Inquiry received evidence of verbal and physical violence against Arab and Muslim Australians, and their property, well before the Gulf crisis. A number of Muslim groups made submissions regarding their concerns about such violence.<sup>12</sup> In many cases, the groups identified upsurges in anti-Muslim violence with specific incidents, including the Rushdie affair.

Many Arab and Muslim groups have expressed fear of a hostile and threatening environment in which violence seems a real possibility. It has been reported that Arab and Muslim school children have been subjected to harassment or rejection at school, and threats of physical attack from other students. There have also been cases of teachers being accused of hostile or potentially intimidating remarks.

The Inquiry received evidence, during the Gulf War, of Arab and Muslim people, particularly women, feeling afraid to leave their homes, and of parents believing that it was too dangerous for their children to do so. Some shopping centres in areas with high Muslim or Arab populations (for example, Sydney's Bankstown Square) reported a substantial decline in the number of women

---

## Racist Violence on the Basis of Ethnic Identity

---

from these groups using them. Where such centres previously served an important social function, the risk of danger was apparently seen to be too high.

There have been widespread reports of Muslim women having their *hijabs* pulled off in the street; such attacks are more significant for their symbolic impact on the victim than for any physical harm they may do. In one report an Anglo-Australian woman attacked an elderly Arab woman in Preston (Vic), ripping off her *hijab* while yelling, 'Go home you fucking bitch'.<sup>13</sup> There have been reports of Arabs and Muslims being spat on in shopping centres, and being taunted while walking or driving.

On 17 October 1990, the mosque of the Turkish Islamic Society in Coburg, Victoria, was vandalised and electronic equipment stolen. In the same month, the Preston Mosque which had just been repaired after an earlier attack had its windows smashed.<sup>4</sup> In September 1990, an attempt was made to burn down an Islamic school in Coburg; some \$20,000 damage was done. In the same week, a mosque in East Coburg was burgled and vandalised, and the offices of the Islamic Council were broken into on two successive nights. A substantial amount of property was stolen, including mailing lists, which caused considerable concern in case they were used to identify victims for future attacks'

In Perth, at the end of December 1990, a Muslim primary school was subjected to arson and to threatening telephone calls and a Jordanian restaurant was vandalised before being set alight. These incidents were part of an estimated \$1.3 million damage which occurred over a three-month period to four properties owned by people of Middle-Eastern descent, including Jews, in Perth!'

Events following the outbreak of the Gulf War included incidents of vandalism and arson. The most serious incident took place on 24 January 1991 when the Rooty Hill Islamic Cultural Centre at Mount Druitt (NSW) was attacked with a Molotov cocktail in the early hours of the morning!'

---

## Racist Violence on the Basis of Ethnic Identity

---

The media have often focused attention on violence *Inter-Ethnic Disputes* occurring between ethnic groups, particularly where these groups have a long history of mutual hostility (for example, Serbians and Croatians).

The following stories have all been used by the press as examples of inter-ethnic 'terrorist' crimes:"

- 1966: parcel bomb exploded in mail room of Melbourne GPO - believed to be addressed to leading pro-Yugoslav supporter;
- 1970-1977: four bombings of Yugoslav and Croatian targets and an arson attack on a Croatian newspaper;
- 1972: bomb inside Yugoslav General Trade and Tourist Agency;
- 1980: Turkish Consul-General and his bodyguard shot dead - responsibility claimed by 'Justice Commandos of the Armenian Genocide';
- 1982: bombs exploded at the Israeli Consulate and a Jewish club in Sydney - 'The bombings came ten years after a series of letter bombs were sent to leaders of the Jewish community in New South Wales and Israeli diplomats in Canberra and Sydney';
- 1986: car bomb near Turkish consulate set by people of Armenian descent;
- 1988: Croatian youth severely injured after being shot during a protest outside the Yugoslav Consulate in Sydney.

Extensive coverage has also been given to so-called 'gang-wars', particularly between Vietnamese and Lebanese youths in Sydney's western suburbs."

These reports have influenced public opinion and created a general perception in the community that

---

## **Racist Violence on the Basis of Ethnic Identity**

---

inter-ethnic violence is a significant problem. Such views are used to reinforce attitudes that multiculturalism is a threat to social cohesion and that immigrants bring traditional inter-ethnic conflicts with them when they come to Australia.

Ms Kelly Johnson and Mr Joseph Szwarc presented evidence to the Inquiry on inter-ethnic violence in Australia? Notwithstanding the view portrayed by the media, they stated:

Although individuals and organisations within ethnic communities may, like other Australians, hold particular political opinions and engage in racist activities including violence, inter-ethnic violence is not, in general, a major social issue. In fact it appears that the usual method of dealing with disputes tends to be avoidance rather than confrontation.<sup>21</sup>

The most widespread and violent form of inter-ethnic conflict is reported to be that between Croatian and Serbian or Yugoslav people, although this appears to have declined both in frequency and intensity in recent years. Major political differences emerged in Australia after World War II with the arrival of 'nationalists' under the Displaced Persons Programs but the conflict and violence have lessened, as a result of the decline in nationalistic feeling of younger generations living in Australia. The incidents that have occurred, although extremely serious, were not seen as indicators of general relations between the communities but as isolated acts by a few individuals. In comparison to the Croatian/ Serbian (Yugoslav) conflict, disputes between the Greek and Macedonian communities were even less frequent and extensive. The most serious violence usually erupted at soccer matches.<sup>22</sup>

Conflict between the Jewish and Arabic communities stems mainly from their opposing views of the State of Israel. Although the Executive Council of Australian Jewry cites numerous incidents of racist violence against Jewish organisations and individuals in its submission

---

## Racist Violence on the Basis of Ethnic Identity

---

to the Inquiry, none of these are attributed to organised ethnic groups. On the contrary, there have been some outstanding examples of co-operation in recent times. During the Gulf war both Jewish and Arabic properties were attacked by unidentified persons. Responding to major incidents such as the firebombing of the Rooty Hill mosque and the torching of the Temple Emanuel kindergarten, representatives of the Arab, Muslim and Jewish communities condemned attacks on each group's religious properties as totally unacceptable and exchanged visits to express sympathy and support.

As Johnson and Szwarc concluded:

The evidence strongly indicates that there is no general problem of inter-ethnic violence in Australia. Violence does occur, and some instances are of a very serious nature, but they are quite unrepresentative of the overall pattern of relations. The record of co-operation is more striking than that of disputation.<sup>23</sup>

Evidence to the Inquiry indicated that hostility to and **Social and Cultural Life** violence against people on the basis of their ethnic identity is largely based on:

- stereotypes, inevitably negative, about people of non-English speaking background (alleging, for example, that Asians are taking jobs from 'real Australians' or that Arabs are disloyal to Australia);
- an identification of such people as having a negative impact on the Australian community (for example, assertions that migrants were threatening Australian jobs, engaging in welfare fraud, committing crimes against Australian victims, 'taking over the country', refusing to speak English, and preserving commitments to countries other than Australia);
- an identification of such people with 'unAustralian values', a desire for separate (unAustralian) cultural identity, and a tendency not to integrate;

---

## Racist Violence on the Basis of Ethnic Identity

---

- a perception that multiculturalism is destabilising the social cohesion of Australian society;
- media coverage reinforcing these perceptions (for example, by a tendency to identify the ethnicity of people involved in crime);
- a general social, political and economic context in which the identification of scapegoats is attractive (for example, high unemployment);
- major domestic and international incidents which have triggered racist views (such as the Gulf war, the Rushdie affair, or the controversy surrounding the multifunction polis proposal in Australia).

Submissions and evidence from members of ethnic communities have reported a wide range of racially motivated incidents, from the expression of hostile attitudes to direct violence against individuals or property. Although this violence ranges across a spectrum, it should not be assumed that at one end it is trivial and tolerable, and at the other criminal and intolerable. For the victims, an atmosphere of fear based on constant anxiety about potential violence or the desecration of a sacred site may have much greater impact than an act which is objectively and physically more damaging.

***Threatening Environment*** As mentioned in preliminary comments on the impact of racist violence on Asian Australians, the existence of an environment in which members of minority groups feel under continual threat, often from unidentified and probably unidentifiable assailants, is likely to lead to both psychological stress, if not damage, and to a defensive attitude which enhances the probability of violence. Those who assume that violence is a real and present danger are more likely to react to situations in a way which anticipates, and may therefore encourage, violence.

The origins of these perceptions are many and varied:

---

## Racist Violence on the Basis of Ethnic Identity

---

they include the comments, attitudes and behaviour of neighbours, co-workers and people in the street, and media reports. It is indeed likely that media reporting of harassment of and violence against members of some ethnic groups, or their fears of such things happening, will increase the perceptions of a threatening environment. Whether the perception of a threatening environment is objectively accurate or not is less important than its social and psychological effects. In some ways, such a perception will be self-perpetuating: an initial fear of threat may lead to defensiveness or withdrawal, which is then interpreted as evidence of the threat, and a cause for fear.

The Muslim Women's Association reported that numbers of Arab Australian women felt too frightened to leave their homes as a result of anti-Muslim violence.' The psychological and social effects of such perceptions of threat will be considerable.

Racist propaganda also promotes a sense of threat. The Australian Asian Community Welfare Association in Western Australia noted in its submission the effect of 'psychological intimidation', essentially by the Australian Nationalist Movement's poster campaign. It described the posters as 'daily visual assaults' on the Asians and Jewish people who were their main targets."

The existence of a threatening environment makes it less likely that the victims of racist violence will complain about it, since many of them will assume that what is happening to them is at least tacitly supported by the community as a whole. It reinforces what the Students' Representative Council of the University of Sydney identified as 'the contract of silence', in which members of oppressed minorities effectively agree not to discuss what is happening to them for fear that such discussion will provoke further hostility."

General threats reported to the Inquiry were directed **Direct Threats** broadly against a group or class of people (for example,

---

## Racist Violence on the Basis of Ethnic Identity

---

'all Iraqis should be beaten up if war breaks out'). Personal threats were directed against, and usually to, specific individuals (for example, a telephone call saying 'we know where you live and we are coming to kill you'). All threats are frightening, but personal threats are more so, particularly where they involve the invasion of a person's home.

The evidence to the Inquiry indicated that these threats were almost always taken very seriously by the victims, and were assumed to reflect the real intentions of those who made them. Although in all but a few cases the threats did not lead to action, the victims felt and acted on the basis that they represented a real danger.

A range of general threats has been made against people on the basis of their ethnic identity. Some of these have been directed against community organisations, and have often involved threats to bomb the premises. The Lebanese Women's Association offices in Sydney received bomb threats on at least two occasions in August 1990. Bomb threats have been received by the Lakemba mosque, and a number of Jewish organisations throughout Australia have reported regular telephone bomb threats.<sup>28</sup>

In some cases, the threats have referred to specific action in relation to particular situations. Threats were received by an Arab welfare organisation in Sydney from an individual claiming to be a soldier and to have a 300-name Arab 'hit-list' which would be used to avenge any Australian casualties in the Gulf."

Various anonymous letters and other documents have been circulated to many ethnic organisations, to prominent officials of ethnic groups, and, in some cases, to members. Mailing lists have also been used to circulate offensive and threatening material. The Australian Arab Welfare Council received a typed letter from 'A Decent Australian', enclosing cuttings about death and torture in Kuwait which 'should make all Arabs ashamed'. The letter concluded:

---

## Racist Violence on the Basis of Ethnic Identity

---

The message to all Arabs here is ... GO HOME as soon as you can. You are not wanted.<sup>30</sup>

Individual members of ethnic communities and community organisations have reported receiving death threats and other forms of intimidation. The psychological and social effects of being threatened in this way can be crippling. It has the result of discouraging people, particularly women, from leaving their homes or seeking to develop friendships or contacts outside their own networks. It is likely to have a particularly damaging effect on those who have come from war-torn areas and anticipated that Australia would provide a safe and peaceful refuge from violence and fear. As Dr Pauline Newell concluded from her interviews with ethnic groups in Sydney for the Inquiry:

Many, particularly those who come to Australia for refuge and freedom, were frankly surprised and disappointed. Some wanted to return to their own countries. Others, particularly those from Asian countries, had heard something about racist prejudice in Australia before they came, but were anxious partly out of politeness to stress that 'it was only kids' or 'all people don't like strangers coming - it's only to be expected' and 'it will stop gradually as they get used to us'. Migrants from the Middle East and South America showed more anger and surprise.<sup>31</sup>

Harassment both in the workplace and in public places **Harassment** has been reported to the Inquiry in various forms, including sexual and sexist harassment in which direct reference has been made to the victim's ethnicity as well as to her gender. Many of the victims of racist harassment in public places have been women. Such harassment has often taken the form of offensive or threatening comments, sometimes directed at an individual, and sometimes within the individual's hearing, but more generally about the ethnic group to which the individual belongs.

Schoolchildren have also reported harassment both in

---

## **Racist Violence on the Basis of Ethnic Identity**

---

the classroom and in the playground. Some harassment at school has been reported to be the result of comments by teachers, often referring either to ethnic groups specifically or to migrants generally. Evidence suggests that most classroom hostility is a result of poor handling of discussions about immigration and international issues.

Ikawiria, the Indonesian Community Association of Victoria, in its submission to the Inquiry concluded:

Verbal abuse - though physically non-invasive to the human body, can be a significant source of psychological trauma, creating anxiety, fear, reduced self-esteem, and loss of a sense of belonging.<sup>32</sup>

In a number of the cases reported to the Inquiry, campaigns of harassment had been carried out against specific families over long periods of time. This often included verbal abuse, graffiti, theft, interference with mail and electricity, the dumping of rubbish onto property, damage to motor vehicles, smashing of windows (usually with stones), and attempted arson. In many cases it appeared the campaigns were undertaken by small groups of local youths. The families attacked in this way reported very serious consequences to their health and well-being, and most sought to move. Since most were reliant on government housing, they often faced considerable delays in finding alternative accommodation. In very few cases was any criminal action taken against those responsible for the harassment.

Evidence was given of one elderly Vietnamese woman living in public housing in Victoria who was the victim of a campaign of harassment by local youths. Her mail box was regularly broken into and mail stolen. At one time her pension was cut off because the pension review form had been stolen.<sup>33</sup>

The Ethnic Youth Issues Network reported another case of a Vietnamese woman who was subjected to continuous harassment by neighbours, including death threats,

---

## Racist Violence on the Basis of Ethnic Identity

---

smashed windows and destroyed clothing, together with abuse including 'Go back to the jungle, fucking Viet'.<sup>%</sup> A Migrant Resource Centre in Victoria reported the case of a second generation Australian woman of German descent whose neighbours waged a campaign against her, damaging her garden, throwing dirt over her fence, and shouting: 'Heil Hitler, go back to Germany'.<sup>%</sup>

With the exception of notorious campaigns such as the ANM persecution of Chinese restaurateurs in Western Australia, in almost all these cases the victims have consistently reported that authorities, including the police and housing department officials, to whom they have reported the matters, have appeared disinterested, and have taken no action.

Graffiti has the effect of symbolic violence, where it is *Graffiti* intimidating and personally threatening. Where it identifies the owner or occupier of premises as belonging to a particular ethnic group, there are usually fears that it will encourage further attacks. In Sydney, printed yellow stickers bearing the word 'Jew' have been placed on houses belonging to members of the Jewish community.<sup>%</sup>

In some cases the graffiti has been specifically designed to maximise the psychological impact on the owner or occupier of the property, or those who see it: the use of swastikas in Jewish areas, or the use of a Star of David and the word 'Juden' on businesses owned by Jewish people is clearly intended to recall the holocaust of Nazi Germany. Similarly, graffiti like 'Buy a microwave — fry a Jew', '6,000,000 Jews not enough' and 'Necklace a nigger', reported in Victoria, is intended to maximise the threatening effect of words daubed on a wall?'

Graffiti can be associated with property damage, as demonstrated by the attack on a motor vehicle belonging to a Vietnamese Australian which had its tyres slashed, the windows broken, and paintwork etched

---

## Racist Violence on the Basis of Ethnic Identity

---

with the words: 'Fucking Viets take all our jobs'." The motivation here was clearly racist

**Desecration** Attacks on places of worship are a particularly powerful form of symbolic violence which causes very great pain and offence, and a strong sense of threat, to those for whom the buildings have particular significance. The extent of the physical damage may or may not be significant, but the symbolic, psychological and cultural impact of the desecration is likely to be most important.

As mentioned earlier in this chapter, mosques were vandalised and the subject of arson attacks in New South Wales and Victoria during the Gulf crisis. Evidence from Western Australia reported extensive damage to a Buddhist temple used by the Vietnamese community." Throughout Australia, synagogues have been subjected to regular graffiti attacks (usually swastikas), vandalism and arson. Jewish headstones and war memorials have also been desecrated.

**Violence: Property** The Inquiry received numerous reports of violence against property, ranging from bricks through windows to arson.

In addition to the attacks on schools and restaurants described earlier, several incidents have been reported in which deliberate damage has been done to motor vehicles driven by women in traditional Islamic dress. In one case in Melbourne a female motorist deliberately drove into a vehicle driven by a Muslim woman, and then verbally abused her, accusing her of being an Iraqi terrorist. The victim of this attack now feels unable to leave her home and commented: 'It is now unsafe for us to live here and I feel scared all the time. I am a prisoner in my own home, too afraid to go out'.<sup>40</sup>

A Lebanese family in Sydney was subjected to a 'terror campaign' for almost two months. They felt isolated in an area which had a reputation for hostility to and racist

---

## Racist Violence on the Basis of Ethnic Identity

---

violence against Muslims. After an increasing number of incidents, including attempts to set the house on fire and windows being broken by stones, the husband and father of the family suffered a stroke and heart-attack, and died. His physician attributed his death to the campaign. The family reported that repeated complaints to the police had not resulted in them obtaining any protection or in anyone being charged and, indeed, that the police had threatened family members with arrest because they did not believe their claims that the house had been attacked.'

A Lebanese couple operating a delicatessen in an inner Sydney suburb reported regular damage to their shop, including graffiti and the smearing of excrement and vomit on the walls. In addition, anonymous complaints about the cleanliness of the shop were regularly made to the local council resulting in frequent checks by health inspectors.

Evidence to the Inquiry from Jewish organisations indicates that attacks on Jewish community and religious centres, schools and businesses have occurred on an almost monthly basis over the past two years. This included the fire-bombing of a Jewish girls' school in Sydney, and damage to a range of business premises operated by or for Jewish people.<sup>42</sup>

The Inquiry has received numerous reports of physical **Violence: Person** assault on individuals. Most of these have been relatively minor, but nevertheless extremely distressing. Such violence tends to be accompanied by verbal abuse and intimidation.

Some of the violence against persons reported to the Inquiry appears to be related to accidental contacts between members of ethnic minority groups and groups of alcohol-affected Anglo youths.

The most extreme case of alleged racist violence reported to the Inquiry was the murder of Perth taxi

---

## Racist Violence on the Basis of Ethnic Identity

---

driver, Mr Peter Tan, in February 1988. Mr Tan's vehicle broke down and he stopped at an emergency roadside phone. He was attacked without provocation by two juveniles, suffered horrific injuries to the head and died. One of the offenders was charged. The accused told police: 'I don't like Chinese, to start with, so I belted shit out of him'. The youths, according to a witness, had also racially abused Mr Tan prior to assaulting him. Mr Tan's widow, Mrs Traudl Tan, was particularly concerned that the youth, although charged with murder, was only convicted of manslaughter, and received a sentence of only two years and five months. She was also distressed that the racist component of the crime, which seemed to her and to many others central to the case, was not the focus of specific attention during the trial.' The case caused deep concern in the Asian community in Western Australia, and indeed throughout Australia.

### Institutional Racism

**Education** Evidence received by the Inquiry suggests that, although many students and parents from ethnic communities perceive a level of threat of racist violence within schools, colleges and universities, there is relatively little physical violence. The majority of evidence to the Inquiry concerned harassment and some verbal abuse. However, the feeling of threat is considerable:

It happened more than once. Several Australian students have tried to corner me during recess. They said Asian students were never wanted at their school and that I would invite trouble if I hang around any Australian girls."

The evidence received by the Inquiry of harassment of students indicated that this was mainly carried out by other students. However, it was sometimes reported that schoolteachers and lecturers either failed to intervene appropriately in situations of racist harassment, or may have, whether intentionally or not, instigated the harassment by inappropriately dealing with classroom

---

## Racist Violence on the Basis of Ethnic Identity

---

discussions.

A Turkish boy reported:

At high school the other kids identify me as a 'bloody Turk', 'Gaddafi', or 'Arab, crazy Arab'. The teacher showed me as an example of ethnic families having many children in front of the class, but my family is a very small one.<sup>45</sup>

The Muslim Women's Association reported a case in which a fourteen-year-old girl and a seventeen-year-old boy attending an outer Sydney high school were both subjected to verbal abuse and physical assault.<sup>46</sup> The Association claimed that the principal of the school not only failed to take any action to protect the young people, but informed the Association that he could not intervene in racist violence, or he would be assaulted himself. The Association states that he admitted many children at his school were the victims of racist abuse and assault!' As one school student said:

They call me names and won't let me join their group. They steal my things, put smoke[s] in my bag, and make trouble for me with parents and teachers, abuse me for something I didn't do and also quarrel with me over silly things. I know its racist because they told me I should go back home and that they don't need black strangers in their country."

One of the most significant cases of workplace harass- **Workplace** ment dealt with by the Human Rights and Equal Opportunity Commission was the matter of *Ardeshirian v. Robe River Iron Associates*. The complainant alleged that he was dismissed from his employment and that he had been subjected to many incidents of racist abuse and harassment, thereby depriving him of the same conditions available to other workers. The Commission upheld Mr Ardeshirian's claim and awarded him \$10,000 compensation.

---

## **Racist Violence on the Basis of Ethnic Identity**

---

Although allegations of racial discrimination in the workplace are among the most common complaints made to the Human Rights and Equal Opportunity Commission, there were very few reports to the Inquiry alleging racist violence in the workplace. Those that were reported usually referred to the existence of a hostile workplace environment, to offensive language and sometimes to graffiti. However, a small number of reports involved serious attacks. For example, a Vietnamese man in Western Australia reported that a fellow worker in a factory regularly kicked Vietnamese employees, but was finally dismissed.

Whether or not the level of violence reported to the Inquiry is an accurate reflection of what is happening in the workplace is open to question. The experience of anti-discrimination and equal opportunity agencies and ethnic community organisations shows that many people from minority ethnic groups are anxious to maintain low profiles and to avoid any appearance of being trouble makers or complainers. They may therefore be inclined to ignore or to try to endure harassment or even violence in the workplace rather than risk either increased hostility or loss of employment.

In the OMA overview, 16 per cent of respondents reported racist incidents at work. Most involved harassment rather than actual violence:

**A Polish clerical worker complained of being called a 'Polish pig', 'bloody ethnic' and 'wog' by her co-workers. She had not reported it because she was afraid of losing her job.<sup>50</sup>**

**A Vietnamese man said a fellow would continually humiliate him ... in front of other workers who never objected. He said, 'I really want to report this Greek man's racist remarks ... but my English is very little for me to explain what he actually did or said and how I fele.<sup>51</sup>**

**'I used to work in a bakery and the foreman there used to harass me and call me names. He gave me the dirtiest and**

---

## Racist Violence on the Basis of Ethnic Identity

---

heaviest work to do. One day he said, "You black bastard, hurry up". Then I could not contain my anger so I knocked him unconscious. I told the police what had happened and I was warned not to do it again. However I lost my job.<sup>52</sup>

Evidence to the Inquiry also included a wide range of complaints of discrimination in employment, including the refusal to employ people on the ground of their ethnic identity.<sup>53</sup>

The evidence of victimised individuals and organisations suggests a connection between media coverage of immigration issues, foreign affairs and events involving ethnic minorities and the level of harassment experienced. **Media**

The OMA discussion groups pointed to this connection:

Filipino women in the Northern Territory and Queensland said harassment was worse following media stories about 'Mail Order Brides' and the Aquino campaign against prostitution and crime in the Philippines.<sup>54</sup>

Asians in all States noticed increased harassment after reports of arrivals of Vietnamese refugees and of increased numbers of Asian students in Australia, as well as stories about Japanese purchases of real estate in Australia.<sup>55</sup>

Turkish people in Queensland saw a connection with reports about alleged Turkish compensation fraud. Other groups mentioned reporting of any crimes which linked the crime to members of their ethnic group.

Arabic speakers in several States said harassment was worse after media coverage of the Rushdie affair and any reports of terrorist action by nationals of Middle Eastern countries.<sup>52</sup>

The freedom of the press is a basic tenet of our society.

---

## Racist Violence on the Basis of Ethnic Identity

---

The Inquiry fully supports the media's right to report on issues of concern to the community without fear of censorship or excessive restriction. The Inquiry is encouraged by the fact that most sections of the media are careful to provide a balanced coverage of contentious race issues and exercise their power to influence public opinion in a responsible manner. Sadly, inaccurate, unbalanced and sensationalist reporting also occurs. The impact of 'media shock' is particularly important in this regard. Media shock refers to the powerful impact of headlines, photographs and brief opening statements which are often more readily recalled than the more detailed stories with which they are associated. References to 'Arab terrorists' or 'Muslim extremists', for example, are likely to be recalled and to affect innocent Arab and Muslim Australians.

The basic issue is that the media should uphold the principles of fairness, accuracy and balance, and avoid misrepresentation. The recent press coverage given to the flag-burning incident at a Melbourne anti-war rally illustrates this point. Evidence to the Inquiry indicated that, although the flags (Australian, American and Iraqi) were destroyed by non-Arab Australians who were not part of the official rally, the image of flag-burning Arabs has become one of the most widespread myths or stereotypes of the Gulf crisis, and has been used to discredit Arab Australian claims of harassment or racism.<sup>58</sup> This incident reinforces the need for the media to exercise caution and avoid running stories without thoroughly checking sources.

**Housing and Local Neighbourhoods** The Sydney Campbelltown/Marrickville studies undertaken by the Inquiry provide important information about racist violence in or near the victims' homes. Neighbours were the most common perpetrators of racist violence in Campbelltown, accounting for 38 per cent of incidents. The lower percentage in Marrickville (17 per cent) may be explained by the much higher proportion of migrant neighbours in the area which:

---

## Racist Violence on the Basis of Ethnic Identity

---

reduces the number of likely assailants [and] also means that all residents are used to seeing non-Europeans around and that the migrant communities have more support from each other and are able to take a stronger defensive attitude.

Another factor may be the closeness of entertainment and the social 'liveliness' of Marrickville for young people in contrast to the comparative quietness, isolation and reliance on public transport in Campbelltown suburbs which leads to young people spending more time around the [public] housing areas.<sup>59</sup>

Both the interviews and the OMA group discussions revealed a much higher level of neighbourhood harassment for new arrivals to Australia, particularly Central and South Americans, many of whom are refugees who believed that in leaving their homelands they had left behind mistreatment and victimisation.

One of the most shameful episodes in Australia of **Police and the Criminal Justice System** institutional racism and racist violence perpetrated by police against a particular ethnic community occurred in the late 1970s. Known as 'Greek conspiracy case', it involved the mass arrest in dawn raids of almost two hundred members of Sydney's Greek community (and the planned arrest of many hundreds more) on suspicion of conspiracy to defraud the Commonwealth. The arrests were followed by protracted, costly and finally aborted prosecution of the accused.

The victims were almost invariably recipients or former recipients of social security benefits who just happened to have a number of features in common based on their ethnicity and factors relating to their eligibility for benefits, to which the vast majority were legally entitled.

The Royal Commission of Inquiry established in the mid 1980s to inquire into compensation for the victims of these events recommended compensation payments amounting to over \$6 million.

---

## **Racist Violence on the Basis of Ethnic Identity**

---

The whole process of arrest, fingerprinting, photographing, interrogation and finally prosecution on conspiracy charges of a largely poor and vulnerable section of Australia's Greek community for alleged offences which, if handled in the usual manner for such offences, would have involved, at best, cancellation of benefits and recovery of overpayments and, at worst, the laying of relatively minor charges, bore all the hallmarks of oppression based on racist stereotyping.

The activities of some of the police (both Federal and State) involved in the arrest, detention and/or interrogation of suspects certainly had overtones of racial prejudice and the Royal Commissioner found numerous instances of racist remarks, abuse and violence by police officers for which a number of victims received additional awards of damages.

The general emphasis on Greek origin and various incidents... led to a widespread belief amongst the claimants that they were being singled out for attention because they were of Greek origin. In my judgment this perception was not unreasonable in the circumstances. I received independent evidence that some police officers who dealt with claimants used abusive language in addressing them and subjected them to derision and mocking. The abusive language and words of derision contained some reference to the origins of the claimants. The consequence, so far as compensation is concerned, is that the claimants' feelings of indignity, embarrassment, humiliation, terror and outrage were exacerbated still further by this element of injustice and racial prejudice.<sup>61</sup>

One of the most appalling claims made by many of those arrested concerned the inclusion of the word 'Greek' or 'Greece' on the placard used to display suspects' personal details when being photographed prior to interrogation. Although the police strongly denied these allegations, the Royal Commissioner found that the word 'Greece' had been used in some instances, undoubtedly increasing the level of fear and apprehension experienced by the accused.

---

## Racist Violence on the Basis of Ethnic Identity

---

Notwithstanding this important incident, complaints about racist behaviour and violence perpetrated by the police were not a major feature of evidence from ethnic groups or individuals.

The main complaint about police was rudeness or indifference. The indifference was often said to involve an apparent unwillingness to respond when incidents of racist violence were reported, particularly where these did not constitute what appeared to the police to be serious assault or major property damage. It was frequently reported to the Inquiry that the police tended to view minor vandalism, even when there may have been racist elements, as something for which they did not have time.

In one matter reported to the Inquiry by the Muslim Women's Association, a Muslim woman was parking her car at a hospital when a man repeatedly drove his car into her vehicle, apparently attempting to push her car off the third level of the multi-storey carpark. When the woman got out of her vehicle she was repeatedly assaulted with a large stick, while her children screamed in terror. After the incident the woman was taken to hospital, and subsequently spoke with the police. She complained that the police showed little interest in the matter, did not contact her after the initial interview, and told her that they were too busy to deal with a matter like this. The Muslim Women's Association complained to the Commissioner of Police on the woman's behalf.<sup>62</sup>

In another case, a Lebanese woman in Sydney reported that her husband had been assaulted by a neighbour, and was taken to hospital unconscious. When her daughter called the police she was told that they were too busy to come. Similarly, a Vietnamese woman who complained to police of vandalism and death threats was informed that there was nothing they could do." In such cases, of course, it remains unclear whether the apparent lack of police response was due to the matter being seen as a neighbourhood dispute, or whether it was a reaction to the ethnicity of the complainant.

---

## Racist Violence on the Basis of Ethnic Identity

---

Certainly those giving evidence to the Inquiry believed that their ethnic identity was the factor which resulted in police indifference, or hostility:

In March 1987 there was a fairly big demonstration in Goulburn Street. 20 students were arrested. Out of that 20 students were four overseas students of very obviously Asian appearance. This was very disproportionate. There were hundreds of students in that place and there were only about 10 or 20 overseas students. In one case, in a court case, it turned out that it was testified by white witnesses that several policemen pointed to one of our members in a crowd and pushed through a crowd of students in order to get to that one Asian student. They grabbed him, they manhandled him, they pushed him up against a garbage bin, took off his spectacles, and his picture was taken; all this was illegal, of course, nothing to do with the police procedure, but that did not stop anyone. This person was semi-blind without his glasses and ended up groping around in a paddy-wagon. Of the four overseas students who were arrested three, including myself, had to seek medical attention because we were severely bruised and some had their limbs sprained.

Many individuals and organisations felt that, where there was a racist element to a crime — even though the crime was not in itself major (for example, the scratching of a racist comment in the paintwork of a motor vehicle, or the painting of a racist threat on a wall) — the police should pay it specific attention. The police do not seem to view the matter this way and, presumably, would argue that they do not have the resources to devote to what are, in their terms, minor matters. The Inquiry considers that the recording of crimes in which an element of racist violence is present would be an important means of monitoring the extent of this problem as well as assisting police in developing their policing strategies.

**Racist Organisations** The major racist groups in Australia are approximately divided in their interests between those which are

---

## Racist Violence on the Basis of Ethnic Identity

---

hostile to Asians and those which are hostile to Jews, although some prejudices are shared.

The Australian Nationalist Movement (ANM), centred in Perth, has been involved in a range of activities including fire bombing Chinese restaurants in Perth and conducting a concerted publicity campaign which had a significant effect on racial attitudes in Western Australia (see Chapters 7,8 and 10). National Action (NA), centred in Sydney, has also been particularly concerned with the level of Asian migration to Australia, and has produced similar (although generally more sophisticated) stickers, posters and leaflets as [ANM. NA](#) has paid particular attention to action against groups opposed to racism (see Chapter 7).

The extent to which ANM and NA have directly engaged in violence against persons on the basis of their ethnic origin remains to be determined. In general, the organisations have claimed that they have not done so, and that any violence which has occurred has been the inevitable expression of community opposition to Asian migration. There is, however, some evidence that NA has undertaken or encouraged violence against individuals on the basis of their ethnic identity. ANM seems to have had a much greater involvement in direct violence against the property of individual members of Perth's Asian community. In September 1990, the leader of ANM, Jack van Tongeren, was found guilty of 53 offences including wilful damage, assault occasioning grievous bodily harm, arson and causing an explosion.

Individuals and organisations who are the victims of incidents of racist violence frequently told the Inquiry that they were victims of organised racism or the actions of racist organisations. This was particularly the case when the symbols of racist groups, like the NA symbol or the swastika, were employed, or where threats were made ostensibly in the name of an organisation. However, the evidence indicates that organised racist violence in Australia is not extensive. Racist groups will often lay claim to actions with which they have no

---

## Racist Violence on the Basis of Ethnic Identity

---

involvement since they are eager to encourage the view that they have greater memberships and influence, and pose a greater threat, than they really do (see Chapter 7).

The major anti-Semitic organisation in Australia, the League of Rights, has apparently confined itself to ideological argument and the production of propaganda to prove the existence of a Jewish conspiracy. There is no evidence to suggest that it has ever, directly or indirectly, engaged in violence. The League of Rights presents the 'legal' face of anti-Semitism. Its advocacy of nationalism and traditional values may have won it mainstream support amongst people who are unaware of its racist and extremist views. The League's real significance lies in its ability to create a climate of fear, misunderstanding and prejudice. Actual anti-Semitic violence seems to be perpetrated by a small number of unassociated individuals.

**Effects on Victims** The evidence presented to the Inquiry regarding the effects of racist violence on the basis of ethnic identity is essentially the same as for Aboriginal and Islander people (see Chapter 5). Physical violence is not the only, or even in some cases the most important, form of racist violence. The physical effects of violence often cause less damage to the individual victim than the psychological effects.

I remember one incident when I was still living in Newtown ... When we were about to go onto the main road there was another car on the left. We did not notice who they were but the only thing I felt was some spit on my face; and when we looked back ... we found a group of young Australian kids.

After spitting on us or on me, they said some words. This incident actually had a lot of impact on me psychologically. I mean, I might not know it, but recently I found that whenever I get into my car I always do not wind down my windows. I was quite surprised myself why I do that until I really found out that it is because of that

---

## Racist Violence on the Basis of Ethnic Identity

---

very incident: psychologically it has an effect on me.<sup>66</sup>

Such effects are cumulative, increasing with each experience of racist violence, and often with each report of racist violence. Racist violence, particularly when the victims live in a threatening environment, produces a sense of powerlessness and hopelessness. This may be compounded by the shock of discovering that Australia, a country to which many of the victims of racist violence have come seeking haven, is less friendly and welcoming than they had anticipated or were encouraged to believe.

It is extremely difficult to estimate the extent of the **Quantifying the Problem** problem of racist violence against people on the basis of their ethnic identity (see Chapter 1 for a discussion of the particular problems of conducting research into racist violence). Although in submissions a number of attempts were made by organisations to quantify the incidence, this was seldom done in any systematic or methodical manner.

There are difficulties in relying on data collected by agencies which depend on reporting by the victims of such violence. Such data can exaggerate the problem because the organisations may attract a disproportionate number of reports, and the same reports may be made to several agencies and thus be double or triple reported. On the other hand, the data may underestimate the prevalence because it is limited by the inevitable problem of all complaint-based data collection: it relies on the victims to report and, almost by definition, most victims are unlikely to do so. Even in matters of serious crime, it is widely assumed by the police that only around 70 per cent is reported. It is therefore very likely that the incidence of racist violence (especially in less serious forms) will remain unreported. The Inquiry received evidence of some victims of racist violence failing to report to the police or any other official agency even matters as serious as attempted

---

## Racist Violence on the Basis of Ethnic Identity

---

arson.

The evidence suggests that the extent of racist violence is sufficient to be a matter of concern. In evaluating the extent of racist violence against people of non-English speaking background, the Inquiry relied on the following sources of information:

- evidence in the form of submissions from a wide range of individuals, community organisations and government bodies and oral testimony at public hearings (see Appendix 1);
- consultancies commissioned by the Inquiry which are listed in Chapter 1;
- interviews undertaken by Dr Pauline Newell on behalf of the Inquiry with minority groups in the Sydney suburbs of Campbelltown and Marrickville to gain a measure of the extent of racist violence among visible minorities;
- similar research undertaken by Dr Beryl Langer on behalf of the Inquiry among Salvadorean families in Melbourne;
- consultations with targeted ethnic communities conducted by the Office of Multicultural Affairs (OMA) on behalf of the Inquiry (see Appendix 2 for a detailed overview of these);
- questionnaires and incident reports distributed and co-ordinated by Migrant Resource Centres and ethnic community groups.

In all, the Inquiry received reports of 1,447 incidents of racist violence, intimidation or harassment. 295 of these appear in tabulated form in Appendix 14.

The Inquiry also considered evidence from surveys of people of Asian descent in Sydney and Melbourne. One of these surveys undertaken for the *Reader's Digest*

---

## Racist Violence on the Basis of Ethnic Identity

---

found that 11 per cent of the 204 Asian people surveyed in Sydney and Melbourne had experienced physical violence and 34 per cent verbal abuse as a direct result of their ethnic identity.<sup>67</sup> A 1988 survey conducted in Sydney identified a similar level of physical abuse (9.5 per cent) but a much higher degree of verbal harassment (53 per cent) of the Asian community."

The Campbelltown/Marrickville interviews, which targeted families from South East Asia, Central and South America, the Middle East and the Pacific Islands, found that in Campbelltown, 47 per cent of adults and 36 per cent of students had experienced racist abuse, threats and hostility in the form of words and gestures. Nine per cent of adults and 14 per cent of students had experienced physical violence, from jostling in the street through to serious assaults requiring medical treatment. In addition, approximately 50 per cent of the households interviewed in Campbelltown reported racially motivated attacks on their property, including bricks thrown through windows and rubbish thrown over fences. In Marrickville, 40 per cent of adults and 15 per cent of students had experienced verbal abuse, while 7 per cent of adults and 9 per cent of students had suffered physical racist violence.

The highest level of harassment reported by the families interviewed by Dr Newell was experienced by recently arrived, Spanish-speaking Central and South American families. Within these communities 57 per cent of families reported verbal and 21 per cent physical abuse.

To collect further information on this phenomenon a parallel study was conducted in Melbourne for the Inquiry by Dr Beryl Langer of La Trobe University. Dr Langer's research produced similar results. Of the 100 Salvadoreans interviewed, 60 per cent of adults and 27 per cent of students reported racist verbal abuse, while 15 per cent of adults and 25 per cent of students had experienced physical harassment.

Questionnaires and incident reports co-ordinated by

---

## **Racist Violence on the Basis of Ethnic Identity**

---

Migrant Resource Centres and ethnic organisations revealed similar overall trends. Of 950 complaints submitted by a range of ethnic minorities, 66 per cent reported incidents of verbal abuse (including threatening phone calls — 12 per cent) and 12 per cent reported physical attacks.

While these kinds of studies have shortcomings (*viz* sample size and the fact that they depend on people disclosing what has happened to them), they are considered to be more informative than official records of racist incidents. Existing statistics from police and other government agencies (to the extent that they even exist) are likely to seriously underestimate the problem. Those most likely to be victims of racist violence are also those most likely to assume either that there is nothing that can be achieved by reporting it to the authorities, or indeed that reporting it will have adverse consequences. This is particularly the case for those from countries in which complaining to the State authorities generally is regarded as a high risk activity.

Most importantly, the police in Australia, unlike in some overseas jurisdictions, do not maintain statistics of crimes in which race may be a significant factor. In 1990 the United States enacted legislation to facilitate the collection of data on the extent of racist attacks or 'hate crimes'. The Inquiry is of the view that recording of statistics should be undertaken in this country to enable the extent of the problem to be more accurately understood.

### **Understanding the Problem: The Immigration Debate**

---

Most of the incidents of racist violence on the basis of ethnic origin which were reported to the Inquiry occurred in a period of increasing non-European immigration, rapid economic change and recession, and highly publicised expression of opinion on the desirability of a multicultural Australia.

The so-called 'immigration debate' can serve as a case

---

## Racist Violence on the Basis of Ethnic Identity

---

study of the factors which contribute to racist violence against ethnic groups. As mentioned earlier in this chapter, these include the visibility and particular ethnic identity of the target group (in this case, the Asian community) and the relevant social, political and economic context.

The 'debate'<sup>69</sup> had its beginnings in the concern of some Australians over the dismantling of the White Australia Policy in the late 1960s but increased with the acceptance of Vietnamese refugees in the late 1970s.

With the introduction of a non-discriminatory points system for the assessment of immigration applicants in 1978 the numbers of Asian immigrants began to rise. At the same time the recession of 1982-83 which caused a sharp increase in unemployment prompted some questioning of the level of total immigration. The ethnic composition of immigrants was not seriously challenged, however, until Professor Geoffrey Blainey of Melbourne University in articles and speeches in March 1984 warned that the level of Asian immigration meant that Australian-born residents in working class suburbs would not be able to compete for jobs, housing and public resources. The result, he said, would be racial unrest of the kind experienced in Britain.

Reports of Professor Blainey's views triggered comment and 'investigations' by television and talk-back radio hosts. Some of this was based on inadequate information which served to inflame the issue. One phone-in poll<sup>70</sup> asked such questions as 'Should immigration be banned for two years so Australians can get more jobs?' Other comments revealed attitudes hostile to Asian immigrants on the part of commentators and listeners.

The Federal Government and those supporting a multicultural Australia and a non-discriminatory immigration program reacted promptly to Professor Blainey's comments, with public statements and letters to the press which criticised him for naively opening the door to the expression of racist feelings. He responded

---

## Racist Violence on the Basis of Ethnic Identity

---

by complaining that the debate had been stifled by the threat of being accused of racism." Calls for a re-opening of the debate and the need for a frank discussion of immigration issues were reiterated by the media and politicians in the years that followed.

The release of the FitzGerald Report in May 1988 prompted another surge of interest in immigration. Mr Bruce Ruxton, the President of the Victorian Returned Services League (RSL), commented that the 'Migration Study lacks the guts to face Australian fears about Asian immigration' and these words were used as a headline for a major news story." On 11 August, the then Leader of the Opposition in the Federal Parliament expressed the view that Asian immigration should be slowed down in the interests of national cohesion. This caused a furor in the media as well as in the Liberal Party!" It was also reported that Senator John Stone of the National Party favoured curbing Asian immigration — a position which was supported by the RSL in both South Australia and NSW.'

Misconceived views of multiculturalism itself also received media publicity. Extensive press coverage was given to the national president of the RSL, Brigadier Alf Garland, who was reported as saying that 'Australia needs multiculturalism like it needs a hole in the head'.<sup>25</sup>

In May 1990, several factors combined to revive the 'debate' in the media. The announcement of a higher target for immigration, growing anxiety about Australia's economic well-being, concern for the preservation of resources and the natural environment and the publication of reports and academic studies questioning the economic benefits of a large immigration program all contributed.

This new phase of the immigration debate differed somewhat from the previous phases. The emphasis shifted away from the ethnic composition of immigrant intakes to the economic costs of immigration as a whole, the pressures on urban infrastructure and the limits of

---

## **Racist Violence on the Basis of Ethnic Identity**

---

the environment to withstand population growth. The idea that continuing and increasing levels of immigration would benefit the economy, as the FitzGerald Report and the February 1990 report of the Centre for International Economics both concluded, was challenged by academics such as Professor David Suzuki from Canada and former Federal Minister, Senator Peter Walsh. New South Wales Opposition Leader, Mr Bob Carr, favoured a cutback in immigration targets because of the problems of the disproportionate burden on Sydney's services and resources which have to cope with 36 per cent of annual migrant intake. Members of the Australian Conservation Foundation also expressed concern about the environmental aspects of population growth.

The 'debate' continues to receive prominent treatment in the print media.

While the Inquiry has received invaluable information about the incidence of racist violence in Australia, the extent of violence remains difficult to evaluate. Looking solely at the number and nature of the racist attacks reported to it, the Inquiry does not consider that serious racist violence on the basis of ethnic identity is an endemic problem in this country. Comparatively speaking, Australia is a non-violent, socially cohesive nation. Nevertheless, the Inquiry has established that racist violence is a significant issue which must be confronted before it becomes a significant threat to our fellow Australians and to our society.

Evidence to the Inquiry has shown that the victims of racist intimidation, harassment and violence on the basis of ethnic identity are most likely to be Asian or Arab Australians. It is also significant that new arrivals, especially people from Central and South America, are experiencing comparatively high levels of racist violence.

---

## **Racist Violence on the Basis of Ethnic Identity**

---

While there has been an increasing number of ugly anti-Semitic incidents in recent years, the Jewish community considers that the situation is under control and remains optimistic about its place in Australian society. The established migrant groups, such as the Greeks, Italians, Poles and Germans, consider that hostility has eased since their arrival in Australia and generally feel that they are accepted by Anglo-Australians.

Australia has been blessed with an essentially non-violent ethos. It is a matter of concern, however, that the current emphasis on race which has emerged in public debates on immigration, foreign investment and employment is little more than a convenient scapegoat for underlying economic and social problems. The rise of Hitler in the 1930s and the reign of the Ku Klux Klan in parts of the United States of America coincided with economic hardship and extensive social change. This is not to suggest that Australia is in danger of a Fascist 'takeover' or racist violence in the form of 'lynchings'. However, the Inquiry considers that changes to our laws and institutions and in community attitudes should occur now, before our problems become serious ones.

---

## Racist Violence on the Basis of Ethnic Identity

---

1 13 submissions were received.

### Endnotes

2 See Newell P., 'Migrant Experience of Racist Violence: A study of Households in Campbelltown and Marrickville', unpublished paper commissioned by the National Inquiry into Racist Violence, 1990; Langer B., 'Melbourne Study of 26 Salvadorean Families', unpublished survey commissioned by the National Inquiry into Racist Violence, 1990; 'Overview of Group Discussions Co-ordinated by the Office of Multicultural Affairs', see Appendix 2.

3 See, for example, submission no. 4.75, Committee of Arab Australians and 5.4, Confidential.

4 Submission no. 4.36, Asian-Australian Consultative Council.

5 *The Sydney Morning Herald*, 6 March 1991.

6 Professor Bill Rubenstein, Executive Council of Australian Jewry.

7 *ibid.*

8 Lipski S., *Australian Jewish News*, 9 November 1990.

9 Submission no. 4.31, Muslim Students' Association.

10 See, for example, submission no. 5.2, B'nai B'rith Anti-Defamation Commission.

11 Lipski S., *op cit.*

12 See, for example, submission no. 4.75, Committee for Arab Australians, submission no. 4.21, Muslim Women's Association and submission no. 4.28, Islamic Council of NSW.

13 Submission no. 4.75, *op cit.*

14 *The Sun*, 21 September 1990.

15 Submission no. 4.75, *op cit.*

16 *The West Australian*, 27 December 1990.

17 *Telegraph Mirror*, 24 January 1991.

18 Noble T., *Untold Violence-Crime in Melbourne Today*, John Kerr, Melbourne, 1989, cited in Johnson K. and Szwarc J., 'Inter Ethnic Violence in Australia', an unpublished paper commissioned by the National Inquiry into Racist Violence, 1990, p.32.

19 See NSW Ethnic Affairs Commission, *Not a Single Problem: Not a Single Solution*, a report to the Premier and Minister for Ethnic Affairs on recent clashes between youth in 13anIestown and Marrickville, 1986.

20 Their findings were based on submissions and other

---



---

## Racist Violence on the Basis of Ethnic Identity

---

evidence presented to the Inquiry, literature reviews and interviews with law enforcement, welfare and education authorities and members of ethnic communities.

- 21 Johnson K., and Szwarc J., op cit.
- 22 *ibid*, pp.5-9.
- 23 *ibid*, p29.
- 24 Submission no. 4.73, Federation of Ethnic Communities' Councils of Australia Inc.
- 25 Submission no. 4.21, op cit.
- 26 Submission no. 4.41, Australian Asian Community Welfare Association.
- 27 Submission no. 4.22, Students' Representative Council, University of Sydney.
- 28 Submission no. 4.75, op cit, and submission no. 5.4, Confidential.
- 29 Submission no. 4.75, op cit.
- 30 *ibid*.
- 31 Newell P., op cit, p.15.
- 32 Submission no. 424, Ilcawiria Indonesian Community Association of Victoria.
- 33 Submission no. 4.15, Richmond Family Care Centre.
- 34 Submission no. 429, Ethnic Youth Issues Network.
- 35 Anonymous questionnaire returned by Victorian Migrant Resource Centre.
- 36 Submission no. 5.4, Confidential.
- 37 Submission no. 5.7, Jewish Community Council of Victoria.
- 38 Submission no. 4.29, op cit.
- 39 Nam Nguyen, Vietnamese Community, Perth Hearing, transcript, p.178.
- 40 *The Age*, 14 January 1991.
- 41 Submission no. 4.75, op cit.
- 42 Submission no. 5.4, Confidential.
- 43 Tan T., Perth Hearing, transcript, pp.145-147.
- 44 'Overview of Group Discussions Co-ordinated by the Office of Multicultural Affairs', op cit. see Appendix 2.
- 45 *ibid*.
- 46 Submission no. 4.21, op cit.
- 47 *ibid*.
- 48 'Overview of Group Discussions by OMA', op cit, see Appendix 2.
- 49 *ibid*.

---

## Racist Violence on the Basis of Ethnic Identity

---

- 50 *ibid.*
- 51 *ibid.*
- 52 *ibid.*
- 53 *ibid.*
- 54 *ibid.*
- 55 *ibid.*
- 56 *ibid.*
- 57 *ibid.*
- 58 Submission no. 4.75, *op cit.*
- 59 Newell P., 'Migrant Experience of Racist Violence', *op cit.*, p.11.
- 60 Tillet G., 'Organised Racism in Australia', unpublished paper commissioned by the National Inquiry into Racist Violence, Sydney, 1990, p.16.
- 61 Commission of Inquiry into Compensation arising from Social Security Conspiracy Prosecutions (the Hon. Dame Roma Mitchell, Commissioner), *Report, vol. 1*, AGPS, Canberra, 1986, p.76.
- 62 Submission no. 421, Muslim Women's Association.
- 63 Newell P., *op cit.*, p.13.
- 64 Submission no. 4.29, *op cit.*
- 65 Mr Pak, Cabramatta Hearing, transcript p.103.
- 66 Mr Kek Thai, Cabramatta Hearing, transcript p.79.
- 67 Undertaken by Yann Campbell Hoare Wheeler in February 1990 for the *Reader's Digest*.
- 68 Undertaken by the Macarthur Institute of Higher Education.
- 69 A detailed analysis of this issue is to be found in Jakubowicz A, 'Racism, Racist Violence, and the Media', an unpublished paper commissioned by the National Inquiry into Racist Violence, 1990. Also see Storer D., 'Survey of Attitudes of Residents of Newcastle to Immigration', unpublished mimeograph, Newcastle University, 1980.
- 70 Conducted by the *Tonight Show*, Nine Network, 20 March 1984.
- 71 Blainey G., in *The Weekend Australian*, 2 July 1988.
- 72 In *The Sun*, 4 June 1988.
- 73 Numerous articles appeared in the press, see for example, 'Push for Migrant Policy Approval' in *The Advertiser*, Adelaide, 11 August 1988,
- 74 In September 1988, Mr Peter Fleming, the President of the

---

## Racist Violence on the Basis of Ethnic Identity

---

South Australian RSL was reported in *The Advertiser*, Adelaide, as saying that the Asian migrant intake needs to be slowed. *The Australian Financial Review* reported in November that Sir Colin Hines, the President of the NSW RSL, supported the current make-up of our society and wanted to keep it that way.

<sup>75</sup> *The Daily Telegraph*, *The Border Mail* and *The West Australian*, 7 July 1989.

---

## Chapter 7: Racist Violence against People Opposed to Racism

---

The Inquiry received evidence from people who had **Introduction** been subjected to violence and intimidation because they had made a public stand against racism and racist violence. These people had been attacked because of their anti-racist stance and not because of their ethnicity. In fact, most supporters of anti-racist policies who gave evidence to the Inquiry were from the Anglo-Celtic ethnic majority.

The Inquiry received thirteen oral testimonies at public hearings and thirty-five written submissions from anti-racist community groups; other community groups which oppose racism; church groups; politicians and government officials; journalists and academics who have written on multiculturalism and immigration issues; and people who have written letters to the editors of newspapers opposing racism, or carried anti-racist stickers on their motor vehicles.

This chapter sets out the evidence of intimidation and violence against people opposed to racism, outlines the responses of the authorities to these attacks, and briefly discusses the activities of organised racist groups.

It should be noted that some of the anti-racist activists who submitted evidence or appeared before the Inquiry asked not be identified in this report for fear of reprisals. Their wishes have been respected.

### The Evidence

Some community groups have been established with the **Anti-Racist** explicit purpose of opposing racism, supporting the **Community Groups** victims of racist attacks, lobbying governments for appropriate policy and legislative reforms, and exposing the activities of organised racist groups. For the purposes of this report, these organisations will be

---

---

## **Racist Violence against People Opposed to Racism**

---

referred to as anti-racist groups.

Representative organisations such as South Australians for Racial Equality and the Perth groups, People Against Racism and West Australians for Racial Equality, were formed in response to an escalation in racist activity, particularly racist poster campaigns apparently linked to the immigration debates of the mid and late 1980s. Both groups cite examples of racist attacks, their support for the victims of racist violence and their efforts to promote multiculturalism through community education and legislative change.'

The Inquiry received a major submission from a Sydney-based community group which was formed from an informal coalition of thirty community organisations and eighty individuals in January 1989.<sup>2</sup> The group lobbies government agencies and police forces to recognise the seriousness of racist attacks and to act against perpetrators. It also informs potential targets of available means of protection and offers support to victims of racist attacks.

In some ways, this group is continuing the work of a previous anti-racist group, also based in Sydney, which was made up of a coalition of over thirty trade unions. The group was formed in response to community alarm over a spate of racist violence in 1983-84:

In the period 1983-1984, known right wing extremist groups, notably National Action, conducted organised racist attacks on overseas, specifically Asian, students and members of the community. The group also attacked and harassed the leaders of anti-racist church and political organisations, union groups and teachers and lecturers who spoke out against apartheid or against racism in society generally.<sup>3</sup>

The coalition produced educational material and co-ordinated anti-racist activities. Former members allege that the names, addresses and telephone numbers of people thought to be associated with the group were

---

## **Racist Violence against People Opposed to Racism**

---

printed in National Action publications. Subsequently, the people named in these publications were subjected to frequent harassment, in the form of threatening, abusive phone calls, tyre slashing and graffiti attacks on their homes, for periods of up to twelve months!

The Chairperson of the Australian ANC SWAPO Solidarity Committee and Social Justice Officer of the Uniting Church Synod of South Australia, Mr Brian Lewis-Smith, told the Inquiry that he had been harassed by nuisance telephone calls and that his home had been attacked twice during the eighteen-month period from April 1987 to August 1988.

He believes that he became the focus of racist attacks after he chaired a public meeting in Adelaide in April 1987, at which Mr Oliver Tambo, the president of the African National Congress, spoke. Two weeks after the meeting, the nuisance telephone calls commenced and his home was attacked for the first time. Rocks were thrown through his house windows, the tyres of his car were slashed, and death threats and swastikas were spray painted across the front of his house.' A second attack on his house occurred in January 1988:

At about 1.30am, two rocks were hurled at our bedroom window. The windows shattered, but they held. One of the rocks rebounded but the other one came through ... Not only was this a frightening experience, but I have no doubt that, if the windows had not been reinforced, my wife and I would have both been sprayed with broken glass and one of us may well have been hit by one of the rocks ... we are not talking little stones here; we are talking rocics.<sup>6</sup>

Evidence was heard from other community-based **Other Community organisations** which have also become the targets of **Groups** racist intimidation and violence. In addition to working for their local communities, advocating multiculturalism and supporting Aboriginal rights, these groups tend to support overseas aid projects, environmental protec-

---

## Racist Violence against People Opposed to Racism

---

tion and the anti-apartheid movement.

Community Aid Abroad (CAA), for example, is a long standing Australian aid agency. CAA supports aid projects in South East Asia and Africa, engages in education and social justice advocacy in developing countries and campaigns for Aboriginal land rights and associated issues. CAA claims that staff and supporters of the agency in different parts of Australia have been the victims of sporadic incidents of racist violence, including obscene and threatening anonymous letters and telephone calls (some involving death threats), vandalism, assault and arson. Violence against the organisation intensified in the 1980s, when it was concentrated in Sydney, Adelaide and Melbourne, and was associated with a major anti-apartheid campaign.' In one instance, the organisation's model of an African village was vandalised and burned in an attack during 1988.

South Sydney Community Aid is a community-based agency operating in Sydney, which engages in multi-cultural community development activities. Between 1986 and 1988, racist posters were regularly placed on the noticeboard, doors and walls of the agency. In 1987, the initials AVVB — presumably for the Afrikaaner Weerstandsbeweging (Afrikaner Resistance Movement) — were painted in large silver letters across the front of the agency and a bucket of black tar was thrown against the front door — one week before the same thing happened at the Pitt Street Uniting Church.'

The Committee in Solidarity with Central America and the Caribbean (CISCAC) raises funds for aid projects in Nicaragua. It also markets anti-apartheid products and displays Aboriginal rights posters in its shop in Glebe, Sydney. CISCAC claims that the shop has been attacked several times. During these attacks, stock was damaged, staff members abused, and on one occasion a member of staff was said to have been assaulted.' These incidents were referred to both the local police station and the Special Branch of the NSW Police Force.

---

## Racist Violence against People Opposed to Racism

---

Mr Graeme Orr, the President of the Victorian Branch of the United Nations Association of Australia (UNAA) and Secretary of the Victorian Human Rights Committee, said that he has been harassed by National Action because of his support for human rights, equal opportunity and overseas adoption of non-European children:

I have been verbally harassed and threatened by their members. They have threatened to publish my private address in their newsletter (a form of intimidation) and we have received abusive calls at my home. Our car has been daubed with paint and 'Stop the Asian Invasion' stickers applied to our front fence.<sup>13</sup>

Following recent publication of an anti-racist newsletter, the walls of the premises of a Melbourne-based youth group were spray painted with death threats, which included the names of group members. The incident was reported to the local police."

The Uniting Church in Sydney has been the focus of **Churches** repeated attacks. Parishes support a range of social justice issues and it is sometimes difficult to determine which of their activities is attracting hostility. The Uniting Church NSW Synod Board for Social Responsibility believes that the Church's anti-apartheid stance provokes the most harassment, followed by their general anti-racist stance, acceptance of Asians, support for Aboriginal issues and tolerance of homosexuality." The Board recognises that these attacks are clearly attempts to force church members to give up these policies."

The most extreme case of harassment of anti-racist activists heard by the Inquiry was the campaign against the Pitt Street Parish of the Uniting Church and one of its ministers, the Reverend Dorothy McMahon.<sup>14</sup> The attacks on the church and the personal campaign against Reverend McMahon commenced in 1987 and have been well publicised in the Australian media.

---

## Racist Violence against People Opposed to Racism

---

In June 1987, a church service at the Pitt Street Uniting Church was disrupted by four men who distributed National Action pamphlets defaming the church and Rev. McMahon for anti-apartheid and homosexual support policies. The pamphlet was also distributed to other Uniting Church parishes and parishioners' homes in other parts of Australia.

Names and addresses of parishioners were printed on the pamphlet in an attempt to personally vilify and intimidate them. The Uniting Church NSW Synod Board of Social Responsibility advised the Inquiry that:

This pamphlet is a form of violence. It is an attack on individuals and organisations, their integrity, their work, their motives, their colleagues and their friends.

The attack was also well planned. The fact that the pamphlet quoted church documents and correspondence indicated that for nearly two years National Action had been collecting documents from parish garbage bins, which were placed on the street for collection.

The church did not pursue legal measures to stop circulation of the defamatory National Action pamphlet. It was decided that legal action, with a court injunction followed by a suit for slander, would put an onerous financial burden on the church and give further publicity to the pamphlet. Even if the case was successful, it was unlikely that those being sued would be in a position to pay for costs or compensation.<sup>16</sup>

Rev. McMahon was also subjected to relentless personal harassment. She regularly received abusive telephone calls, usually in the early hours of the morning. Her life was threatened and on one occasion the Nazi national anthem was played down the line. Parishioners also received threatening and abusive telephone calls, advising them to leave the parish.

In January 1988, Rev. McMahon's house was spray painted with abusive, racist graffiti. In subsequent

---

## **Racist Violence against People Opposed to Racism**

---

attacks foul, rotting material was thrown across the front of her property.

From mid 1988 sump oil, printers' toner (which looks like soot) and white glue were also dumped on the front steps of the church. Posters depicting Aboriginal and Asian people were defaced, and racist stickers were plastered outside the church.

People who publicly supported Rev. McMahon received threatening telephone calls and had bricks thrown through the windows of their homes. Letters of support which were sent to Rev. McMahon at her church were monitored and the authors received letters from National Action and copies of defamatory literature.

The campaign of harassment culminated in November 1988 when three people wearing balaclavas and army fatigues burnt an effigy in front of Rev. McMahon's house. In a symbolic 'necklacing' a tyre which was placed around the dummy's neck was doused in petrol and set alight. This incident was performed as a media stunt, and photographs were distributed to newspapers.

National Action members were charged in relation to various offences, including malicious damage to Rev. McMahon's property. National Action denied the charges and all knowledge of attacks on church property and the home of Rev. McMahon. They accepted responsibility only for the disruption of the church service in June 1987.

The Pitt Street Parish has mixed feelings about the response by the authorities to this campaign. When the attacks first started, Rev. McMahon was asked by police officers: 'Do you have to provoke these people?' Similarly, the church was told that such attacks are 'normal in a democratic society'. Nevertheless, the church acknowledges that as soon as there was sufficient evidence to mount a case they received 'decisive police action and considerable support from many people'.<sup>17</sup>

---

## Racist Violence against People Opposed to Racism

---

Other Sydney parishes of the Uniting Church in Australia, notably the Strathfield-Homebush, South Sydney and Concord Parishes, also told the Inquiry that they had been subjected to racist harassment.

In October 1988, the Homebush church was attacked with racist graffiti, expressing anti-black African sentiments' The church was mystified by the graffiti since it had had only minimal involvement with the anti-apartheid movement and had concentrated its efforts in giving support to Asian refugees and migrants. The attack was reported to the local police and the Special Branch of the NSW Police Force, as well as to local, State and Federal political representatives and the media.

The South Sydney Parish church was repeatedly vandalised between 1986 and 1988 and spray painted with anti-Asian and anti-African racist graffiti. The parish hall was broken into several times and material belonging to local youth clubs was piled in a heap and burned'

The Concord Parish suffered a serious graffiti attack in 1988. The incident was reported to the local police and the NSW Special Branch. The damage was subsequently repaired and no further attacks occurred

The Inquiry was advised that a Western Australian newspaper, the *Echo*, reported on 5 February 1989 that an Anglican Minister, the Rev. McGowan, had been threatened by a member of the Australian Nationalist Movement, following publication of an article the previous week, in which he had encouraged people to remove racist posters from public places.<sup>21</sup>

The *Echo* reported that the ANM member had warned Rev. McGowan that anyone interfering with the posters would be 'attacked on the spot or followed home and attacked'. He said that 'anyone prepared to deface the posters should go armed or with police protection' and added that followers of the ANM had thirty radio controlled vehicles in which they would 'track down anyone interfering with their posters'.<sup>22</sup>

---

## **Racist Violence against People Opposed to Racism**

---

The ANM member explained that 'people have been badly bashed for defacing our posters' and that the ANM only erected the posters because no Western Australian media outlet would accept their advertisements. He added that the ANM was not responsible for the bashings, but a group of ANM sympathisers were. He said:

They are ratbags, purely bigots and terrorists in my opinion. However, they do have one useful function. They 'bodyguard' a lot of our gear, including the posters, which cost seventeen cents each.<sup>23</sup>

In December 1988, a Liberal party dinner in Sydney was disrupted by a group of young men who stormed the room, shouting 'Death to Sham Ho' and throwing about anti-immigration pamphlets produced by National Action. The function was being addressed by the Hon. Helen Sham Ho, Member of the NSW Legislative Council, who is of Asian descent.

### **Public Authorities, Politicians and Public Figures**

One of the offenders was arrested in January 1989 and charged with creating violent disorder. He was found guilty and placed on a \$2,000, two-year good behaviour bond. In summing up the case, the magistrate said that she had to accept the accused's comment that he had expected the meeting to be open to the public.

A citizenship ceremony for Asian migrants in West Torrens, South Australia, was disturbed by four male demonstrators who shouted 'Asians Out, Asians Out'. The demonstration lasted only seconds, as members of the South Australian Police Force had been advised that demonstrations were likely and were on hand to arrest the demonstrators?'

The Mayor of the City of West Torrens, Ald. S.J. Hamra, told the Inquiry that 'some other Councils had recently experienced similar events' and that in each case the date and time of the ceremony and a list of the names of the candidates had been published in a local news-

---

## Racist Violence against People Opposed to Racism

---

paper? The Council no longer publishes details of the ceremony prior to the event.'

Mr John Scott, MP, a South Australian member of Federal Parliament, told the Inquiry that in July 1988 a window of his electoral office was smashed and that the following day he received an anonymous threatening telephone call which said: 'Tell John Scott that if he does not stop Asian migration it will be a bomb next time'. Mr Scott added that there had been a number of similar attacks in the vicinity which appeared to have been racially motivated. Windows had been smashed in the offices of Senator Nick Bolkus, a Federal Minister, and the Indo-China Chinese Association, and an Asian grocery had been vandalised in the same way?'

From June 1987 to August 1988, the Torrensville Primary School, South Australia, and surrounding areas were attacked with racist graffiti. After the initial attack, the principal of the school sent a letter to the editor of *The Adelaide Advertiser* newspaper, expressing his disgust that young children in schools should be targeted with racial hatred. Following publication of this letter, National Action threatened to visit the school one afternoon and hand out their literature to parents and children as they left the school. The principal also received letters from the Australian Patriotic Lobby and the Australian Nationalist Movement.

The principal received assistance from a member of the SA Police Force, who advised him to change his telephone number to an unlisted number, which he did. Following further attacks, the school decided that it would be unwise to give the perpetrators of these attacks any further publicity?

The then Deputy Chairman of the Ethnic Affairs Commission of New South Wales, Mr Uri Themal, told the Inquiry that he had been threatened for taking part in a televised debate on the Australian Broadcasting Tribunal's inquiry into racist statements made by Sydney radio personality, Mr Ron Casey:

---

## Racist Violence against People Opposed to Racism

---

These telephone calls were abusive and threatening, usually accompanied by the worst kind of expletive common in the English language. Some of these calls threatened violent action against me or my property, others simply suggested that people like me should go back where they come from.

Some of [the] calls made direct reference to my involvement with the Inquiry against Mr Casey, others were simply abusive without any particular reference to anything ... Since these calls are not systematic it is difficult to know whether the callers are cranks who just happen to have sleepless nights or people who belong to racist organisations and therefore know me and my activities in this area.<sup>29</sup>

There is reason to believe that this Inquiry has also been targeted by extremist groups. On 20 September 1989, the day before the Inquiry's public hearing in Melbourne, the venue was daubed with racist graffiti and the symbols of an extremist group. The following day the Inquiry's hearing was disrupted when a bomb threat was received. Police undertook security checks and evacuated the building. The hearing resumed in a car park outside.

Following publication of an article on immigration in **Journalists and The Sydney Morning Herald**, the home and motor vehicle **Academics** of Sydney journalist, Mr Max Walsh, was attacked with spray painted racist graffiti.<sup>30</sup>

Similarly, another Sydney journalist was harassed by constant abusive and threatening telephone calls and letters, following publication of an article on multiculturalism in *The Sydney Morning Herald* in 1984.<sup>31</sup> The journalist contacted the Special Branch of the NSW Police Force, but was disappointed with the lack of response.

An historian, Professor Ricklefs, and his colleagues in Victoria became involved in the public controversy

---

## Racist Violence against People Opposed to Racism

---

surrounding Asian immigration in 1984-85, after they published a book on immigration, *Surrender Australia?*, which refuted the widely publicised and controversial arguments of Professor Geoffrey Blainey against non-European immigration. Prof. Ricklefs told the Inquiry:

There was, in my view, undoubtedly a campaign to intimidate academic critics of Geoffrey Blainey into silence ... but it is a matter of judgement whether this exceeded an acceptable level of rough-and-tumble in public debate.<sup>32</sup>

Prof. Ricklefs believed that media reporting of the immigration debate was 'heavily one-sided'. He felt that press coverage of the book, prior to publication, was largely 'dishonest, misleading, or perhaps merely ignorant'. This was followed by public criticism in the press and personal attacks on Prof. Ricklefs and his colleagues. On the other hand, the then Queensland Senator John Stone was able to denounce the editors and contributors to the book as 'intellectual brownshirts', 'jackals' and 'thugs' in ten different newspapers. Only some of the newspapers allowed Prof. Ricklefs a right of reply.

Prof. Ricklefs also received two 'lunatic and nearly unintelligible letters' and was called late at night by a woman 'who was presumably inspired by the press furore to shout brief obscenities down the telephone'. One of his colleagues received a written death threat and another colleague had a half brick thrown through his house window and received a phone call threatening him with death if this 'treason' continued?

Another author told the Inquiry that following publication of an anti-racist book in 1984 he was systematically harassed. He received many threatening telephone calls, bricks were thrown through his windows, and the front window of his home was shattered late at night by a shotgun blast.<sup>34</sup>

---

## **Racist Violence against People Opposed to Racism**

---

The Inquiry was told that many people have become targets of racist attacks after having written anti-racist letters to newspapers. The letters may be in support of non-discriminatory immigration or multiculturalism or may express opposition to apartheid.

**Writers to the  
Editors of  
Newspapers**

Mr Graeme Orr, the President of the Victorian Branch of UNAA, reported that:

In my capacity as President of the UNAA I have received communications from a small number of other people who have been harassed by the same group (National Action). Usually, in response to a letter to the Editor (supporting immigration, multiculturalism, etc) they receive sheets of anti-semitic and/or anti Asian material, including [in one case] a 'cartoon' of a person hanged from a branch of a tree, under which is written 'Death to white traitors'.<sup>35</sup>

A South Australian man told the Inquiry that, following publication of an anti-racist letter, his garage was burned down and the tyres of his car, which was not parked in the garage, were slashed.<sup>36</sup>

A Sydney resident told the Inquiry that following publication of a letter to the editor of *The Sydney Morning Herald* in October 1985, in which he expressed concern over the possible effects of the immigration of white South Africans to Australia, he received several telephone calls, including bomb threats, and a house brick was thrown through his window. Telecom intercepted his calls for some time, but he was disappointed with police response to the attacks and commented that his experience has made him 'very reluctant to write to newspapers about such issues'.<sup>37</sup>

Evidence to the Inquiry indicates that people displaying Aboriginal land rights and anti-apartheid stickers on their cars can be prominent targets for racist attacks.

**Carrying Land  
Rights or  
Anti-Apartheid  
Stickers**

A Sydney woman told the Inquiry that after she

---



---

## Racist Violence against People Opposed to Racism

---

displayed a 'Don't Buy Apartheid' sticker her tyres were slashed thirteen times and her windscreen was smashed:

The tyre slashing began to occur on a regular basis ... On the first couple of occasions I thought it was random vandalism, but as the incidents continued I realised my car was being targeted and the only reason I could ascertain was the car sticker.

I looked around the surrounding streets for similar attacks, but my car was always isolated. There were other cars with stickers promoting childcare and a nuclear free Pacific which were not touched, so I began to believe it was the anti-racist message which was attracting attention to my car.<sup>38</sup>

In this case, the victim of the attacks eventually removed the sticker and moved house. She had reported the matter but felt that the police were unwilling to accept that she was being targeted deliberately.



**Response of Authorities** The evidence suggests that police have been slow to respond to requests for assistance and protection." Anti-racist groups expressed concern that there is no consistent recording and investigation of racist attacks. One anti-racist group told the Inquiry that of the sixty or so racially related attacks which were reported to Sydney police in 1984 and 1985 few, if any, cases resulted in charges. The group felt that the police had responded slowly, rarely keeping written accounts of incidents:

The subsequent slow, bureaucratic processes used by police were far from appropriate to the quick repetitive low level terrorism used by NA (National Action) members.

Reporting incidents to police was predictably difficult, time-consuming, humiliating and frustrating. More times

---

## Racist Violence against People Opposed to Racism

---

than not, the victim reporting the matter became the accused. Police had little appropriate education to cope with the problem and more often found the ideology of the [perpetrators] more compatible with their own.<sup>40</sup>

There was a general view that the police had not taken their complaints seriously, or had refused to attribute racist motives to acts of violence, preferring to interpret them as individual, disparate, sporadic attacks. Nevertheless, research reveals that there has been a great deal of effective undercover work done in this area:

There seems little doubt that, throughout Australia, the police response to activities by racist groups, even where these clearly constituted criminal activities, has been slow and unenthusiastic. The groups themselves tend to report perception of support amongst ordinary police officers. In general, police in New South Wales have appeared particularly disinterested in taking action. This has had the effect on public perception of both increasing the power and status of the racist groups involved, and of suggesting widespread support for them.

However, police intelligence and special branches have taken a far more active approach to racist groups, and have generally undertaken careful monitoring of their activities. In some cases, this has included a strategy for action against the groups and their leaders. Naturally, such activities cannot be publicly discussed or revealed to the media.<sup>41</sup>

Overall, there would appear to be growing support for combating racist violence in the senior levels of Police Departments around Australia. The imperative then is to translate this into an effective strategy to change attitudes at the grass roots level.

People opposed to racism have divergent views about **Media** the desirability of using the media to publicise racist attacks. Strong arguments can be made both for and

---

## Racist Violence against People Opposed to Racism

---

against publicity.

Those against publicity argue that it does not achieve positive results and that change can only be achieved through behind the scenes pressure on politicians. They contend that media coverage gives the perpetrators of racist violence what they want: a platform to broadcast their views. As one anti-racist group has pointed out:

It can give [extremist groups] a political legitimacy which is disproportionate to their size and free advertising for membership. Publicity can encourage 'copy cat' crimes and may further endanger the victims through reprisal attacks.<sup>42</sup>

Those in favour of publicity believe that it gets results by galvanising public opinion. Media exposure therefore:

... reveals an aspect of our society that should not be concealed, and it is patronising and ultimately undemocratic to attempt to do so ... It is unfavourable for perpetrators of the violence for it shows that their victims refuse to be silenced by fear. It can be an empowering experience for those who are targeted by showing them they are not alone and providing the impetus for group protective action.<sup>43</sup>

Groups who regularly deal with different sections of the media tend to be fairly cautious:

We avoid journalists and presenters who appear to want only a 'quick hit' of titillation or controversy, and are unwilling to thoroughly investigate the issue. We have learnt to withhold co-operation unless the journalists are prepared to take the time to be briefed about the history and activities of racist and neo-Nazi groups. We know from bitter experience that without this effort they are inevitably ill-prepared to confront the polished performers that the neo-nazis can produce for public consumption.

We also try to avoid situations where the interviewer sets

---

## **Racist Violence against People Opposed to Racism**

---

a scene for direct confrontation between the neo-Nazis and anti-Nazis. We know that the former will use this situation to individualise the issue by attempting to discredit their opponent through making slanderous attacks on their personality and character.

While we do not deny the right of the media to interview the spokespersons of the neo-Nazi groups, we believe that the important issues at stake can become lost in a welter of mud-slinging if this traditional confrontationist approach is taken. The public would be better informed if the spokespersons of neo-Nazi organisations are interviewed by a professional who can concentrate on them alone and who provides no opportunity for tangential diversions into 'personality politics'."

On balance, the evidence would suggest that using the media can be beneficial, if properly handled. In Rev. Dorothy McMahons's case, for example, the church refrained from contacting the media for the first twelve months, relying solely on police action. During this time no arrests were made and the lack of publicity did nothing to discourage the perpetrators.

Media coverage did not result in any noticeable increase in attacks or reprisals. Activity against the church remained at about the same level. Publicity did, however, increase community awareness of the problem and helped concerned people to make contact so that they could organise an anti-racist pressure group. Eventually, arrests were made and there was a decline in the racist attacks. In this instance it seemed that fears that speaking out would bring reprisals had been exaggerated.

A number of the people against racism who gave **Organised Racist** evidence to the Inquiry alleged that members of **Groups** organised racist groups (or extremist groups) were responsible for particular racist attacks. The Australian Security Intelligence Organization has stated that: \_\_\_\_\_

---

## Racist Violence against People Opposed to Racism

---

One significant source of threat during 1988-89 with a purely domestic focus was an extreme right-wing racist element, shown or suspected to be engaged in harassment and violence against opponents ... These groups ... have shown a clear potential to cause distress to sections of the Australian community, and perhaps threaten life.<sup>45</sup>

Although the Inquiry is aware of the existence of several extremist groups in Australia, most allegations made to it concerned two organisations: National Action and the Australian Nationalist Movement. A brief profile of each of these groups follows.

### **National Action**

National Action (NA) operates or has operated through a number of front names or organisations, including 'Sons of Kokoda', 'South Africa Defence Committee' and the 'Australian Populist Movement'. It was formed in Sydney on Anzac Day 1982. The leader of National Action is Jim Saleam. NA has branches in NSW, South Australia, Queensland, Tasmania and the ACT. The organisation has been the subject of police attention over the last two years and a number of charges have been laid against its members and convictions recorded.

The movement in New South Wales (the State where the Inquiry heard most evidence about the group's activities) has only about twenty core members, with around thirty fringe supporters. Its support in other States is considerably less than this." Its members and supporters are typically unemployed males in their thirties with histories of minor criminal convictions. National Action publishes several regular newsletters, most notably *Audacity*, and produces a range of pamphlets and booklets.

The philosophy of National Action is based on what it claims to be Australian nationalism:

We have a 'vision splendid' for our country. We would prefer a nation of 50 million European souls

---

## **Racist Violence against People Opposed to Racism**

---

armed with an assertive Australian identity. We could see Australia as a major resources nation using its economic strength as a weapon of diplomacy. Military power would back such policies. Australia could be the last frontier for settlement and development of the European-race '

National Action is believed to have links with European, American and New Zealand nationalist groups and with right wing political movements in South Africa. It advocates 'Australia for Australians', believes Asians should be repatriated and is strongly opposed to multiculturalism.

NA formally denies allegations of involvement in racist violence. However it acknowledges that it may engage in the disruption of political meetings or in activities designed to frighten or intimidate those it identifies as its political opponents. The disruption of the dinner attended by the Hon. Helen Sham Ho, described earlier in this chapter, is a notable example. A written submission to the Inquiry on behalf of National Action said:

That some persons may resort to violence does not surprise us. While not condoning it, we do not condemn it. History has provided innumerable examples to show that violence is the only weapon of the oppressed. Australians who resort to violence against the Establishment you also represent are not criminals, but in their own way, political activists."

The Australian Nationalist Movement (ANM) was **Australian Nationalist** founded in Perth in 1984 by Jack Van Tongeren. Van Tongeren was in the regular army for six years and Movement served in Vietnam. He was working full time for the movement until his recent imprisonment for various racist activities in Perth.

Van Tongeren was a member of National Action but broke with Saleam because he believed that Saleam

---

## **Racist Violence against People Opposed to Racism**

---

was not strong or open enough in his advocacy of anti-Semitism and neo-nazi policies. The movement's philosophy is anti-black, anti-Asian and anti-Semitic. Its members wear jack boots and uniforms emblazoned with the symbol of a Celtic cross. ANM opposes immigration by Asians and other non-European peoples and the forced repatriation of non-Europeans currently living in Australia. It is noteworthy that Van Tongeren and other members of the Australian Nationalist Movement in Western Australia were brought before the court in 1990 on conspiracy charges in relation to a racist poster campaign and other racist intimidation they undertook. Their prosecution resulted in substantial custodial sentences. The activities of the ANM and evidence about the organisation given to this Inquiry are discussed in Chapters 6, 8, 10 and 11 of this report.

Although apparently not a violent group, another prominent racist organisation, the League of Rights, should be discussed in this context.

### **League of Rights**

The League of Rights is undoubtedly the most influential and effective, as well as the best organised and most substantially financed, racist organisation in Australia. Its resources, influence, stability and professionalism far exceed those of any other racist organisation in Australia, past or present. In part its success is due to the relative subtlety with which its racist ideology is promoted. Those disturbed by the activities of the League have alluded to the fact that many of its members have sought election to Parliament or appointment to influential government positions without revealing their connections with the organisation.

The first Leagues of Rights were formed in 1946, in part as a derivative of the Douglas Social Credit movement, based on the political philosophy of Major C H Douglas, whose theories had attracted a

---

---

## **Racist Violence against People Opposed to Racism**

---

---

number of people in England. Leagues were established in South Australia in 1946, Victoria in 1947, Queensland in 1949, and Western Australia in 1951. The Australian League of Rights was established as a national organisation in 1960, and Eric Dudley Butler was appointed its leader."

The League is particularly strong in rural areas, where its meetings can attract hundreds of people. In many respects the influence of the League may be more profound and dangerous than other extremist groups because it has assumed an image of 'respectability' by espousing family values, patriotism and nationalism while covertly disseminating quite racist views. The League represents the respectable face of racism. Its advocacy of traditional values may have won it mainstream support from people who are unaware of its racist and extremist ideals.

The League works through a number of divisions and subsidiary organisations, including 'Save Australia', the 'Voter's Policy Associations', the 'Christian Institute for Individual Freedom', the 'Conservative Speaker's Clubs', the 'Institute for Economic Democracy', the 'Australian Heritage Society' and 'Ladies in Line Against Communism'.

Despite continual attacks upon it, within the media and in parliament, by churchmen and community leaders, the League has developed into the most influential and wealthiest racist organisation in Australia. It employs some nine full-time staff, and it has been estimated that its administrative expenses amount to at least \$80,000 a year. Its sources of funding, apart from membership subscriptions and donations, are unknown but speculation has included the possibility of international financing through the World Anti-Communist League (of which it is a member), which is linked to the government of

Taiwan, or through United States right wing organisations. It is certain that considerable sums are raised at public meetings and funds may also be

---

## **Racist Violence against People Opposed to Racism**

---

directed to the League from Christian fundamentalist groups, like the Logos Foundation.<sup>50</sup>

While there is no doubt that these extremist groups encourage attitudes which may lead to racist violence, their level of responsibility for racist attacks should not be over-estimated. Tillett advised the Inquiry that outbreaks of racist activity are often attributed to organised racism. He added that it is important to distinguish between organised and spontaneous racism. Racist graffiti, such as 'Asians out' and the National Action symbol, are not the exclusive possession of any one group, and once seen are likely to be taken up and used by individuals whose motivation may be vandalism or public nuisance rather than the promotion of racist ideology.<sup>51</sup>

This is not to say that the influence of extremist groups should be dismissed or, indeed, underestimated. It is important that the community is aware of their existence and their strategies to further their own racist agendas.

Groups like National Action almost inevitably claim that their memberships are much larger than they really are. They do this through carefully planned campaigns of intimidation, disinformation and exploitation of the media and the response of anti-racist groups.

Many people who gave evidence before the Inquiry alleged that intimidatory tactics employed by extremists include abusive phone calls and hate mail; attacks on private property and visits to the homes of anti-racist activists; disruption of meetings; the wearing of paramilitary uniforms; distribution of inflammatory, racist literature; and occasionally physical violence.

The groups also exploit strategies of disinformation to misrepresent their own activities, the activities of opponents and the degree of community support. Strategems used can include issuing fraudulent press releases and letters to the media, as well as writing articles for the media under assumed names.

---

## **Racist Violence against People Opposed to Racism**

---

The sometimes uncritical approach of the media and government and community agencies in their responses to such activities may inadvertently assist in this strategy. There are real dangers in magnifying the size, influence or power of racist groups, and any response to such groups should be based on realistic, well-researched assessments of their status, rather than on their own claims.

There have been circumstances where the media have been carefully manipulated and misled by racist groups as part of their strategy of building tension and their campaign of disinformation. The media have occasionally given prominence to stories either based on fabrication by the groups themselves or, in some cases, actually written by members of the groups.'

Similarly, some government and community organisations have inadvertently assisted extremist groups by over-reacting to disinformation and focusing on the organisation alleged to have undertaken the attack, thereby adding to the sense of its importance, rather than concentrating on the offending actions.

The Inquiry's recommendations for responding to racist violence are found in Chapters 10, 11, 12 and 13. However, anti-racist groups and individuals have strongly held views about what can be done to decrease the incidence of racist attacks and to promote racial harmony. Their suggestions are summarised below.

### **Suggested Responses to Racist Attacks**

---

People opposed to racism support increased efforts from local and State authorities to 'clean up' racist posters and graffiti. There is a widely held view that racist graffiti sets the scene for racially-motivated violence and that removal of this material can discourage racists, as well as clearly convey the message that racist graffiti and posters are socially unacceptable.<sup>53</sup> It is also considered that community service in

---

## **Racist Violence against People Opposed to Racism**

---

the form of removing racist graffiti would be suitable punishment for perpetrators of racist violence.<sup>51</sup>

**Police Response** It is argued that the police need a co-ordinated approach to dealing with racist attacks. One anti-racist group suggests that a senior police officer should be responsible for ensuring that procedures are established within the department to ensure that officers (and police cadets) can recognise incidents of racist violence and know how to deal with victims of racist attacks.

The appointment of an officer to co-ordinate response to reports of racial intimidation and violence would also ensure that the police force is publicly accountable for its actions in this area.

The same group also suggests that police incident report forms should incorporate a question as to whether the victim believes the attack was racially motivated. If so, local police should be directed to forward all relevant information to the overseeing officer.<sup>55</sup>

**Monitoring Telephone Calls** There would appear to be a need for more assistance in the interception of intimidatory calls. Anti-racist groups say that Telecom has tended to treat abusive and threatening telephone calls as random nuisance calls. Often, the only remedy available to the victim is to obtain a silent number, with all the expense and the inconvenience that entails, or to have a short-term intercept placed on the line?<sup>6</sup>

**Tracing Personal Information through Motor Vehicle Registration Numbers** The ease with which people's names and addresses can be traced through motor vehicle registration numbers is a matter of concern to people opposed to racism.

One group claims that a new system for processing enquiries for motor vehicle registration numbers, introduced in at least one State, is unsatisfactory. Under this system, the owner of the vehicle does not find out

---



---

## **Racist Violence against People Opposed to Racism**

---

that his or her name and address has been issued to an enquirer until after the event. If the motive is illegitimate, the notification may be too late.

The group recommends that the authorities restrict access to personal details of registration holders to those who can demonstrate a 'right to know'. Appropriate penalties would need to be imposed for false statements."

One major group recommends that the Federal Government increase public awareness of the anti-racism aspect of anti-discrimination and equal opportunity legislation in Australia. It also considers that the Government should increase funding for ethnic radio and television.<sup>58</sup>

Local and State government agencies should be encouraged to develop staff and community education and information programs which foster appreciation of cultural diversity. Local councils should be encouraged to promote effective resolution of neighbourhood disputes and resource material on multiculturalism should be readily accessible to neighbourhood groups and workplaces.'

There is strong support for the development of support groups for victims of racist attacks. Community organisations and government services to combat racism and discrimination in education, housing, welfare, employment and health should be adequately resourced.<sup>60</sup>

People opposed to racism have ambivalent views about the desirability of using the media to publicise racist attacks and believe that a strategic assessment must be made of the particular circumstances to decide if media exposure is likely to be beneficial." There is always the danger that some sections of the media will sensationalise the issues in the interests of presenting a good story. This can be highly counter productive, particularly when dealing with extremist groups.

---

## Racist Violence against People Opposed to Racism

---

**Legislation** Many people opposed to racism support racial vilification legislation and legislation to prohibit racist intimidation.<sup>62</sup> Whilst the proponents of legislative reform acknowledge that these may be criticised on the grounds of restricting freedom of expression, they believe that incitement to racist violence and racial hostility should be punishable by law.

As a leading anti-racist campaigner, Ms Irene Gale, told the Inquiry in Adelaide:

I think most people do not like to break the law, and changing the laws is a very good way of changing people's attitudes and making them think about what they are doing ... the general community would think more about the situation.<sup>63</sup>

**Conclusion** Evidence presented to the Inquiry indicates that people opposed to racism were generally targeted by extremist groups because of their anti-racist political beliefs and activities. Systematic and sustained campaigns of harassment and intimidation were allegedly undertaken by members of organised racist groups such as National Action and the Australian Nationalist Movement.

Anti-racist groups put forward strong arguments for dealing with the problem of racist violence, ranging from cleaning up racist graffiti and changing police procedures to extensive legislative reforms. Their proposals have been taken into account by the Inquiry.

---

## **Racist Violence against People Opposed to Racism**

---

- 1 Submission number 228, South Australians For Racial Equality (SAFRE), p.153. **Endnotes**
- 2 Submission no. 2.26, Confidential.
- 3 Submission no. 225, Confidential.
- 4 *ibid.*
- 5 Brian Lewis-Smith, Uniting Church, Adelaide Hearing, transcript p.106.
- 6 *ibid.*
- 7 Submission no. 2.22, Community Aid Abroad.
- 8 Submission no. 223, South Sydney Community Aid Co-operative.
- 9 Submission no. 2.33, Committee in Solidarity with Central America and the Caribbean.
- 10 Submission no. 2.34, Graeme Orr.
- 11 Submission no. 2.37, Confidential.
- 12 Submission no. 227, Uniting Church in Australia, NSW Synod, Board for Social Responsibility.
- 13 *ibid.*
- 14 Submission no. 2.29, Pitt Street Parish of the Uniting Church in Australia.
- 15 Submission no. 227, *op cit.*
- 16 Submission no. 229, *op cit.*, pp.1-2.
- 17 *ibid.*, p.5
- 18 Submission no. 2.16, Reverend Bridge, p.2.
- 19 Submission no. 224, Reverend Smart, p.1.
- 20 Submission no. 22, Reverend Palmer, p.1.
- 21 Submission no. 2.1, Mr and Mrs Laraia.
- 22 *ibid.*
- 23 *ibid.*
- 24 Submission no. 2.5, S J Hamra.
- 25 *ibid.*
- 26 *ibid.*
- 27 Submission no. 2.15, John Scott MP.
- 28 Submission no. 2.6, D J Southern.
- 29 Submission no. 2.19, Uri Themal.
- 30 Submission no. 2.4, Geraldine Walsh.
- 31 Submission no. 2.8, Confidential.
- 32 Submission no. 2.9, M. Ricklefs.
- 33 *ibid.*
- 34 Submission no. 2.10, Confidential.
- 35 Submission no. 2.34, *op cit.*
- 36 Peter Dight, Adelaide Hearing, transcript p.113.

---

## Racist Violence against People Opposed to Racism

---

- 37 Submission no. 2.3, P. Bollard.  
38 Submission no. 2.18, B. Turner.  
39 Submission no. 2.26, op cit.  
40 Submission no. 2.25, op cit.  
41 Dr Greg Tillett, 'Organised Racism in Australia', an unpublished paper commissioned by the National Inquiry into Racist Violence, 1990, pp.35-36.  
42 Submission no. 2.26, op cit, p.11.  
43 *ibid.*  
44 Submission no. 2.26, op cit, p.12.  
45 Australian Security Intelligence Organization, *Report to Parliament 1988-89*, AGPS, Canberra, pp.4-5.  
46 Tillett G., op cit, p.25.  
47 *ibid.*  
48 Submission no. 1.7, Australian National Action, p.2.  
49 Tillett G., op cit, p.17.  
50 Tillett G., op cit, p.19.  
51 Tillett G., op cit, p.9.  
52 Tillett G., op cit, p.34.  
53 Submission no. 2.26, op cit, p.15.  
54 Submission no. 2.15, op cit, p.3.  
55 Submission no. 2.26, op cit, p.14.  
56 *ibid.*  
57 *ibid.*, p.15.  
58 Submission no. 2.22, op cit, p.3  
59 Submission no. 2.26, op cit, p.16.  
60 *ibid.*  
61 *ibid.*, p.12.  
62 See, for example, Submission no. 2.7, G. Hill, Submission no. 2.9, op cit, Submission no. 2.12, Pegg Holroyd.  
63 I. Gale, Adelaide Hearing, transcript at pp.103-104.

---

## Chapter 8: Drawing Conclusions from the Evidence

---

### Acts of Racist Violence against Aboriginal and Torres Strait Islander People

Racist violence against Aboriginal and Torres Strait **Institutional Racism** Islander people is qualitatively different from that experienced by other groups. In order to understand the nature of racist violence against these communities it is necessary to acknowledge the racism they have suffered since the beginning of white settlement.

The Inquiry considers that racism permeates the day-to-day lives of Aboriginal people either through direct acts of violence, intimidation and racist abuse, or through the more insidious processes of discrimination. Discrimination in this context is particularly significant because it operates often through the threat or use of violence, and because it underpins the structural and institutionalised violence which is part of Aboriginal life. As one witness so clearly stated:

... what Jam saying to you is that the very foundation, the very bureaucracies, the very infrastructure ... is fundamentally racist ... I guess it is called institutionalised racism ...

Often the institutions and service providers who are expected to assist the victims of racist violence are perpetuating racist attitudes and, in some cases, promoting direct violence and intimidation against Aboriginal people.

The Inquiry was told by one Aboriginal woman:

I questioned my fellow non-Aboriginal worker about an incident between her and an Aboriginal client. She said to me, 'I don't give a stuff about Aboriginal people'. I spoke to our district manager and he 'spoke' to her about it.

---

## Drawing Conclusions from the Evidence

---

What made me so angry is that 90% of our clients are Aboriginal and she's got an attitude like that?

**Policing** Most significantly, submissions, oral testimony and independent research indicated that police officers were frequently the perpetrators of racist violence against Aboriginal people.

Although the Inquiry recognises the seriousness of these assertions, they were made with such conviction and regularity that they indicate at best a major crisis of confidence by Aboriginal people in the police, and at worst, the presence of systematic racist violence. The Inquiry has been forced to conclude that Aboriginal and Islander people regularly experience racist violence, intimidation and harassment at the hands of the police.

In Perth the Inquiry was told that:

Most Nyoongah [Aboriginal] lads, or adults for that matter, when they see the police, instead of seeing them as someone there to help us in this society, people duck for cover and run away. I am making the point that racial violence is only allowed when society allows it to happen.<sup>3</sup>

A witness at the Redfern hearing stated that:

I fear the police ... it goes back a long way to the old Protection Board days when the police used to enforce the welfare rules ... I still have it in the back of my mind that police ... are not accountable to anybody.'

The perception that police are not accountable for their actions and that racist violence perpetrated by them goes either unnoticed or unpunished was widespread. When asked how they had responded to alleged racist violence by police most Aboriginal people told the Inquiry that they had either done nothing or complained but with no effect:

---

## Drawing Conclusions from the Evidence

---

Most people do nothing because they believe it to be a waste of time. They don't see any results in reporting the matter. This was particular to police violence. 'How do you report violence by police to police?' was a frequent answer.<sup>5</sup>

One witness to the Inquiry suggested that an ignorance or misunderstanding of Aboriginal culture was often an underlying cause of conflict:

One of the problems with police at the moment that I see, because I am involved at the police academy trying to establish some sort of training for police in Aboriginal cultural awareness; a lot of the result of racial violence really comes from ignorance of Aboriginal culture because the people that have a negative view of Aboriginal culture are the ones that are being listened to ... racial violence is deeply related to discrimination<sup>6</sup>

More effective and concerted police training in Aboriginal issues was cited by many Aboriginal people as a positive step towards better police-Aboriginal relations. However, there was a high level of concern that non-racist policies and training frequently failed to filter through the police force. Although there may be a commitment to these policies at a high level, it was put to the Inquiry by many witnesses that policies were not effective unless they were implemented by individual officers at the 'grass roots' level:

... the problem that we see is [in] the implementation of policies ... it is all very well to hear that it is their fine policy that 'We are going to do something about relationships' ... but in actual fact what happens in the middle of the night and when people are not around ... I happened to be standing in the prison cells ... when an Aboriginal person was taken through... he was told 'Be a good Aboriginal - behave properly as an Aboriginal should and go hang yourself.'

In recent years Police Departments have made positive attempts to improve relations with the Aboriginal

## Drawing Conclusions from the Evidence

---

community. Police—Aboriginal community liaison committees have been established and police training in Aboriginal issues has increased. However, the Inquiry found that police operations within the Aboriginal community are still carried out in an insensitive and sometimes brutal manner. This inconsistency was evident in the so-called 'Redfern Raid' which took place in February 1990 and is described in detail in Chapter 5.<sup>8</sup>

The Inquiry finds that the raid constituted an act of racist violence. The violence which occurred involved physical violence (allegations of assault on some individuals), psychological violence (many witnesses stated that they were terrified) and violence to property. The raid was racist. It was planned on the assumption that normal surveillance activities cannot operate in the black community and it involved a level of force which far exceeded the potential threat to society.

The 'Redfern Raid' graphically illustrates the concept of institutionalised racism in action. The individual officers were not necessarily motivated by racism, they simply believed that this was an appropriate way to deal with the Aboriginal community. As both Aboriginal people and police officers pointed out to the Inquiry, there is a long and negative history of police—Aboriginal relations in Australia which must be confronted directly. In the words of one Aboriginal witness to the Inquiry:

We are not trying to say that all police are bad, **but what we are trying to say is the system has got to work out to make police accountable ... so we do not have to cop racism.**

As mentioned earlier, allegations of over-policing and/or police abuse recurred throughout the Inquiry. The Inquiry received reports of 133 separate incidents of alleged racist violence, harassment and intimidation against Aboriginal people, 63 per cent of them involving allegations against the police. These figures highlight a level of concern in the Aboriginal community which demands attention.

---

## **Drawing Conclusions from the Evidence**

---

**Finding 1:** Racist violence, intimidation and harassment against Aboriginal and Torres Strait Islander people are social problems resulting from racism in our society, rather than isolated acts of maladjusted individuals.

### **Findings**

**Finding 2:** The fact that Aboriginal and Torres Strait Islander people are faced with racism in almost every aspect of their daily lives, is the underlying reason for the high levels of racist violence against Aborigines and Torres Strait Islanders reported to this Inquiry.

**Finding 3:** Racist violence is an endemic problem for Aboriginal and Torres Strait Islander people in all Australian States and Territories.

**Finding 4:** Racist attitudes and practices (conscious and unconscious) pervade our institutions, both public and private.

**Finding 5:** Aboriginal-police relations have reached a critical point due to the widespread involvement of police in acts of racist violence, intimidation and harassment.

**Finding 6:** The crisis in Aboriginal-police relations is illustrated by the so-called Redfern raid, which constituted a significant act of racist violence against the Aboriginal community.

Evidence to the Inquiry suggested that racist violence against people from non-English speaking backgrounds usually takes the form of harassment and intimidation rather than physical assault. The fear of violence was considered to be a major factor in itself.

A Chinese person summed up the situation as follows:

Five young Australians were having a conversation loudly in my hearing on a train from Ashfield to Strathfield. They said 'Damn it! there's more and more

### **Evidence of Racist Violence against People on the Basis of Ethnic Identity**

---

## Drawing Conclusions from the Evidence

---

Asians around these days! You know I don't mind other migrants. The Asians are going to outlive other races like you and I Australians. One of these days, I'm going to take a shot gun and gun them all down. Cut off their legs and let them walk on sticks'.<sup>10</sup>

The evidence shows that most racist violence and intimidation on the basis of ethnic origin is unprovoked and frequently takes the form 'one-off' events in public places. Witnesses to the Inquiry felt that they had been singled out for no other reason than being other than Anglo-Australian.

As a teenager from Chile told the Inquiry:

I have been harassed on the bus and in public places because of the colour of my skin and the way I speak. I have also been threatened on the street at night. They were mostly white Australians and I could tell they were racist because they said the sorts of things they say to foreigners.<sup>11</sup>

Most instances such as this are perpetrated by young male Anglo-Australians. When participants in OMA group discussions were asked to describe the characteristics of the perpetrators, 87 per cent of respondents described the ethnicity of the perpetrator as 'Aussie', 'Anglo-Celtic', 'white' or 'English'. Males were identified in 65 per cent of cases, females in 14 per cent and a mixed sex group in 21 per cent.<sup>12</sup>

Intimidation and harassment in local neighbourhoods is more likely to be a sustained campaign perpetrated by groups or individuals known to the victim.

As a result of the large number of reports of neighbourhood racist violence, the Inquiry undertook a sample survey of migrants from a variety of ethnic backgrounds in the Sydney suburbs of Campbelltown and Marrickville.

Of the 128 adults and 152 young people surveyed in

---

## Drawing Conclusions from the Evidence

---

Campbelltown, 9 per cent of adults and 14 per cent of students had experienced some form of race-related physical harassment from minor to serious assault. In Marrickville 7 per cent of adults and 9 per cent of students had experienced physical harassment.<sup>13</sup>

Approximately 50 per cent of the Campbelltown families surveyed had suffered attacks upon their property that they considered to have been motivated by racism. Several people had experienced sustained harassment and intimidation which they believed had been perpetrated by neighbours or people living close by.

A woman from Central America described her situation:

Bricks have been thrown through the window twice. They damaged the mailbox and I found my mail in the dirt up the road. Petrol was once spread about and a fire lit on the verandah. Eggs, fruit and onions have been thrown at the house. Some of these things happen in the night so I am not sure but I have seen some teenage boys running away ... These boys and an 'Australian' neighbour ... call me 'blackie' and other abuse.<sup>14</sup>

Many people from non-English speaking backgrounds reported similar patterns of racist abuse, harassment and intimidation.

A Lebanese woman who had previously been on good terms with her neighbours described how her husband had been assaulted:

Two young men about seventeen years old were saying rude and racist things to me as I was standing in our front yard. One of them was a neighbour. When I said 'this is my house', they said 'go back to your country and there you can say you have a house'. They had been drinking. My husband came out of the house and asked them why they were being rude to his wife and they attacked him. One had something on his knuckles and my husband's nose was broken and his eye damaged. He was

---

## Drawing Conclusions from the Evidence

---

**unconscious in hospital for four hours. My daughter ran in and called the police and an ambulance. The police said they were too busy to come. Much later the hospital phoned the police and they came and questioned him but he was all hazy and couldn't think properly.<sup>15</sup>**

Some incidents reported to the Inquiry were what the researcher, Dr Pauline Newell, describes as 'triggered' racist harassment. While racist violence in neighbourhoods is often completely unexpected and unrelated to any ordinary dispute, in some cases a racist intent is 'triggered' by a dispute which may begin over an incident such as a barking dog or rubbish thrown over a fence. The breakdown of relationships, which might have started off fairly amicably or at least neutrally, can produce a permanent state of hostility leading to a series of incidents of racist abuse.<sup>16</sup>

A similar study conducted for the Inquiry amongst newly arrived Central American refugees in Melbourne showed a parallel pattern of neighbourhood harassment, this time often triggered by poor language skills and the inability to communicate in everyday situations. Of the 100 individuals surveyed, 60 per cent of adults and 27 per cent of students had experienced verbal harassment and intimidation. Physical assault, varying in intensity from shoving to serious assault, was suffered by 15 per cent of adults and 25 per cent of students.

Although there is always a level of racism and an inclination to violence and intimidation within certain sections of the community, racist violence seems to be a reactive phenomenon. As indicated in Chapter 6, the focus and intensity of racist violence is influenced by a range of social, economic and international factors. The intense public reaction to events such as the Salman Rushdie affair, the Gulf Crisis and the proposed development of a multifunction polis created a climate of suspicion and hostility: a climate which is conducive to the most extreme form of racism — racist violence.

On a more personal level, spontaneous racism

---

## Drawing Conclusions from the Evidence

---

perpetrated by individuals is likely to increase during times of economic and social hardship when 'there is a tendency toward national conservatism and an embracing of old values and prejudices. This often manifests itself in racial hatred, especially against minorities which are traditional scapegoats and subjects of pejorative stereotyping'.<sup>17</sup>

Evidence to the Inquiry indicates that the incidence of racist violence is particularly influenced by debates about the ethnic composition of Australia, immigration policy and the economy. Ethnic community organisations maintain that, when issues such as foreign investment, immigration and multiculturalism receive extensive media coverage and public discussion, they can expect an upsurge in racist violence and abuse. A large number of witnesses felt that there had been a perceptible increase in spontaneous racist violence, abuse and harassment following public debate about Asian immigration during 1987-1988.

Most contributors to the Inquiry recognised the need for a rational public dialogue about the nature and future of Australian society. They pointed out, however, that ill-considered remarks about race by community leaders, politicians and media personalities can, perhaps inadvertently, give the impression that racism is somehow condoned in Australian society.

The evidence indicates overwhelmingly that Australians from non-English speaking backgrounds believe that there is a small but significant number of individuals in our society who give expression to their own frustrations and racist ideologies by attacking others on the basis of perceived racial and ethnic differences. This phenomenon is particularly noticeable during times of crisis — as the evidence relating to the recent harassment of Australian Arabs and Muslims has shown.

Failure on the part of governments to act decisively to eradicate racist violence was seen as a major problem.

---

## **Drawing Conclusions from the Evidence**

---

While the Western Australian Government's handling of the Peter Tan case, for example, did not carry any racist overtones, its carriage of the prosecution left a lot to be desired. For some time there was a degree of unrest amongst members of the Asian community. Parallels can be drawn with the case in the United States of Vincent Chin, a Chinese-American who was bashed to death. Following concern from the Asian community, the perpetrators of the violence against Chin received much harsher penalties than was originally the case (see Chapter 11).

Witnesses to the Inquiry stated that the authorities had been less than fully supportive. While the Inquiry recognises that police and other officials who receive complaints often find it difficult to identify the perpetrators of racist incidents or even to determine how they should be dealt with, the perception that officials are not interested in pursuing complaints must be confronted.

For many people who gave evidence, appearing before or writing to the Inquiry was the first time they had articulated their experiences to anyone apart from their immediate family and friends. Many people either felt that there was nothing the authorities could do for them or that there was a stigma associated with being a victim of racist violence or abuse. Moreover, witnesses said that, if they did report an incident, their complaint was generally trivialised. Contributors to the Inquiry argued that the inability of authorities to deal with acts of discrimination, racist harassment and violence requires urgent remedies.

A Vietnamese single mother of two children living in a high rise public housing estate was harassed for three years by a neighbour. Her experience suggests a definite lack of concern on the part of certain public authorities. The harassment included verbal abuse, destruction of clothing, smashing windows, cutting off electricity and, finally, death threats. The victim sought assistance from the local tenants' advisory service which suggested she go to the police. The police told her there was nothing

---

## Drawing Conclusions from the Evidence

---

they could do and suggested she contact the housing authority. She did this but received no assistance. The woman has now moved out of her flat and is staying with friends?'

Police officers and officials who appeared before the Inquiry acknowledged the problem and spoke frankly about the need for greater understanding and more positive action.

While some authorities are developing anti-racist policies, racist violence is yet to be acknowledged as a problem by many public institutions.

**Finding 7:** Racist violence on the basis of ethnic identity in Australia is nowhere near the level that it is in many other countries. Nonetheless it exists at a level that causes concern and it could increase in intensity and extent unless addressed firmly now. **Findings**

**Finding 8:** The existence of a threatening environment is the most prevalent form of racist violence confronting people of non-English speaking background.

**Finding 9:** People of non-English speaking background are subjected to racist intimidation and harassment because they are visibly different. For recent arrivals, unfamiliarity with the English language can exacerbate the situation.

**Finding 10:** The perpetrators of racist violence against people of non-English speaking background are generally young, male Anglo-Australians. There have, however, been some notable exceptions.

**Finding 11:** In public places racist violence usually takes the form of unprovoked, 'one-off' incidents by strangers.

**Finding 12:** Neighbourhood incidents are more likely to be sustained campaigns by perpetrators known to the

---

## Drawing Conclusions from the Evidence

---

victim.

**Finding 13:** Social, economic and international crises produce a climate which is conducive to the most extreme form of racism — racist violence.

**Finding 14:** On the whole, public authorities do not respond effectively to reports of racist violence.

**Racist Violence Perpetrated by Extremist Groups** The Inquiry received testimony from members of anti-racist groups, people from non-English speaking backgrounds and community organisations who have been the victims of racist violence perpetrated by members or associates of extremist organisations.

At the time the Inquiry was conducting its public hearings in Perth, the Australian Nationalist Movement (ANM) was undertaking a racist campaign which included use of highly offensive posters, proclaiming 'Jews Are Ruining Your Life', 'Asians Out or Racial War', 'No Coloureds' and '40,000 Jobless, 400,000 Asians Out!.'

The racist poster campaign had an adverse effect on both business and tourism in Western Australia. At the height of the campaign, the Western Australian Government's business migration promotion scheme failed to attract a single enquiry. Prior to the campaign, which received extensive media coverage in Asia, enquiries were running at approximately forty a week?

In addition to the racist poster campaign the ANM was also actively involved in violent attacks against the persons and property of people from non-English speaking backgrounds. In September 1990, Jack Van Tongeren was tried and found guilty of 53 offences including wilful damage, assault occasioning grievous bodily harm, arson and causing an explosion. In sentencing Van Tongeren, Judge Hammond of the Perth District Court remarked that:

---

## Drawing Conclusions from the Evidence

---

It is, in my view, no overstatement or exaggeration to term your campaign of those months a terrorist campaign and again it is no exaggeration to say that in that period you waged a guerilla war against the public.<sup>21</sup>

A number of other members of the ANM were convicted and gaoled with Van Tongeren. While there is no doubt that the ANM campaign had a major impact on its victims and on Western Australian society in general, the Inquiry is of the opinion that organised racist groups constitute a small proportion of the problem of racist violence in Australia.

Racist violence is essentially a product of community prejudice, spontaneous outbursts of aggression against people and property, and institutionalised discrimination rather than of organised racism. The role of organised racism is essentially one of inciting and maintaining prejudice.<sup>22</sup>

Although some extremist groups like National Action and ANM espouse philosophies of violence, there are other well known organisations in the community which formally disclaim violence, but nevertheless create a climate for extreme racist behaviour and give the impetus to those who are prepared to take violent action.

Contributors to the Inquiry emphasised the importance of not playing into the hands of extremist groups who have a vested interest in being identified as the perpetrators of widespread campaigns of racism to promote a view of their size and their influence which far exaggerates the facts and leads, almost inevitably, to them being regarded as far more powerful, threatening and dangerous than they really are.<sup>23</sup>

Extremist groups often target members of anti-racist **Violence against organisations**. The evidence indicated that the victims of **AntiRacists** these attacks come from a variety of organisations involved in anti-racist activities. The campaigners were

---

## **Drawing Conclusions from the Evidence**

---

predominantly Anglo-Australians who appear to have been singled out because of their political alliances and opinions. People believed that they were attacked because of their advocacy of non-racist policies, endorsement of multiculturalism and support for the anti-apartheid movement. In her submission to the Inquiry, Ms Betty Hounslow summarised the problem:

I am confining my comments to the problem of organised violence, that which is deliberately fostered and carried out by far right-wing political organisations, which I believe can best be characterised as neo-Nazi ... I make this restriction, not because I think that this is the most common or frequent form of racial violence which we are experiencing it is certainly not. The more random forms and the less organised forms of violence are probably what affect more people. But I concentrate on it for three reasons. One, because 'believe it is one of the most serious forms of racial violence, precisely because it is part of a coherent overall political philosophy which is consciously and deliberately based on race hatred and on hatred of other minorities who are seen by these people as undesirable... I also concentrate on it because I think that it is something that government authorities can do something about very quickly... short sharp actions can result in a major decrease in this form of racial violence. Thirdly, I concentrate on it because it is the form of politically motivated violence that I have experienced myself, as an Anglo-Saxon in this community, because these groups target not only the people who come from minority groups, but also those who work with those groups or support the rights of those groups?'

Although the Inquiry recognises that allegations made against these organisations cannot always be substantiated, it is clear that organised racist groups play an active role in this particular form of racist violence. The Inquiry was told by many witnesses that they had experienced harassing phone calls late at night, damage (sometimes quite severe) to their personal property, and threats of injury:

---

## Drawing Conclusions from the Evidence

---

The victims of attacks suffer fear, apprehension and disruption to their lives. While no one to date has been seriously injured ... there have been many close calls. In one instance, glass shattered over a woman asleep in bed and a sliver pierced the spine of a book that lay open beside her head ... Fear of a further, perhaps more damaging attack can cause sleepless nights, anxiety and plain inconvenience ...

25

Again, many anti-racists felt that the police and other authorities did not respond appropriately to racist attacks and intimidation.

It was pointed out that:

Ironically, the solution to organised violence against racial and social minorities is much simpler than that which must be found for the more widespread and endemic racism which can flare into physical violence. All that is required is for government authorities to treat the low-level terrorism of these small neo-Nazi groups seriously.

In this context it is interesting to note that in its 1989-90 annual report the Australian Security and Intelligence Organization (ASIO) stated:

The only discernible domestic threat of politically motivated violence comes from the racist right. This has suffered serious setbacks in the past year with the arrest of a large number of leading members of the two most dangerous groups. Their capacity to recover from their setbacks is yet to be shown. However, they appear to have established themselves as fairly durable political entities and will probably persist for some time as sources of communal and politically motivated violence?'

Clearly, racist violence perpetrated by organised groups is a cause for concern to the intelligence agencies. Although the Inquiry recognises the difficulties faced by victims who feel that their complaints are not taken seriously, we have to recognise that the police also face

---

## Drawing Conclusions from the Evidence

---

problems in prosecuting the perpetrators of racist attacks and intimidation.

In its submission to the Inquiry the Victorian Government noted that:

**Conclusive evidence of the involvement of organised groups in acts of racist violence is difficult to find, and to date only isolated incidents have been attributed to them, with some group members being charged with criminal offences involving racist violence or similar. It is also acknowledged that citizens have the right to express differing political ideologies. Unless and until such groups actively commit criminal offences, they are free to pursue their aims and ideals.**<sup>28</sup>

**Findings Finding 15:** The activities of extremist groups, which have become more violent in recent years, constitute a small but significant part of the problem of racist violence in Australia.

**Finding 16:** The activities of extremist groups, some of which have resulted in prosecutions, show a close connection between racist propaganda and racist violence.

**Finding 17:** In assessing the extent of organised racist violence, it is important to acknowledge the role of long standing racist organisations which do not perpetrate violence themselves, but nevertheless provide the impetus for others. These organisations essentially incite and maintain prejudice.

**Finding 18:** Anglo-Australians who are supporters or members of anti-racist organisations are subjected to racist violence because of their political beliefs and advocacy of human rights.

---

## Drawing Conclusions from the Evidence

---

### Endnotes

- 1 L. Burney, Redfern Hearing, transcript p.63.
  - 2 Name Withheld, 'A Report on Community Consultations Regarding Racist Violence Experienced by Aborigines in the Bourke/Engonnia Region of North Western NSW', unpublished paper commissioned by the National Inquiry into Racist Violence.
  - 3 D. Eggington, Perth Hearing, transcript p20.
  - 4 S. Phillips, Redfern Hearing, transcript p28.
  - 5 Saunders S., 'Report on Community Consultations in Adelaide and Murray Bridge', unpublished paper commissioned by the National Inquiry into Racist Violence, p.12.
  - 6 E. Crawford, Redfern Hearing, transcript p.90.
  - 7 B. Butler, South Australian Aboriginal Child Care Agency, Adelaide Hearing, transcript p.33.
  - 8 See Cunneen C., *Aboriginal—Police Relations in Redfern: With Special Reference to the 'Police Raid' of 8 February 1990*, Human Rights and Equal Opportunity Commission, May 1990.
  - 9 S. Phillips, Redfern Hearing, op cit.
  - 10 'Overview of Group Discussions Co-ordinated by the Office of Multicultural Affairs', see Appendix 2.
  - 11 *ibid.*
  - 12 *ibid.*
  - 13 Newell P., 'Migrant Experience of Racist Violence: A Study of Households in Campbell town and Marriciville', unpublished paper commissioned by the National Inquiry into Racist Violence, p.8.
  - 14 Newell P., 'Migrant Experience of Racist Violence', op cit, p.12.
  - 15 *ibid.*, p.13.
  - 16 *ibid.*, p.14.
  - 17 Brenner M., John Hopkins University Baltimore, in testimony to the United States House of Representatives Sub-Committee on Criminal Justice, Hearings on racially motivated violence, 1981, quoted in Tillett G., 'Organised Racism in Australia', unpublished paper commissioned by the National Inquiry into Racist Violence, p.9.
  - 18 Submission no. 429, Ethnic Youth Issues Network.
  - 19 Tillett G., op cit. p27.
  - 20 *ibid.*, p.11.
  - 21 *Queen v. Van Tongeren and Ors*, District Court of Western
-



---

## Drawing Conclusions from the Evidence

---

Australia, (Judge Hammond), 12 September 1990, transcript p.1,922.

22 Tillett G., op cit, pp.8-12.

23 ibid.

24 B. Hounslow, Cabramatta Hearing, transcript p.9.

25 Submission no. 2.26, Confidential.

26 ibid.

27 Australian Security Intelligence Organization, *Report to Parliament 1988-89*.

28 Submission no. 1.47, Victorian Government, p.3.

## **Part 3**

---

# **The Overseas Experience**

---



---

## **Chapter 9: Racist Violence — The Overseas Experience**

---

In the period since World War II, racist violence and harassment have been a cause for concern in many countries. Increased migration and changing economic and social conditions have contributed to increasing racial tensions. Government and non-government organisations have had to develop responses. Australia can benefit from the strategies that have been implemented overseas by gaining from their successes, and learning from other countries' mistakes.

### **Introduction**

---

To understand how government and non-government organisations in other countries have responded to the problem of racist violence, the National Inquiry into Racist Violence commissioned Professor Stephen Castles of the Centre for Multicultural Studies at Wollongong University to study the issue on its behalf.

Professor Castles examined initiatives undertaken in the United States, Canada, the United Kingdom, Sweden, the Federal Republic of Germany, the Netherlands and France. In late 1989 he also travelled overseas to interview representatives of key agencies. This chapter draws extensively from Professor Castles' paper 'Programs to Counter Racist Violence: the International Experience,' concentrating on the situation in the United States, Canada and Britain. Australia has much in common with those countries in terms of cultural traditions and legal structures. Like the United States and Canada, Australia is a post colonial nation with a high proportion of immigrants and small, marginalised populations of indigenous peoples.

In the United States, the United Kingdom and Canada government and non-government organisations have responded to racist violence with a range of legislative measures, anti-racist education, community relations programs, special institutions and community initiatives in many different spheres of society. Legislative and educational measures taken to combat racist violence are discussed in other chapters of this report.

---

## **Racist Violence — The Overseas Experience**

---

The purpose of this chapter is to examine the incidence of racist violence in these countries, the strategies that have been implemented to report on and monitor racist violence, and the role of the police in defining and combating the problem.

Australia can learn a great deal from overseas experience, but the differences between countries also have to be recognised — a strategy that has been successful overseas may not translate easily to the Australian situation. Any strategies developed in other countries will require careful examination and adaptation before they can be applied to Australia. Nevertheless, effective models for monitoring and policing racist violence do exist, particularly in the USA and UK. By adapting the most effective models developed in other countries, Australia may develop a successful and co-ordinated response to racist violence before it becomes a more serious threat to our society.

### **United States of America**

---

**Monitoring and Reporting** Until very recently most monitoring and reporting of acts of racist violence (known as 'hate crimes' in the United States) has been undertaken by non-government organisations such as the Anti Defamation League of B'nai B'rith, the Southern Poverty Law Centre's Klan-watch, the American-Arab Anti-Discrimination Committee and the Japanese-American Citizens' League. The activities of these private organisations have been extremely important in focusing public and government attention on the problem and lobbying for a Federal government policy to collect statistics on racist violence. As they do not have the resources to undertake a unified system of data collection on a national basis, non-government organisations have only been able to document those cases reported to them. Government organisations therefore have a crucial role to play in reporting and monitoring procedures.

---

---

## Racist Violence—The Overseas Experience

---

In addition to the activities of private organisations, nine State governments collect statistics on the incidence of racist violence in their respective States. They are Connecticut, Idaho, Illinois, Maryland, Minnesota, New Jersey, Oklahoma and Pennsylvania. California collects data on violence against Asian Americans.<sup>2</sup>

In the United States all State police forces provide a monthly log of crimes (the Uniform Crime Reports) which is then given to the Federal Bureau of Investigation. The data provides a general overview of the types and patterns of crime in the United States. However, the data does not include information on racist violence.

The State of Maryland, one of the first to collect statistics systematically, served as a model for the establishment of a national data collection system on 'hate crimes'. A Maryland law passed in 1982 required all municipal police departments to record on a special form 'information relating to incidents apparently directed against racial, religious, or ethnic groups'.<sup>3</sup> This process is then monitored by the Maryland State Police and a public report is issued.' As part of the implementation of the system for data collection, the Maryland Human Rights Commission, the State Police and the Montgomery County Human Relations Commission conducted seminars with members of all the local police departments in the State to sensitise them to racially motivated crime.<sup>5</sup> Police officers were also given a booklet and shown a video of hate crime definitions and verification guidelines.<sup>6</sup>

Information on racist violence in America can also be obtained from hearings by the Congress or Federal and State governments. For example, in 1981, the Subcommittee on Criminal Justice of the Committee of the Judiciary of the House of Representatives held hearings into Racially Motivated Violence.

The most recent and indeed significant development in monitoring and reporting racist violence in the United States is the enactment of the Federal *Hate Crimes Statis-*

---

## Racist Violence — The Overseas Experience

---

*tics Act*, which from April 1990 required monitoring and reporting of racist crimes on a national basis. On signing the law, President Bush said:

... [This] helps us move toward our dream, a society blind to prejudice, a society open to all ... The faster we can find out about these hideous crimes, the faster we can track down the bigots who commit them.'

The Act states that:

... the Attorney General shall acquire data, for the calendar year 1990 and each of the succeeding four calendar years, about crimes that manifest evidence of prejudice based on race, religion, sexual orientation, or ethnicity, including where appropriate the crimes of murder; non-negligent manslaughter; forcible rape; aggravated assault; intimidation; arson; and destruction, damage or vandalism of property.

The Attorney General shall establish guidelines for the collection of such data including the necessary evidence and criteria that must be present for a finding of manifest prejudice and procedures for carrying out the purpose of this section ...

The Attorney General shall publish an annual summary of the data acquired under this section.

**The Incidence of Racist Violence** Despite the absence of uniform and comprehensive statistics, racist violence in the United States is regarded as a serious problem. Prior to 1990 many non-government organisations published annual reports on violence against members of ethnic and racial minority groups.

In 1984 the Anti Defamation League (ADL) reported that there were 715 anti-Semitic incidents in 1984, an increase of 6.7 per cent from the previous year. In the first seven months of 1986, thirty-four cases of harassment and violence against Arab-Americans were reported to the American-Arab Anti-Discrimination Committee. In the

---

## Racist Violence — The Overseas Experience

---

same period of 1985, seventeen cases were reported.

In 1983 the United States Commission on Civil Rights published a report on racial and religious violence which found that such violence was widespread. The Ku Klux Klan was found to be recruiting members, stockpiling weapons and carrying out paramilitary training in California. Cases of racially motivated murders and assault were also listed.

In a 1988 report, *Hate Groups in America*, the ADL documented the existence of at least sixty-seven active hate organisations, among them the Ku Klux Klan, pseudo-religious, paramilitary 'Identity Churches', skinheads and neo-Nazis. The report concluded that, while the membership of hate groups declined during the 1980s, the groups had become more violent.

Although violence against many minority religious and ethnic groups is well documented, most racist violence in the United States is perpetrated by whites against blacks. A report by the B'nai B'rith Anti Defamation League in 1988 lists dozens of cases of attacks by members of the Ku Klux Klan on black people. Many of the assaults involved use of firearms, bombs or incendiary devices, leading to deaths and serious injuries! However, most racist violence against black Americans seems to be spontaneous violence perpetrated by individuals. For example, during 1989 Yusuf Hawkins, a young black man, was murdered when he strayed into a predominantly white area. There was no apparent motive for the murder except racism.'

Three Federal organisations are involved in responding to racist violence. They are the Community Relations Service, the US Commission on Civil Rights and the Civil Rights Section of the Department of Justice.

### **The Institutional Response**

The Community Relations Service (CRS) was established under the *Civil Rights Act* in 1964. The service has

### **The Community Relations Service**

---

## Racist Violence — The Overseas Experience

---

a central office in Washington and ten regional offices. It has three main functions: the mediation of disputes between police and members of minority groups, containment and reduction of racial harassment, and reduction in the risk of civil disorder.

Usually, the CRS intervenes in a dispute at the request of a local government or a local government agency, such as the police department. In order to fulfil its function of reducing the risk of civil disorder it makes an appraisal of the possibility of problems occurring and assesses racial tensions, identifying the most vulnerable cities in the country and reporting back to the Federal Attorney General.

When the assistance of the CRS is requested by local government it usually takes one of two forms. First, it provides assistance and training to local law enforcement agencies and helps to establish policies and programs to reduce incidents of police misconduct. Second, the CRS also functions as a mediator between government and community leaders in order to defuse or prevent racial tensions. The involvement of the CRS is at the discretion of local groups. It can follow an incident of racist violence or simply a decision that there is a potential for conflict. For instance, following terrorist attacks on American citizens in the Middle East, officials in Michigan summoned CRS officials because they feared reprisal attacks against the local Arab community. The CRS mediators worked with government officials, leaders of the local Arab community and community groups to defuse the situation.

**The US Commission on Civil Rights** This Federal agency was created by the 1957 *Civil Rights Act* to provide information on civil rights to the President and the Congress. In 1964 its charter was expanded to include public education and information to government and non-government agencies and groups. Its main activities are preparing reports, conducting studies and monitoring the implementation of Federal anti-discrimination laws.

---

## **Racist Violence — The Overseas Experience**

---

The Section was set up in 1939 to study civil rights laws, ***Civil Rights Section of the Department of Justice*** to make appropriate recommendations with regard to their use and to direct prosecutions under them. Its importance has grown as civil rights law has developed.

The Justice Department receives 10,000 criminal civil rights complaints per year, 3,000 of which are investigated. Criminal prosecutions fall into three categories: racial violence, police misconduct and abuse of aliens and migrant workers.

There are two important ways in which the government **Non-government Organisations** relies on activities of the non-government organisations. First, the bulk of the tasks of data collection and public education about the issue are undertaken by private organisations. Second, the government relies on, and sometimes initiates, community mobilisation as a key strategy in the fight against racial violence.

Non-government organisations also play an important role in pressuring government for changes in policy and practice. National advocacy groups, minority organisations, legal and religious groups have all worked independently and in association with government. A great deal of pressure for reform has been exerted in the last twenty years through civil suits against government inaction.

### **Law Enforcement**

In spite of strong statutes against racist violence, civil ***The Courts*** rights groups have expressed concerns about the failure of government to make adequate use of their laws. It was felt that, in failing to prosecute the perpetrators of racist violence, government could be seen to be indirectly condoning their actions.

The case of Vincent Chin, a Chinese-American, serves as an example. In 1982, two unemployed auto workers mistook him for a Japanese-American, blamed him for the ills of the American car industry and killed him. The

---

## Racist Violence — The Overseas Experience

---

State judge sentenced the men to pay fines of \$3,000. Following intensive lobbying by Asian-American groups, the Civil Rights Division of the Department of Justice agreed to prosecute the men for the violation of Chin's civil rights. One of them was subsequently convicted and sentenced to twenty-five years' imprisonment!

**The Role of the Police** The recruitment of police officers from ethnic and racial minority communities has been a major policy since the ghetto riots of the 1960s. There are now many black officers in senior positions in State and Federal police forces. They set up the National Organisation of Black Law Enforcement Executives (NOBLE), a professional support organisation, and are involved in a variety of activities in relation to racial and religious violence including the development of practical guides for police on how to deal with incidents of racist violence.

In 1985 NOBLE produced a report entitled *Racial and Religious Violence: A Model Law Enforcement Response*. The report recommended that 'laws prohibiting violence against persons because of their race, religion, color or national origin should be vigorously enforced' and that 'programs should be developed that encourage prosecutors to interact and co-operate at the Federal, state and local levels'. It also emphasised, 'Elected officials should play a leadership role in ensuring that law enforcement agencies have special reporting systems within their jurisdictions and that the individual police officers are aware of the existence of the systems and of how to report an incident'

Since 1985 NOBLE has been active in implementing and developing programs to combat racist violence. It is also active in community education generally. During 1988, racist harassment and violence became a major issue in the United States due to an apparent increase in attacks against black and Asian people on school and university campuses. NOBLE has been working with various educational institutions where there have been racist

---

## Racist Violence — The Overseas Experience

---

incidents, co-ordinating workshops with faculty members, students, local police and local residents. The workshops examine issues such as how to deal with stress and how proactive, rather than reactive, strategies can be developed to deal with racist incidents.

During the 1970s Boston experienced an upsurge in ***The Boston Community Disorders Unit*** racist harassment and attacks — particularly against black people. In 1978, following a substantial increase in incidents of racist graffiti, threatening telephone calls, intimidation and physical assault, the Boston police force initiated an investigation into racist violence in the city. They found that the problem appeared to be considerably more severe than authorities had realised. At the time the police had no specific procedures for detecting and dealing with incidents of racist violence. One commentator noted, 'Even with a strong will to do something, it has often not been clear what police could or should do in the face of relatively unorganised racial assaults. Most jurisdictions lack the legal and organisational resources to respond aggressively'. Conversely, many 'victims felt that the police were insensitive to their plight and by their indifference sided with their attackers'.<sup>12</sup>

The Boston Police Department responded to these findings by establishing the Community Disorders Unit (CDU). The unit was responsible for overseeing work on all cases of racial violence and worked directly out of the office of the Commissioner for Police — an indication of the high level commitment given to addressing the problem. Enforcement and protection of civil rights became an important police objective. The Department issued a statement that:

It is the policy of this department to ensure that all citizens can be free of violence, threats of harassment due to their race, color, creed or desire to live or travel in any neighbourhood. When such citizens' rights are infringed upon by violence, threats or harassment, it is the policy to make immediate arrests of these individuals who have corn-

---

## **Racist Violence — The Overseas Experience**

---

milted such acts.'

The Unit was responsible for conducting intensive investigations into racially motivated crimes, co-operating with State and local prosecutors, especially in seeking injunctive relief, and carrying out various forms of surveillance in the event of a pattern of racial incidents. The Police Department upgraded all racially motivated crimes to top priority, regardless of the severity of the crime, and required the involvement of the police supervisor in responding to and overseeing the case. In the words of one police administrator, 'In this area (racial violence), it is necessary to spell out exactly what is expected of both responding officers and supervisors if one is to get even marginal compliance'. A high level commitment from senior members of the police force endorsed the new policy and ensured that it filtered down to all levels of the department.

The experience of the CDU suggests that when racist violence is treated within the context of general crime it can become invisible:

**The feeling is widespread that though these incidents are unfortunate, nothing can be done about them ... our conventional concepts and traditional means of response are not geared to identifying or taking seriously, racial assaults that stop short of serious injury or property damage.<sup>14</sup>**

For the purposes of detecting and prosecuting racist violence and distinguishing crimes of racist violence from other types of crime, the Civil Disorders Unit defined racial violence as:

- (1) All crimes committed where there is evidence to support that the victims were selected on account of race or incidents and situations precipitated by racial motives.**
- (2) All incidents of group activity and demonstrations where there is a potential for inciting group conflict**

---

## Racist Violence — The Overseas Experience

---

and violence.

- o All incidents and situations where there are concerted efforts by a person or group of persons to deprive other persons of free access to any neighbourhood or community within the city.

In 1979, the first full year for which statistics were collected, 533 racial incidents were reported. By 1984 the number had fallen to 181. Although statistics on racial incidents can be misleading, it is reasonable to assume that the steady decline in racial incidents can at least be partly attributed to the work of the CDU in recognising the significance of racist violence and tackling it as a major problem.

It has been suggested that the success of the CDU was ensured by a committed police chief, a highly dedicated group of officers, legal resources and inter-agency co-operation. However, the police can only play an effective role in combating racist violence if other agencies are also committed to dealing with the problem. This is equally pertinent to the role of law enforcers in combating racist violence in Australia.

The Inquiry was informed that the main area of concern **Canada** in regard to racism and racist violence in Canada appears to be relations between police and ethnic minorities and indigenous peoples. There is some evidence available to the Inquiry which suggests that racist violence and harassment are serious problems.

Daiva Stasiulis, a Canadian sociologist, has suggested that the current measures aimed at improving relations between police and ethnic minority groups in Canada were prompted by frequent reports in the mass media of racial assaults and confrontations between police and black Canadians. 'These events and their media representation shattered the sanguine self-perceptions among many Canadians of themselves as a colour-blind and

---

## **Racist Violence—The Overseas Experience**

---

tolerant people”<sup>15</sup>

The Canadian authorities have responded to the conflict between ethnic minorities and the police by recruiting more members of minority communities to the police force and implementing a range of community relations strategies to sensitise police to multicultural issues. In the Province of Ontario, for example, a Police Ethnic Relations Unit was established in 1973 to improve relations with the ethnic communities who form a large proportion of the population.

In 1976 Toronto also established a Liaison Group on Law Enforcement and Race Relations. Originally modelled on the police-community liaison committees in Britain, the Council has since been restructured and its current role is the dissemination of public information on law enforcement issues.

Stasiulis suggests that, while these programs have had an important effect in improving community relations:

Police institutions have avoided comprehensive plans for change in response to community needs ... None of the reforms have involved a broader examination of the institutional values within the policing system itself... [or of] individual racism within the police force.<sup>16</sup>

These views reinforce the comments made in the 1989 Report of the Ontario Race Relations and Policing Task Force, which found that '... senior police [continue to respond] defensively to any suggestion of systemic problems'.<sup>17</sup> The report made fifty-seven recommendations relating to minority-police relations, hiring and promotion, community relations training, and the use of force. The recommendations included:

- the introduction of an independent Race Relations and Policing Board made up of civilians, to monitor interaction between police and minority communities and improve them;

---

## **Racist Violence — The Overseas Experience**

---

- the provision of a 'refresher' course for serving officers after five years, including race relations training;
- race relations training for all police officers, from new recruits to the most senior officers, on a continuing education basis;
- introduction of a new Police Race Relations Policy, which reflects police commitment to policing for a multiracial and multicultural society;
- membership on local police boards to reflect the ethnic composition of the population;
- the introduction of race and ethnic relations units by all police forces in areas with large minority populations, reporting directly to the Chief or Deputy Chief of Police;
- awards for officers exhibiting skill in identifying and addressing race relations issues.

Recommendations on training formed a central theme of the report. However, reservations were expressed about cultural awareness training, on the grounds that it may reinforce existing stereotypes. Instead, community relations training which is designed to influence behaviour and establish professional standards for the practice of policing in multiracial communities was recommended.

### **United Kingdom**

Racist violence and harassment have become major political issues in Britain in the last twenty years, not only because of concerns about the impact of discrimination and violence on minorities but also because of the sometimes violent reactions by black youth towards discrimination and police actions. During the 1970s organised racism became a major political factor as the National Front and other extremist groups became mass movements recruiting members from violent youth sub-cultures such as skinheads and certain football clubs.

---

## Racist Violence — The Overseas Experience

---

Racist violence, both organised and spontaneous, became a major problem for members of minority communities!" At the same time, research indicated that discrimination in housing, employment and other areas was widespread." Black people complained about institutional discrimination and, in particular, about widespread racism within the police forces which was leading to increased racial tension and the alleged victimisation of black youths.

**Monitoring and Reporting** Until the late 1980s, it was not possible to give an accurate picture of the extent of racist attacks and harassment because of the lack of reliable data. One reason for the lack of reliable data was related to the lack of recognition given to racist violence as a problem. Although assaults and harassment of blacks, Asians and Jews have been documented throughout the 20th century, the first official inquiry into racist violence in Britain did not take place until 1981. That Home Office Inquiry found that attacks with a racist motive were more common than had been previously recognised. The rate of attacks on Asians was estimated at fifty times that for white people and the rate for blacks at thirty-six that for white people.<sup>20</sup>

A survey undertaken in the London Borough of Newham indicated that only one racist incident in twenty was reported?' Under-reporting was thought to be a result of fear on the part of black people, many of whom experienced racist treatment or even violence at the hands of the police. <sup>22</sup> On occasions when offences were reported, police allegedly refused to take account of racist motivations of the perpetrator(s), to prosecute offenders, or to take any action to protect the victims from further abuse.'

The Newham Monitoring Project, was set up by voluntary associations in the London Borough of Newham in 1980. The project established a twenty-four hour service to help victims of racist attacks and police harassment. Over a five-year period to 1986 it assisted over 1000

---

## Racist Violence — The Overseas Experience

---

individuals and families. It also served as a pressure group for anti-racist policies in housing and education? Bodies of this kind were instrumental in pressing official agencies to recognise the problem of racist violence. Their role has subsequently been recognised in the development of official strategies to combat the problem.

As a result of the 1981 Home Office inquiry into racial attacks and subsequent public concern, there has been a growth of data collection at the local level, particularly by the police. Since 1986 in England and Wales and 1987 in Scotland, all police forces have collected statistics on racist incidents, using the definition agreed upon by the Association of Chief Police Officers (ACPO). However, these statistics are not aggregated at a national level.

The ACP<sup>o</sup> defined a racially motivated attack as:

- (a) any incident **in** which it appears to the reporting or investigating officer that the complaint involves an element of racial motivation; or
- (b) any incident which includes an allegation of racial motivation by any person.<sup>25</sup>

This broad definition has been agreed to by all police forces in England and Wales. The statistics collected on this basis are seen as a valuable management tool, which can be used for:

- providing regular feedback within the force on the nature and extent of racist attacks;
- identifying particular geographical areas in which racist attacks are concentrated; and
- signalling other changes in the pattern or number of racist attacks reported to the police.

To encourage members of minority groups to report attacks, the ACP<sup>o</sup> suggested the establishment of special reporting centres and the use of 'help lines'

---

## **Racist Violence — The Overseas Experience**

---

staffed by minority language speakers. Other local agencies, such as housing departments or Community Relations Councils are encouraged to pass on reports of attacks to police?'

Prior to the adoption of monitoring procedures by the police forces, most monitoring was undertaken by community organisations, generally in an unsystematic way. In view of the problems associated with data collection, the Home Office suggested in its 1989 report that voluntary bodies should continue to be involved in monitoring, as part of an integrated 'inter-agency' approach to the problem of racist violence. Such bodies often enjoy more trust among ethnic groups than do official agencies such as the police.<sup>27</sup>

### **The Incidence of The 1989 Home Office report on racial attacks**

**Racist Violence** summarises data on the incidence and types of racist violence and harassment. It recognised that 'Because only a small proportion of these incidents are reported, the true extent of the problem can easily remain hidden; and the statutory\_ authorities can remain unaware of the need for action'. Reference is also made to the difficulty in interpreting the statistics that are available. The Home Office noted:

If the number of racial incidents recorded by an agency increases from one year to the next ... this may reflect an increase in the actual number of racial incidents taking place; but it could equally well be the case that the actual number of racial incidents has remained stable - or even fallen - and that the agency's staff have become more skilled at recognising incidents ...

Despite the difficulties inherent in interpreting data, there is a comparatively large amount of information available about the extent of racist violence and harassment in Britain. In the Metropolitan Police District of London, 2,179 racist incidents were reported to police in 1987, compared with 1,733 in 1986. The 1987 figure included 270 cases of serious assault, 397 of minor assault,

---

## Racist Violence—The Overseas Experience

---

483 of criminal damage, 47 of arson and 725 of abusive behaviour. One in four of these cases was concentrated in the London Boroughs of Tower Hamlets and Newham. Other police reports for 1987 included 754 racist incidents in the West Midlands and 217 in Strathclyde'

The incidence of racist violence in housing has been a particular source of concern in Britain. In some cases systematic campaigns of harassment, including assault, abuse, damage to property and threats, are used to force black or Asian people to move out of certain streets or housing estates. A survey of housing authorities and agencies by the Commission for Racial Equality found that many of them were having to deal with a large number of cases of harassment. Nearly 80 per cent of the organisations surveyed stated that racist harassment was an issue in their areas and 77 per cent said that it was getting worse."

The institutional response to the problem of racist violence in Britain has been multi-faceted. It has included **The Institutional Response** community education, law enforcement strategies and a variety of laws and regulations ranging from common law to special race relations, anti-discrimination and equal opportunities legislation enacted over the last twenty-five years.

The three most significant responses to racist violence and harassment in Britain are the work of the Commission for Racial Equality; local strategies implemented by local authorities and voluntary organisations; and the 'inter-agency approach' recommended by the Home Office Inter-Departmental Racial Attacks Group in 1989.

The Commission for Racial Equality (CRE) was established under the 1976 *Race Relations Act*. It investigates **The Commission for Racial Equality** complaints of discrimination, undertakes research and advises the government on policy issues. It has been instrumental in conducting research into the problem of racist violence, publicising the problem and lobbying for

---

## Racist Violence — The Overseas Experience

---

improved legislation and more police action.<sup>32</sup> The CRE also co-ordinates the local Community Relations Councils which are voluntary bodies linking government agencies and community organisations.

Recently the priority of the CRE has shifted from measures to improve community relations to a more active anti-racist stance, based on the use of the law to combat discrimination, violence and harassment.

*Local Government* The *Race Relations Act 1976* imposes a duty on all authorities to take steps to eliminate 'unlawful race discrimination' and 'to promote equality of opportunity and good relations between persons of different racial groups'.<sup>33</sup> This is the legal basis for a wide range of measures by local authorities.

Many local authorities have introduced special policies and services to combat racist violence and harassment and improve community relations in their areas. These vary enormously according to local needs and situations. Local initiatives have generally involved a coalition between local government and voluntary associations, often co-ordinated through the Community Relations Councils. There are more than 100 in Britain which are jointly funded by local and central government, and employ local community relations officers, whose salaries are paid by the Commission for Racial Equality. They play an important role in devising and implementing community education strategies and other local initiatives.

*The Inter-Agency Strategy* One of the most interesting and indeed relevant British strategies is the inter-agency approach, which was recommended in the 1989 Report of the Inter-Departmental Racial Attacks Group.<sup>34</sup>

The report points to the high incidence of racial attacks and states that all the major statutory agencies, at both the central and local levels, have a responsibility to

---

## **Racist Violence — The Overseas Experience**

---

develop and implement policies on racial harassment.<sup>35</sup> This approach is based on the premise that each individual agency works towards providing a more comprehensive response to racial harassment, taking in prevention, assisting the victims and dealing with the perpetrators. It recommends that single agencies develop their policies in consultation with the community by:

- **recognising the existence of the problem and its significance;**
- **accepting responsibility for taking action in its own sphere of competence; and**
- **drawing upon an explicit written policy for tackling the problem, covering prevention, assisting the victims and dealing with the perpetrators.**

The report emphasises the need for agencies to be aware of their statutory responsibilities and stresses the importance of top-level commitment within each agency. Detailed accounts of the strategies required at national and local levels are given for the police, the prosecuting authorities and the courts, education, social service departments, housing departments and non-statutory agencies.

The report further suggests that one agency, usually the police, should take the lead in establishing multi-agency groups. The groups should represent the education, social services and housing departments of the local authority, involve community organisations, and be chaired by someone who is independent of the local authority and the police.

Their work programs would encompass:

- definition of the roles and responsibilities of each agency;
- development of strategies;

---

## Racist Violence — The Overseas Experience

---

- sharing information on cases;
- inter-agency referral and case conference procedures;
- undertaking new initiatives such as
  - campaigns to encourage victims to report incidents,
  - publications and networks to provide advice to victims,
  - crime prevention leaflets in minority languages,
  - joint approach to action against perpetrators,
  - development of recreational facilities to increase contact between young people of different races,
  - establishing a local office to provide immediate support for victims; and
- monitoring and evaluation of the various measures.

The report of the Home Office working group provides a valuable blueprint for an overall institutional strategy to combat racist violence and harassment. This concept is pursued in more detail later in this report, specifically in Chapter 12.

**Non-government Organisations** Ethnic community organisations and other voluntary organisations in Britain have played a crucial role in raising public awareness and concern about racist violence.

Associations set up within the Afro-Caribbean and Asian and other immigrant groups were the first bodies

---

---

## **Racist Violence—The Overseas Experience**

---

to react to racist attacks on members of their communities. They demanded police protection and other government measures. When these were not forthcoming some groups established their own victim support groups and self-defence organisations. A major focus of the activities of such community organisations has been protesting against institutional racism, in particular police attacks on black people."

There are a number of specialised non-governmental research and advocacy bodies such as the Runnymede Trust, the Institute of Race Relations and the Legal Action Group. Work against organised racist groups such as the National Front has also given rise to specific political organisations like the Anti-Nazi League, Rock Against Racism and the Campaign Against Racism and Fascism.

Many black people and members of ethnic communities in Britain see the police as part of the problem of racist violence. Members of minority communities have complained that police refuse to act on assault cases or try to persuade victims to take out civil actions for damages against assailants to avoid taking action themselves. The crisis of confidence in police has been a major community relations problem which police have sought to redress by establishing local liaison groups to improve relationships with ethnic communities. **Law Enforcement**

Following the Brixton riots in 1980-81, Lord Scarman recommended changes in police training to prepare officers for policing in a multiracial society. This approach was supported by the Police Training Council and led to the establishment of an independent 'training support centre' which was subsequently set up at Brunel University.

Towards the end of the 1980s, there were attempts to improve the police response to racist violence and harassment and to modify police training. In the 1989 Home Office report on racial attacks, the Association of Chief

---

## Racist Violence — The Overseas Experience

---

Police Officers called for a 'police response which is both vigorous and sympathetic' and laid down principles for investigating offences, dealing with perpetrators, and helping victims.<sup>41</sup> These recommend that:

- **divisional Chief Superintendents are to assume responsibility for reporting, monitoring and investigating racial attacks;**
- **all such incidents are to be reported to the Community Liaison Officer;**
- **at the completion of the investigation all papers must be forwarded to the Divisional Chief Superintendent through the Community Relations Officer;**
- **all victims are to be visited by an officer to explain progress and maintain communication; and**
- **the Community Relations Officer is to be responsible for monitoring racist incidents and pointing out significant trends.**

Today, the general trend in police training in Britain is moving away from race or community relations training and placing more emphasis on the practical skills needed to deal with the day-to-day problems experienced in policing a multiracial community.

**Housing** Housing is a particular area of concern in relation to racist violence and harassment. The Commission for Racial Equality survey on harassment in housing, *Living in Terror*,<sup>42</sup> found that 38 per cent of the housing authorities surveyed had introduced management procedures designed to combat racist harassment in housing. The content of the policies and the effectiveness of their implementation varied considerably and there was generally no effective record keeping or evaluation.

The CRE report recommended that all housing departments in areas with substantial ethnic minority

---

## Racist Violence — The Overseas Experience

---

populations should develop anti-racist violence policies addressing.

- monitoring of all reported incidents of harassment;
- clear designation of officer responsibilities and, where appropriate, appointment of specialist staff;
- racist harassment as ground for eviction in the tenancy agreement;
- high priority transfer for victims where necessary;
- removal of graffiti within a specified time limit;
- work with tenants' associations;
- regular consultation with local community groups;
- regular liaison with police;
- awareness of racist harassment and the need for a sympathetic response built into staff training;
- informing all tenants of the council's stance and encouraging victims to report incidents; and
- regular reports on issues and progress to relevant member communities.

In 1989 the Department of the Environment issued a report which recommended similar strategies. It emphasises the importance of commitment by elected council members and top managers and reiterates the objectives to be pursued by an inter-agency approach: prevention, support for the victims of racist violence, and dealing effectively with the perpetrators.

Overseas experience shows that there is a need for **Conclusion** official recording and monitoring procedures, based on \_\_\_\_\_

---

## **Racist Violence — The Overseas Experience**

---

an agreed definition of racist violence and harassment. Effective and concerted action against racist violence and harassment can only occur with knowledge of the extent and nature of the problem. In both Britain and the United States official monitoring systems have been introduced. Each of these methods of data collection provides a useful model for the development of monitoring procedures in Australia. Overseas experience clearly points to the importance of data collection at a national level which enables quantification of the problem and the analysis of possible trends in incidents.

Effective monitoring presupposes an official definition of racist violence and harassment which enables those crimes to be differentiated from other crimes such as assault, arson and vandalism. In the United States and Britain, law enforcement officials have played an important role in developing working definitions of racist violence and harassment which recognise not only the racist nature of these crimes but the victim's perception of the motivation of an incident. There are difficulties in defining racist violence and harassment. Clearly the terms encompass a wide range of behaviour—behaviour that is not always easily recognised as being motivated by racism. The definition of a 'racial attack' adopted by the British Association of Chief Police Officers and the definition of racial violence developed by the Boston Community Disorders Unit in the United States provide useful examples of definitions which could be adopted by Australian police forces.

In Canada, the United States and Britain, police have played a crucial role not only in tackling racist violence but in gaining community confidence and support to combat the problem. The Boston Community Disorders Unit is a useful model for this approach, as is the multi-agency approach recommended in the 1989 report of the British Home Office.

Community organisations, ethnic organisations and anti-racist groups have played a large part in the campaign to prevent and deal with racist violence. In Britain

---

## **Racist Violence -- The Overseas Experience**

---

and the United States, where government action in the area is significant, official bodies work closely with non-government groups to mobilise the community and gain the confidence of minority groups.

The general lesson from the overseas experience is that racist violence cannot be ignored. In recent years it has become evident that racist violence is a problem that affects society in a variety of institutions and social areas. Increasingly, authorities and non-government organisations have realised that solutions need to be sought through integrated approaches linking legislation, institutional change, law enforcement and community education. The British 'multi-agency approach' is the clearest expression of this trend, and provides an extremely useful model for Australian agencies.

---

## **Racist Violence — The Overseas Experience**

---

- Endnotes**
- 1 Castles S., 'Programs to Counter Racist Violence: The International Experience', unpublished paper commissioned by the National Inquiry into Racist Violence, Sydney, March 1990.
  - 2 Christenfield T., 'Government Responses to Racial Violence in America', unpublished paper commissioned by Professor Stephen Castles for the National Inquiry into Racist Violence, Columbia University, New York 1989, p.5
  - 3 *ibid*, p.7.
  - 4 Wexler C. and Marx G., 'When Law and Order Works: Boston's Innovative Approach to the Problem of Racial Violence', *Crime and Delinquency*, vol. 32, no. 2, April 1986, p218.
  - 5 Christenfeld, *op dt*, p.7
  - 6 Sherman R., 'Hate Crimes Statutes Abound', *National Law Journal*, New York Law Publishing Company, 21 May 1990, p.2.
  - 7 Rosenthal A., 'President Signs Law for Study of Hate Crimes', *New York Times*, 24 April 1990, p.136.
  - 8 Anti-Defamation League of B'nai B'rith, *Hate Groups in America*, New York 1988, cited in Castles, *op dt*, p.12.
  - 9 Christenfeld, *op cit*, p.3.
  - 10 Christenfeld, *op cit*. p.13.
  - 11 National Association of Black Law Enforcement Executives, *Racial and Religious Violence: A Model Law Enforcement Response*, Washington DC, 1988, pp.77-78.
  - 12 Wexler and Marx, *op cit*, p.210.
  - 13 *ibid*.
  - 14 Wexler and Marx, *op cit*, p217.
  - 15 Stasiulis D., 'Anti-racist Strategies in Canada: Education, Policing and the Labour Movement', Address to the Australian Sociological Association Conference, Melbourne, December 1989, p.3.
  - 16 Stasiulis, *op cit*. p.11.
  - 17 'Report of the Race Relations and Policing Task Force', April 1989, p.27, cited in Stasiulis, *op dt*, p.10.
  - 18 Commission for Racial Equality, *Living in Terror: A Report on Racial Violence and Harassment in Housing*, London, 1987; Home Office, *Racial Attacks: Report of a Home Office Study*, London, 1981; and Gordon P., *Racial Violence and Harassment*, cited in Castles, *op cit*, p.41.

---

## Racist Violence — The Overseas Experience

---

- 19 Brown C., *Black and White Britain: The Third PSI Survey*, Heinemann, London, 1984, cited in Castles op cit, p.41.
- 20 Home Office, *Racial Attacks: Report of a Home Study*, op cit, p.11.
- 21 Home Office, *The Response to Racial Attacks and Harassment: guidance for the statutory agencies. Report of the Inter-Departmental Racial Attacks Group*, London, 1989, para 15.
- 22 Institute of Race Relations, *Policing Against Black People*, London, 1987, cited in Castles op cit, p.42.
- 23 Gordon, op cit, cited in Castles, op cit, p.42.
- 24 Newham Monitoring Project, *The Dividing Line*, London, 1986, cited in Castles op cit, p.43.
- 25 Home Office, 1989 op cit, Annex G.
- 26 *ibid.*
- 27 Home Office, 1989, op cit, paras 205-206.
- 28 Home Office, 1989, op cit. para 15.
- 29 Home Office, 1989, op cit, para 19.
- 30 Home Office, 1989, op cit, paras 22-26, cited in Castles, op cit, p.44.
- 31 Commission for Racial Equality, *Living in Terror: A Report on Racial Violence and Harassment in Housing*, op cit, p.11 cited in Castles, op cit p.45.
- 32 Gordon, op cit, cited in Castles, op cit p.48.
- 33 Forbes, D., *Action on Racial Harassment -Legal Remedies and Local Authorities*, Legal Action Group and London Housing Unit, London 1988, cited in Castles, op cit p.48.
- 34 Home Office, 1989, op cit.
- 35 Home Office, 1989, op cit, para 31.
- 36 Home Office, 1989, op cit, paras 39-63.
- 37 Home Office, 1989, op cit, paras 64-184.
- 38 Home Office, 1989, op cit, paras 185-212.
- 39 Institute of Race Relations, op cit, cited in Castles, op cit, p.51.
- 40 Commission for Racial Equality, op cit, and Gordon, op cit, cited in Castles, op cit, p.52.
- 41 Home Office, 1989, op cit, Annex F.
- 42 Commission for Racial Equality, op cit, cited in Castles, op cit, p.56.



## **Part 4**

---

# **Directions for Change**

---



---

## Chapter 10 The Need for Change

---

Despite its ethnic diversity (40 per cent of Australians are either immigrants or the children of immigrants), Australia remains remarkably free of the severe racial tensions which exist in other countries. However, the evidence to the Inquiry reveals that a problem does exist and indicates that it is a problem with the potential to affect us all.

Racist violence and harassment are social problems resulting from racism within our society, rather than isolated acts of maladjusted individuals. In addition to assisting the victims and dealing with the perpetrators, comprehensive legislative, social and institutional change is essential if we are to adequately address the problem. At stake is our continued development as a just society.

As evidence to the Inquiry confirms, actual physical attack is only one aspect of the problem for victims. While the physical results of violence can be readily observed, the emotional effects which are not so observable are, nevertheless, crippling.

Racial harassment often consists of a series of crimes, each of which can have a devastating effect on the victim and his or her family. Cumulatively, the effect of the crimes is even greater than the effect of each crime committed in isolation. When combined with the real and reasonable fear of the next crime ... it is no surprise that racial harassment is destroying the lives of ... families which are its victims.'

The social cost of racism and racist violence to the Aboriginal community was described to the Inquiry against the historical background of two centuries of European settlement. Shane Phillips, a community worker, articulated the overwhelming sense of frustration in the Aboriginal community:

### **Introduction**

---

### **The Impact of Racist Violence on Individuals and Communities**

---

---

## The Need for Change

---

Most of us are disheartened ... and we speak out of anger and frustration because we have nothing else to speak of ...<sup>2</sup>

The development of strategies to combat racist violence has to be undertaken in the context of other policies to combat discrimination and encourage social justice for Aboriginal people:

Aboriginal people are not seen as victims; they are seen as the ones that generate ... violence and white society does not see where the hell all that frustration is coming from. Aboriginal people are paraded as the ones that generate that sort of attitude [but] it is a reaction against the negative attitudes that are really forced on Aboriginal people.<sup>3</sup>

Strategies to address the problem of racist violence against Aboriginal people must be linked with policies aimed at improving the status and standard of living of Aborigines in Australian society. There is a pressing need for politicians and other opinion makers to take a responsible role in debates about Aboriginal issues and challenge racist language and stereotypes. Political will and leadership are crucial in addressing the concerns expressed to the Inquiry by Aboriginal people about the commitment of government authorities to deal with the problem.

Aboriginal people and people from non-English speaking backgrounds who experience violence and harassment reported feeling marginalised from the rest of society, and unable to participate in social activities because of the constant threat of racism and violence. In comparison to physical violence and harassment against Aboriginal people, which is pervasive, actual physical harm inflicted on people from ethnic minorities is certainly not as widespread as it is in many other countries. Nonetheless physical violence occurs.

While the impact of racist violence on people from non-English speaking backgrounds is often experienced as fear of physical attack or abuse rather than actual

incidents of physical violence, the damage caused by this degree of fear should not be underestimated.

Racist violence and harassment reduces self esteem, promotes insecurity and leads to victims being ashamed of their identity. Consultative group participants in the Inquiry:

... reported feeling like 'losers', unwelcome and different in a strange land. They also felt a very high level of frustration and helplessness!

The harm done to children is particularly disturbing in this respect, as discriminatory attitudes and actions can make them feel they have no rights to fair treatment and are second class citizens.

As one child said:

A group of Australians about four or five years older than me came up and started pushing me around. They hit me and ripped my school books. That is really terrible ... There are many other incidents but I don't want to remember ...<sup>5</sup>

In Perth the Inquiry was told that many children had been badly affected by the ANM campaign:

It manifested itself especially in the weaker members of the community such as young children, older people. Children were coming home and saying 'Why am I black?' 'Why am I Asian?'.<sup>6</sup>

As the evidence presented in Chapters 5, 6, 7 and 8 has shown, fear of racist violence and harassment can have an impact on such fundamental choices as where people live or work, whether they socialise outside the home and how they engage in their religious observances.

The Inquiry received a great deal of information from members of various religious communities whose worship had been disrupted by racist violence and

---

## The Need for Change

---

harassment. The most notable examples mentioned in Chapter 6 are the recent desecration of synagogues and mosques in capital cities and the torching of the Temple Emanuel kindergarten in Sydney.

Jewish and Muslim people are often attacked because their dress identified them as belonging to a particular religion. For the victims of these attacks the harm inflicted is particularly severe because their religion is an integral part of their cultural and ethnic identity. As the Islamic Council of New South Wales submitted:

... Discrimination and violence along religious and racial lines do not occur in a vacuum. They occur under certain conditions. One of those conditions is a pervading stereotype and adverse image of the group being discriminated. The stereotype of Islam and Muslims has been demonstrated to be highly evocative of fear and threat.'

Such behaviour is a direct contravention of the United Nations Convention on the Elimination of All Forms of Racial Discrimination, and has no place in the Australian community. The fact that racist violence and harassment is limiting the cultural expression and quality of life of members of our community and creating an environment of fear and intimidation represents a grave threat to our society.

### The Potential Risk to Our Society

---

**The Risk to the Economy** There are a number of reasons why racist violence needs to be confronted. Apart from the obvious financial costs incurred by victims, such as replacing property, installing better security, moving house or medical expenses, there are indirect financial costs to society generally.

Evidence submitted to the Inquiry in Perth about the effects of the racist poster campaign by the ANM demonstrated how the activities of a few well organised

individuals could have a direct economic impact on an entire community. Not only was Perth City Council faced with a \$140,000 bill to remove the posters and graffiti and repair damage to public property, but, more importantly, the campaign had a 'flow-on' effect into other areas of the Western Australian economy. The ANM's activities were widely reported in the Asian media. The Singapore newspaper *The Straits Times* ran an editorial in September 1989 warning potential migrants that they ignored racism in Australia at their own peril if they planned to emigrate. They were advised to balance the existence of racial prejudice against the economic benefits of migration.'

Reports of this kind had direct and rapid effects. In the period immediately following the overseas press coverage, there was a marked decrease in the number of enquiries from Asian people wishing to migrate and/or invest in Western Australia. The subsequent loss of earnings to WA, both in terms of tourism and business, is difficult to assess. However, it was considered sufficiently serious for the then Premier of Western Australia to write to major Asian newspapers' to assure business people and politicians that Asians are welcome in Australia.

There is no doubt that Australia needs to pay close attention to its international image. In his influential report to the Australian Government, *Australia and the North East Asian Ascendancy*, Mr Ross Garnaut discussed how a May 1989 survey of forty senior business people, advisors and decision makers in Hong Kong found that:

Australia is not yet perceived to have the collective will to market effectively in Asia ... There is worry over what is seen as racism in Australia spilling over into a certain amount of condescension by visiting Australians to Chinese businessmen, and an unwillingness by Australians to take seriously the idea of being part of Asia. Australia's perceived racism was regarded as hindering the development of new trade relationships, although the majority thought Australia's image had improved a lot over the

---

## The Need for Change

---

last five years. Perceptions about racism in Australia were seen to make it harder to establish good relationships because of Chinese suspicion that they will not be welcome, or be accepted on an equal footing!

On purely economic terms, Australia cannot afford to be perceived by its Asian-Pacific neighbours as being a racist country. In late 1989 the then chief executive of the ANZ Banking Group, Mr Will Bailey, told a major business conference that Australia's economic survival would depend on its relationship with Asia:

... if Australia does not accept and accommodate Asian investment it will go elsewhere and we will be locked out of Asian markets."

Geographically, Australia is placed in the Asia Pacific region. Among our closest neighbours are Indonesia, Papua New Guinea and Singapore. We have established strong trading links with Japan, Hong Kong, Taiwan, Korea and other Asian-Pacific nations and it is the strength of these associations which will, to a large extent, determine our economic future. As Garnaut observed:

One consequence of proximity, complexity, migration and investment is that Australians are placed in more intimate contact with people from North East Asia than is any other community of European origins and traditions. [There is] increasing complexity of the economic relationship as trade in high value goods and travel oriented services, migration and investment become more important ... it [is] more important for Australians to understand closely the people of North East Asia ... <sup>12</sup>

These issues have been the subject of considerable discussion in Australia in recent years. In its report in 1988, the Committee to Advise on Australia's Immigration Policies (The FitzGerald Inquiry) commented that:

The economic aspects of immigration cannot be ignored. Our future economic prosperity depends on Australia

being an internationally competitive and dynamic society underpinned by expectations for expansion and improved standards of living.<sup>13</sup>

These positive achievements are only possible in a society which disavows racism and racist violence. Unfortunately, some migrants have had their worst fears confirmed. A recent immigrant from Hong Kong, whose family had been subjected to an extensive campaign of racist abuse and intimidation, allegedly carried out by National Action, told the Inquiry:

HRH Prince Charles was once quoted as saying: 'People from anywhere feel at home in Australia. It's that sort of place!' We now wonder whether HRH only meant white, Anglo-Saxons or all people including Chinese and other people from SE Asia. In our case, we still have faith in Australia but we have begun to doubt whether it feels like home.<sup>14</sup>

The continued racism and violence suffered by Aboriginal and Torres Strait Islander people is not just an important domestic issue. It is increasingly becoming the subject of international scrutiny and debate. In a confidential report following a visit to Australia in 1987—1988 Professor Erika Daes, Chairperson-Rapporteur of the United Nations Working Group on Indigenous Populations, drew attention to the plight of Aboriginal people and called on the Australian Government to take urgent action to address the situation. The Anti-Slavery Society, an internationally respected organisation founded in 1837 to protect the rights of indigenous people, also put forward specific recommendations in this regard:

The greatest obstacle to any change for Aborigines is the ignorance of and apathy towards the condition of most Aboriginal Australians. The Anti-Slavery Society believes that Australians are insufficiently informed or even misled about Aboriginal issues and while they remain so will be unwilling to support Aboriginal demands for self-

---

## The Need for Change

---

determination..., and other basic rights.

The Australian government needs to prepare the ground for any future reconciliation with Aborigines by mounting a major programme of education and information about the situation of Aborigines and the rights of indigenous peoples in other countries. Such a programme should be managed jointly by the government and representative Aboriginal organisations on a partnership basis; it should receive sufficient funds to ensure it is successful and be advised professionally ...<sup>16</sup>

If Australia does not want to be accused of falling behind other states' practices, it will need to meet Aboriginal aspirations for self-determination ... Indigenous people outside Australia are increasingly organising to provide solidarity for Aborigines. There are now groupings of indigenous peoples such as the World Council of Indigenous Peoples, to which many people from all over the world affiliate and which actively lobby at international fora. Indigenous peoples are also receiving support from human rights organisations.<sup>17</sup>

The international implications of racist violence are not limited to Aboriginal and Torres Strait Islander people. Indeed tackling the problems of racism and racist violence involves guaranteeing the rights and security of all members of the Australian community, regardless of race, colour, descent or national or ethnic origin. As a nation with a high international profile on human rights issues Australia has particular obligations to uphold. These include the commitments made under the Convention on the Elimination of All Forms of Racial Discrimination to:

... pursue by all appropriate means and without delay a policy of eliminating racial discrimination in all its forms and promoting understanding among all races ...

and to

... take, in the social, economic, cultural and other fields,

---

special and concrete measures to ensure the adequate development and protection of certain racial and ethnic groups.\_

Some commentators have argued that the existence of **Social Factors** racist violence indicates that multiculturalism is not working. The Inquiry rejects this view. Such arguments rest on an assimilationist view of society which contends that migrants from non-English speaking backgrounds present a threat to social harmony. Evidence put to the Inquiry indicates that the real threat to social cohesion is the presence of racist violence, intimidation and harassment towards people of non-English speaking background. This is perpetrated by a small number of racist individuals and groups who translate their own racist beliefs and/or social problems into overtly racist behaviour — behaviour that has ramifications for the whole community.

Professor James Jupp suggests that the activities of extremist groups contribute to deteriorating community relations. Other, and arguably more significant, circumstances include provocative or ill-considered statements by politicians, public figures and the media; and structural discrimination against ethnic groups leading to disadvantage and the overt expression of majority fear or contempt towards minorities. He claims that:

Most of these phenomena are found in the United States and many in the United Kingdom. They are less common in Canada and less so (as far as available evidence goes) in Australia.<sup>19</sup>

Australia prides itself on tolerance and cultural and ethnic diversity. Our society (with the very definite exception of relations with Aboriginal people) has generally been successful in terms of cohesiveness and harmony between various ethnic and racial groups. However, the potential threat posed by racist violence cannot be ignored. Overseas experience outlined in Chapter 9 offers a salutary lesson in the damage that can

---

## The Need for Change

---

be wrought in this regard.

As Mr Jeremy Jones, a member of the Jewish community in Sydney, put to the Inquiry:

... just what [kind of] society has Australia become: one that tolerates racism, which has as its end result harassment, intimidation and violence, or one that has the resolve to confront the evil of racial hatred head on, offering protection to the targets of racist thugs ... who have chosen to bully the weak and the powerless ...

The Inquiry urges the Australian community to accept the challenge to confront racist violence unequivocally. For that, certain changes are necessary.

---

### Requirements for Change

---

### General Strategies to Combat Racist Violence and Racism

Change requires recognising racist violence as a social problem, removing the toleration of racism and making racism and racist violence totally unacceptable in contemporary Australia. Political leaders and opinion makers must work to break the silence and build a culture which condemns racism and racist violence and encourages respect for cultural differences.

Commitment to an inclusive non-racist Australia must be translated into policy. This involves programs and strategies undertaken in co-ordination with other programs for social justice, equal opportunity and human rights. It also involves the design and implementation of programs and strategies specifically to counter discrimination and institutional racism in government services, in workplaces, and in educational institutions and most especially in those areas of strategic importance in combating racism and racist violence — in legislation, law enforcement agencies, housing and community services.

Structural changes are necessary to eliminate institu-

---

## **The Need for Change**

---

tional racism and to provide equal access and appropriate services for the victims of racist violence. These proposed changes are discussed in detail in Chapter 12 of this report. Complementary strategies such as community relations and the role of the media are also examined in that chapter. These approaches need to be underpinned, however, by fundamental legislative reforms.

As demonstrated in Chapters 5,6 and 7, evidence to the Inquiry indicates that existing laws are failing to deal with the problems of racist violence and intimidation, racist harassment and incitement to racial hostility. Legislative change was seen by many groups as an essential part of the solution to the violence they suffered.

### **The Need for Legislative Reform**

This is most significant for Aboriginal people, many of whom testified before the Inquiry that police are widely involved in acts of racist violence and that the law at present is not protecting them. The Inquiry considers that existing legislative mechanisms are inadequate to respond to Aboriginal—police violence.

It was equally clear that the publication and expression of racist material causes offence to many Australians, including those from minority racial and ethnic groups. Anomalies in existing laws mean that an individual or group conducting a racist poster campaign can be prosecuted only for defacing another's property; they can display the same material on their own premises with impunity. Incitement to racial hostility is a significant element in creating a climate conducive to racist harassment, intimidation and violence. Legislating against incitement and vilification is an important way of addressing the problem directly and provides a strong statement from national leaders that racist violence and behaviour will not be tolerated in Australian society.

For these reasons the Inquiry proposes a package of legislative reforms in both criminal and civil law to

---



---

## The Need for Change

---

combat racist violence. These proposals are discussed in detail in the following chapter.

- Recommendations**
- That the Federal Government accept ultimate responsibility for ensuring, through national leadership and legislative action, that no person in Australia is subject to violence, intimidation or harassment on the basis of race.
  - That the Federal Government continue to pursue strategies which will ensure the welfare and rights of all Aboriginal and Torres Strait Islander communities in Australia.

- 1 Forbes D., *Action on Racial Harassment - Legal Remedies and Endnotes Local Authorities*, Legal Action Group and London Housing Unit, London 1988, p.20 quoted in Castles S., 'Racism and Racist Violence', unpublished paper commissioned by the National Inquiry into Racist Violence, p.21.
- 2 S. Phillips, Redfern Hearing, transcript p.32.
- 3 Y. Crawford, Redfern Hearing, transcript p.88.
- 4 'Overview of Group Discussions Co-ordinated by the Office of Multicultural Affairs', see Appendix 2.
- 5 Submission no. 4.42, Traudl Tan.
- 6 Mr Tsinoida, Migrant Workers' Association, Perth Hearing, transcript p.132.
- 7 Submission no. 4.28, Islamic Council of NSW.
- 8 Cited in *The Australian Financial Review*, October 1989.
- 9 *The West Australian*, 9 August 1989.
- 10 Garnaut R., *Australia and the North East Asian Ascendancy*, AGPS, Canberra, 1989, p.330.
- 11 Quoted in *The Australian Financial Review*, 29 October 1989.
- 12 Garnaut R., *Australia and the North East Asian Ascendancy*, op cit, p.2.
- 13 Committee to Advise on Australia's Immigration Policies, *Immigration: A Commitment to Australia*, AGPS, Canberra, 1988, p.37.
- 14 Submission no. 4.78, Grace Yipp.
- 15 Daes E., 'Confidential Report on Visit to Australia, 12 December 1987 - 2 January and 7-22 January 1988'.
- 16 Burger J., *Aborigines Today: Land and Justice*, Anti-Slavery Society, Indigenous Peoples and Development Series, Report no. 5-1988, p.79.
- 17 Burger J., *Aborigines Today*, op cit, p.76.
- 18 United Nations Convention on the Elimination of All Forms of Racial Discrimination, Article 2.
- 19 Jupp J., *Ghettos, Tribes and Prophets*, paper published by the Bureau of Immigration Research, presented at the National Immigration Outlook Conference, Melbourne, November 14-16, 1990, p.11.
- 20 J. Jones, Cabramatta Hearing, transcript, p.43.



---

## Chapter 11: Legal Measures and Law Enforcement to Combat Racist Violence

---

The incidence of racist violence demonstrated in the **Legislative Reform** evidence chapters demands positive action by all levels of government in this country. The following sections of the report discuss strategies for change in the areas of law enforcement, employment, housing and education. These changes should, however, be complemented by legislative reforms to combat racist violence, intimidation and harassment.

Existing legal provisions relating to racist violence, intimidation and harassment were described in Chapter 2 of this report. As pointed out in Chapter 10, those provisions have not been as effective in combating these problems as they can and should be.

### **The Effectiveness of Existing Laws**

Anti-discrimination statutes in New South Wales, **AntiDiscrimination** Victoria, South Australia and Western Australia provide **Legislation** civil remedies for discrimination on the ground of race (see Appendix 4). They relate to specific areas of public life such as employment, accommodation, access to public places and the provision of goods and services. By analogy with the interpretation given to the sex discrimination provisions in such State legislation, harassment on the ground of race should be considered under State legislation to be a form of discrimination. This, however, would relate only to those areas covered by the State Acts and applies only in those States where such legislation has been enacted.

The Federal prohibitions on racial discrimination may also be capable of interpretation to include racist harassment but this is by no means clear. For one thing, the prohibition on discrimination in section 9 of the *Racial Discrimination Act 1975* is significantly different in its terms from that in the State laws. Moreover, the existence of express provisions in the Federal *Sex Discrimination Act 1984* relating to sexual harassment

---

## Legal Measures and Law Enforcement to Combat Racist Violence

---

could be taken to indicate a deliberate exclusion of corresponding provisions by the legislature in relation to race even though the *Racial Discrimination Act* preceded the *Sex Discrimination Act*. The inconsistency in this respect between the State and Federal jurisdictions and the uncertainty surrounding the status of racist harassment under the *Racial Discrimination Act* requires correction by creating an express prohibition of racist harassment (see recommendations, later in this chapter).

The definition of race in the *Racial Discrimination Act* is based on that in the Convention on the Elimination of All Forms of Racial Discrimination (CERD) and is deliberately broad and inclusive. It is similar to that used in overseas legislation also based on CERD, notably that in the United Kingdom and New Zealand. Judicial decisions in the House of Lords and the NZ Court of Appeal have held that Sikhs and Jews were covered respectively by the terms ethnic group and ethnic origin.<sup>2</sup> The House of Lords pointed out that a common religion might be one indicator of an ethnic group along with common literature, common geographic origins etc. These Court decisions have been useful in emphasising the breadth of the term 'ethnic' and providing some tests for determining whether a group comes within the definition.

Racial vilification amendments to the New South Wales anti-discrimination legislation, which created civil and criminal offences of racial vilification, have resulted in the lodgment of a large number of complaints with the New South Wales Anti-Discrimination Board. As of the end of 1990 no cases had been referred by the President of the Board to the Attorney-General for consideration as a possible criminal offence. In light of some of the serious cases of racial violence reported to this Inquiry, it would seem likely that this reflects a level of intimidation which has yet to be overcome. It may also, in part, reflect the complexity of the New South Wales legislation which requires the establishment of a number of elements at the criminal standard for a successful prosecution to be brought.

---

## Legal Measures and Law Enforcement to Combat Racist Violence

---

Neither State anti-discrimination legislation nor the Federal *Racial Discrimination Act* presently provides any remedy for those victims of racially motivated violence or harassment who are not themselves members of a racial or ethnic minority but rather supporters of anti-apartheid or Aboriginal land rights or similar causes. Most provisions prohibit discrimination 'by reason of or 'on the ground of' race, colour, national or ethnic origin. The *Racial Discrimination Act* extends coverage to 'any relative or associate' of a person who is discriminated against by reason of the race of that person, but this extension only exists in relation to the specific areas of discrimination: access to places and facilities; dealings with land, housing or other accommodation; provisions of goods and services; the right to join trade unions; and employment. There is no corresponding coverage for 'relatives and associates' under the general prohibition in section 9 of the Act dealing with distinctions, exclusions, restrictions or preferences in the exercise of human rights and fundamental freedoms in political, economic, social, cultural and other areas of public life. It is under this provision, and any future provision relating to vilification or harassment, that a remedy for those supporting anti-racist causes would be most appropriate.

Any case of actual violence would be covered by some **Existing Criminal Laws** (murder, assault, affray, malicious injury to property etc.) without reference to the racist content or motivation of the perpetrator. Certain forms of threat of violence, if sufficiently specific, may also be covered by existing laws although coverage is incomplete and inconsistent in different jurisdictions. Generalised threats which are characteristic of racial intimidation and harassment and other forms of verbal abuse do not constitute criminal offences either at Common Law or under Criminal Codes.

Evidence to the Inquiry indicates that enforcement of existing laws by investigating, prosecuting and even

---

## **Legal Measures and Law Enforcement to Combat Racist Violence**

---

judicial authorities has been inadequate and at times entirely lacking. There is also significant evidence to indicate involvement in violence against members of racial minorities by police officers. Where this has occurred or is even believed to have occurred the victims of racist violence or harassment are unlikely even to report crimes committed against them.

In the case of certain forms of racist harassment and intimidation such as graffiti and poster campaigns, the actions have often been clandestine and, where organised groups have claimed responsibility, identifying individuals responsible for any given incident has proved difficult. In these circumstances the police have found the application of existing criminal laws problematic, being unable to prosecute, for example, for possession of racist posters as distinct from the act of pasting up posters which is more difficult to detect. Indeed when racist posters are posted and displayed legally, there has been no remedy whatsoever to force their removal. Western Australia has attempted to tackle this problem by amending its *Criminal Code* in 1990 to create offences relating to racist harassment and incitement to racial hatred involving written or pictorial material. There have been no prosecutions yet under this legislation. There are no similar provisions in other States and Territories.

The general absence of reference to racist motivation in relation to acts of violence, harassment or intimidation not only limits the scope of existing law, but also makes for a less effective response. While motivation may be taken into account at the level of sentencing for any crime, it is not identified as a relevant circumstance to be taken into account by the authorities responsible for investigating and prosecuting crimes. Further, there is no means by which racist motivation may be taken into account in sentencing in a systematic way. A magistrate or judge is at present entitled either to ignore such motivation or to consider it as a factor adding to the gravity of an offence. Evidence is hard to obtain on this

---

## Legal Measures and Law Enforcement to Combat Racist Violence

---

point, but there have been suggestions that in some cases racist motives have been regarded as mitigating (rather than aggravating) factors.'

The Inquiry has found little, if any, evidence to suggest that the victims and targets of racist violence or harassment have had recourse to the existing civil remedies available at Common Law for general forms of interference to rights of integrity of the person, reputation and property. Failure to enforce criminal laws in relation to racist violence and abuse leaves aggrieved people without the support and assistance of the investigatory powers of the State in identifying the perpetrators and gathering other evidence. To bring a civil action, the victim of racist acts or statements requires an understanding of his or her legal rights; the psychological and financial resources for pursuing those rights through legal proceedings; and the sense that the judicial system can provide redress. The experience of many members of racial or ethnic minorities in Australia (as recounted in evidence before this Inquiry) would not necessarily suggest that they will receive equal treatment before the law.

Laws relating to associations include laws which regulate the purposes for which corporate entities may be formed as well as general laws of conspiracy and complicity to commit crimes which could be used in the case of unincorporated associations formed for unlawful purposes. These laws make no specific provision for racist violence, intimidation and harassment and therefore depend for their effectiveness in this area on the actual scope of the laws and on the awareness and commitment of government agencies to apply them for this purpose.

Although some laws appear to be available for use in relation to racist violence, harassment or intimidation,

---

## Legal Measures and Law Enforcement to Combat Racist Violence

---

they are not comprehensive and they do not provide a definite enough remedy for the harm caused by words and actions of a racist nature. This harm affects both society as a whole and individuals and thus requires criminal as well as civil remedies. Any racist motivation in violence, harassment and intimidation should be identified as a distinct element in a crime. In the absence of a clear expression of the importance of this element, racist motivation has not been sufficiently brought to the attention of courts nor have courts provided sufficient guidance to allow authorities to develop an appropriate response to racist violence.

### Models of Anti-Racist Legislation

#### *United Kingdom*

The original United Kingdom legislation outlawing discrimination on the ground of race (*Race Relations Act 1965*) included not only prohibitions on discrimination and the incitement of discrimination but also criminal penalties for publication, distribution or public use of threatening, abusive or insulting words with intent to stir up racial hatred (section 6(1)). Prosecution under this section required consent by the Attorney-General. Limited use was made of this criminal sanction! Radical amendment was called for by Lord Scarman in his report which followed a rally by the National Front in London in 1974. Although activities associated with this rally were of the kind intended to be covered by legislation, none of those present at the rally was charged with incitement. Lord Scarman was critical of the multiple restrictions on section 6, such as the requirement of proof of intention and the requirement of the Attorney-General's consent, making it useless to a policeman on the street'

As a result of such criticisms, the United Kingdom *Race Relations Act* of 1976 significantly altered the provisions for criminal sanctions for racial incitement and placed

---

## Legal Measures and Law Enforcement to Combat Racist Violence

---

them in section 5A of the *Public Order Act 1976*. The most significant change from the earlier provisions was that it was no longer necessary to prove intention. It was sufficient that 'having regard to all the circumstances, hatred [was] likely to be stirred up'. (For the full text of these legislative provisions see Appendix 5.)

In 1986 the United Kingdom again amended its criminal provisions concerning incitement to racial hatred by replacing the earlier legislation with more comprehensive and flexible provisions. In this legislation, proof of intention to stir up racial hatred is expressed as an alternative to proof of the likelihood of such hatred being stirred up, having regard to all the circumstances.

The scope of the 1986 provisions includes the public performance of a play involving the use of threatening, abusive or insulting words; distribution, showing or playing of a recording of visual images or sounds that are threatening, abusive or insulting the broadcasting or an inclusion in a cable program service of such visual images or sounds; and the possession of 'racially inflammatory material' which is also defined in terms of threatening, abusive or insulting material, intended or likely to stir up racial hatred by means of display, publication, distribution, broadcast etc. The requirement of the Attorney-General's consent is retained. Both summary and indictable offences are created.

The Canadian approach to racist violence consists of **Canada** broadly framed civil provisions contained in the *Human Rights Act 1977* and criminal sanctions under the *Canadian Criminal Code 1970* (see Appendices 6 and 7). The *Human Rights Act* provides several remedies for discrimination and incitement to discrimination (section 12). It expressly includes racial harassment within the definition of discriminatory practices for which complaints can be made in the areas of employment, provision of goods, services, facilities or accommodation (section 14).

---

## Legal Measures and Law Enforcement to Combat Racist Violence

---

In addition, the Canadian *Human Rights Act 1977* contains a provision making 'hate messages' a discriminatory practice (section 13). Such messages are defined in terms of repeated telephonic communications of 'any matter that is likely to expose a person or persons to hatred or contempt by reason of the fact that that person or those persons are identifiable on the basis of a prohibited ground of discrimination', race being such a ground. There is a specific exception to this section for communications by means of broadcasting facilities.

Human rights legislation in Canadian provinces such as Manitoba, Saskatchewan and British Columbia also includes civil remedies for discrimination extending to expressions of racial hatred. These are formulated differently in the legislation of different provinces. Under the British Columbia *Civil Rights Protection Act 1981*, the prohibition on promoting hatred or contempt on the basis of colour, race, religion, ethnic origin or place of origin or on promoting the superiority or inferiority of a person or persons in comparison with another or others can also give rise to criminal sanctions.

The Canadian *Criminal Code 1970* contains provisions against hate propaganda designed to implement Canada's international obligations under the Convention on the Elimination of All Forms of Racial Discrimination and under the 1948 Convention on Genocide. Section 281.1 of the Code makes promotion or advocacy of genocide an indictable offence with prosecution subject to the Attorney-General's consent. Section 281.2 creates both summary and indictable offences of communicating in a public place statements which incite hatred against any identifiable group where such incitement is likely to lead to a breach of the peace. The term 'identifiable group' is defined as 'any section of the public distinguished by colour, race, religion or ethnic origin'. In relation to the crime of incitement to hatred no proof of intention is required, in contrast to that relating to genocide. The consent of the Attorney-General is, however, required for prosecution.

---

## Legal Measures and Law Enforcement to Combat Racist Violence

---

Defences or exceptions are provided for statements that are true; for arguments expressing in good faith an opinion on a religious subject; for statements relevant to any subject of public interest, the discussion of which was for the public benefit and which were believed on reasonable grounds to be true; and for statements intended in good faith for the purpose of removal of racially inciting material.

Historical and constitutional factors in the USA have led **United States of America** to a peculiar pattern of State and Federal legislation relating to racial violence and intimidation. These laws overlap in some areas and leave others relatively uncovered. The importance of the Federal jurisdiction is most clearly illustrated by the celebrated case of the killing of the Chinese-American, Vincent Chin. In that case the State judge handed down a \$3,000 fine whereas the Federal judiciary passed a sentence of 25 years imprisonment following further prosecution under Federal legislation.

The *Civil Rights Acts* of 1964 and 1968 prohibit discrimination on the basis of race, colour or national origin in any federally assisted program; in 'public accommodation'; in employment; and in sale of real estate or provision of rental housing. These Acts include provisions which extend the civil remedies to include threats, coercion, intimidation or attempts to intimidate any person exercising or attempting to exercise the right to be free from discrimination.' These remedies can be enforced either by individuals or by the Attorney-General.

Criminal sanctions for racial violence and intimidation were first enacted in the United States in the Reconstruction period following the Civil War. These have been incorporated into the present US Code (USC) and their scope extended by a third provision enacted under the *Civil Rights Act* of 1968 to allow criminal prosecution in cases of intimidation or interference with civil rights (18 USC section 245). The original criminal sanctions (now

---

## Legal Measures and Law Enforcement to Combat Racist Violence

---

sections 241 and 242 of 18 USC) create federal offences for conspiracy 'to injure, oppress, threaten or intimidate any citizen in the free exercise or enjoyment of any right or privilege secured to him by the Constitution or laws of the United States' (section 241); and for conspiracy to wilfully subject any person to the deprivation of any federally protected right or privilege 'under color of any law, statute, ordinance, regulation or custom' (section 242).

The requirements under these laws of either a conspiracy or involvement of a government official (although not necessarily acting in the performance of a governmental duty)<sup>7</sup> represent significant limitations on the application of these sanctions. These limitations are absent in the newer provision (section 245) making intimidation or interference with civil rights a federal offence. Although section 245 still applies only to cases involving the exercise of federally protected rights, the list of these set out in the section is broader than originally thought to be covered by the provision dealing with conspiracy against free exercise of federal rights or privileges. Unlike the two earlier provisions, however, section 245 requires certification by the US Attorney-General that a prosecution is in the public interest and necessary to secure substantial justice. Because of the greater breadth of the federal offence of racial intimidation created by section 245, it begins with an express disclaimer by Congress of an intention to derogate from the jurisdiction of State and local legislatures.

Some States in the US also have legislation providing civil and/or criminal remedies. Only twenty States have criminal statutes addressing civil rights violations or racial harassment although many others have prohibitions on desecration of religious property or disruptions of religious services.<sup>8</sup> Seventeen States have civil statutes directed against hate motivated violence.<sup>9</sup> Legislation in Illinois, making it unlawful to produce or sell a publication exposing citizens 'of any race, color,

---

## Legal Measures and Law Enforcement to Combat Racist Violence

---

creed or religion to contempt, derision, or obloquy or which is productive of a breach of the peace or riots' was the basis of a celebrated legal challenge based on the constitutional guarantee of freedom of speech." The US Supreme Court held that the First Amendment guarantee on freedom of speech did not protect libel of a group any more than it did libel of an individual.

In Oregon in October 1990, multi-million dollar damages were awarded against individuals and the organisation White Aryan Resistance (WAR) for incitement of the murder of an Ethiopian immigrant killed in 1988 by young skinheads recruited by WAR. Following the criminal trial of those directly responsible for the killing, Tom Metzger, the head of WAR, his son John who led the group's young skinhead faction, and the organisation itself were found liable in a civil claim brought on behalf of the estate of the dead man, Mulugeta Seraw. A total of US\$12 million in punitive and compensatory damages was awarded for the distribution of racist literature, baseball bats and steel-toed boots with the intention of inciting violence against blacks and Jews and with the result that Mulugeta Seraw was beaten and kicked to death'

In addition to the substantive laws, several States in the US have legislated to increase penalties for existing crimes such as kidnapping, assault and harassment where these are racially motivated!'

In 1966, following the opening for signature of the **European Civil Law** International Convention on the Elimination of All **Countries** Forms of Racial Discrimination, the Consultative Assembly of the Council of Europe offered a Model Law for the guidance of its members in implementing the convention (see Appendix 8). The Model Law creates offences of publicly calling for or inciting to hatred, intolerance, discrimination or violence against persons or groups of persons, distinguished by colour, race, ethnic or national origin or religion; insulting persons or

---

## Legal Measures and Law Enforcement to Combat Racist Violence

---

groups of persons and holding them up to contempt or slandering them on account of such characteristics; publishing or distributing written matter which is aimed at achieving these effects; or public use of insignia of prohibited organisations. The Model Law provides for organisations to be prosecuted and/or prohibited where their aims or activities fall within the scope of the offences provided for.

In France, laws against anti-Semitic propaganda have existed since 1939. These were extended in 1972 to include racial defamation and incitement to racial hatred more generally. Prosecutions may be initiated either by private citizens or public interest organisations or organisations established for the purpose of defending human rights or fighting racism.

Belgium has similar legislation, passed in 1981, prohibiting incitement to racial hatred with provision for prosecution by private citizens or by groups as in France.

Similar legislation exists also in Austria, Denmark, Norway, Sweden, the Netherlands and Italy. The Dutch legislation was the subject in 1979 of an appeal by a Dutch politician to the European Commission on Human Rights." The appellant had been convicted for distributing racist pamphlets and claimed that the legislation under which he was convicted infringed his right of freedom of speech under the European Human Rights Convention. The Commission found that the guarantee of freedom of speech did not extend to promoting racial discrimination. The Commission also pointed to article 5 of the International Covenant on Civil and Political Rights (ICCPR) as an express limitation on the right to exercise rights and freedoms (such as freedom of speech) so as to destroy any of the recognised rights and freedoms.

*New Zealand* In 1971 New Zealand brought in its *Race Relations Act* with a provision (section 25) similar to section 6 of the

---

## Legal Measures and Law Enforcement to Combat Racist Violence

---

UK *Race Relations Act*, creating a criminal offence of inciting racial disharmony (see Appendix 9). The provision requires intention 'to excite hostility or ill will against or bring into contempt or ridicule any group of persons in New Zealand on the ground of the colour, race or ethnic or national origins of that group of persons'. It relates to publication, distribution or broadcasting of threatening, abusive or insulting material or use in any public place of words which are threatening, abusive or insulting. Like the original UK offence, both the intention to stir up hatred and the likelihood of such hatred being stirred up are required. Like most such criminal provisions, the Act requires proof of a number of elements and prosecution required consent by the Attorney-General. The legislation has been the basis for only one prosecution, a celebrated case which helped to clarify the definition to be given to the term 'ethnic' and in particular its application to Jews.<sup>14</sup>

The major difference between the New Zealand legislation and that in the UK is the use of the terms 'hostility or ill will against' and 'contempt or ridicule' in the former rather than 'hatred' as in the latter to describe the effect likely to be created by the words or material used, published, distributed or broadcast. Clearly the New Zealand formulation set a lower threshold in this respect.

In 1977 New Zealand amended its *Race Relations Act* to include a civil remedy for incitement to racial disharmony (section 9A) (see Appendix 10). The civil wrong was defined in the same terms as the offence in section 25 and a right of complaint to the Race Relations Conciliator was provided for persons aggrieved. In contrast to the response to the criminal provision, section 9A was widely used and even abused by individuals complaining of insults or remarks of a relatively trivial nature alleged to be in breach of the provision. In late 1989 the Government repealed section 9A to avoid the Race Relations Conciliator being swamped by minor complaints of this nature. Despite

---

## Legal Measures and Law Enforcement to Combat Racist Violence

---

attempts to have the section replaced by another provision setting the threshold for complaints at a more appropriate level this has not to date occurred.

**New South Wales** In 1989, New South Wales amended its *Anti-Racial Vilification Discrimination Act* of 1977 to incorporate provisions for **Legislation** both civil and criminal remedies for racial vilification (*Anti-Discrimination (Racial Vilification) Amendment Act 1989*) (see Appendix 11). Racial vilification is defined in terms of a 'public act' which incites hatred towards, serious contempt for or severe ridicule of a person or group of persons on the ground of their race (section 20C). A 'public act' is in turn defined as including printing, displaying notices, broadcasting, telecasting, screening, playing recorded material and any other form of communication to the public; any other conduct observable by the public including actions, gestures, the display of clothing, signs, flags, emblems and insignia; and distribution or dissemination to the public of any matter with knowledge that it promotes or expresses hatred, serious contempt or severe ridicule on racial grounds (section 20B).

The requirement of knowledge of the vilifying effect of matter distributed or disseminated to the public is the only express reference to a mental element (*mens rea*) in the New South Wales provisions. There is no express requirement of intention in the section creating the criminal offence of racial vilification (section 20D). It is, however, entirely likely that when the matter is first tested before the courts some form of *mens rea* (for example, intention or knowledge) will be taken to have been implied.

A complaint of racial vilification under the New South Wales legislation may be made by individuals or by representative bodies of the racial or ethnic groups concerned as the targets of vilification (sections 88 and 88(1A)). A complaint is to be investigated and conciliated by the President of the Anti-Discrimination

---

## Legal Measures and Law Enforcement to Combat Racist Violence

---

Board who can refer matters to the Equal Opportunity Tribunal where conciliation is unsuccessful or where otherwise appropriate. The amendments to the *Anti-Discrimination Act* providing for racial vilification give the Equal Opportunity Tribunal new specific powers to order apologies and retractions or to order a respondent to develop and implement a program or policy aimed at eliminating unlawful discrimination in a case of racial vilification (section 113). Existing powers of the Tribunal include orders to pay damages up to \$40,000 and orders for injunctive relief.

The New South Wales legislation defines the criminal offence of racial vilification as a public act inciting hatred towards, serious contempt for or severe ridicule of a person or persons on the ground of race where threats of physical harm towards persons or property or incitement to threats of such physical harm are involved (section 20D). Prosecution for the criminal offence requires the consent of the Attorney-General but no other machinery provisions are laid down apart from the general provision (section 125) that offences under the *Anti-Discrimination Act* shall be treated as summary rather than indictable matters. The President of the Anti-Discrimination Board is required to refer to the Attorney-General any complaints of racial vilification which appear to involve the offence as defined in section 20D (i.e. threats or incitement of others to threats of physical harm to persons or property). As of the beginning of 1991 no such cases had been referred to the Attorney-General.

Although the legislation is silent on the point, it would appear to be open to any citizen to seek investigation and prosecution by the police and the Director of Public Prosecutions but no such case has been brought before the courts to date. This may reflect a lack of awareness of the legislation in the community. It may also be a reflection of the complexity of the provisions. The criminal offence, even without any mental element, adds the requirement of threats of physical harm to

---

## Legal Measures and Law Enforcement to Combat Racist Violence

---

persons or property or incitement to threats of such harm in addition to the elements of racial vilification as a civil wrong (notably a public act; incitement; seriousness of contempt, severity of ridicule or hatred; and race as a ground of such hatred, contempt or ridicule).

The burden placed upon either a complainant in a civil action or the prosecution of criminal racial vilification is a heavy one. In addition, the Act provides a number of express exclusions from the scope of racial vilification. These provide a balancing of the rights of freedom of expression and freedom of the press by allowing fair reports of racial vilification; communication, distribution or dissemination of parliamentary and similar proceedings to which the defence of absolute privilege would attach in proceedings for defamation; and 'public acts done reasonably and in good faith for academic, artistic, scientific or research purposes or for other purposes in the public interest including discussion or debate about an exposition of any act or matter' (section 20C(2)).

**Western Australian** In 1990, Western Australia passed an Act to amend its **Criminal Code** Criminal Code 'to create offences relating to racist **Amendments** harassment and incitement to racial hatred and for connected purposes' (to quote the preamble). The offences created, however, are of a limited nature, involving only 'written or pictorial material' which is defined as 'any poster, graffiti, sign, placard, newspaper, leaflet, hand bill, writing, inscription, picture, drawing or other visible representation'. This limitation reflects the fact that the legislation was a response to a campaign of racist posters and graffiti which began appearing around Perth in 1983. The existing criminal laws were found to be inadequate to deal with these forms of racist abuse by individuals or groups who operated under cover of night and could seldom be caught in the act of affixing posters to property. The Western Australian Law Reform Commission published a report in 1989 on *Incitement to*

---

## Legal Measures and Law Enforcement to Combat Racist Violence

---

*Racial Hatred* (Project Number 86) concluding that legislative intervention by way of amendment of the Criminal Code was required for two reasons. The first was 'prevention of public disorder'. The second was 'the prevention of serious interference with the right to a dignified and peaceful existence free from racist harassment and vilification'<sup>1 15</sup>.

The resulting amendments to the Western Australian Criminal Code create offences of publication and of display of material that is threatening or abusive. The offences expressly require the intention that 'hatred of any racial group ... be created, promoted or increased' by the publication or that a racial group be harassed by the display. In addition, offences of possession of material for publication and possession of material for display are created. These offences also require intention as to the effect (racial hatred or racial harassment) as well as intention as to the publication or display of the material possessed.

The amendments provide that these offences be dealt with by way of indictment. As of the beginning of 1991 no prosecutions had been reported.

In 1983, the former Human Rights Commission published a report (Number 7) entitled *Proposal for Amendments to the Racial Discrimination Act to cover Incitement to Racial Hatred and Racial Defamation*. The proposal was for two substantive provisions and one definition section to be incorporated into the Racial Discrimination Act in the following terms:

**Former  
Human Rights  
Commission's  
Proposals**

- (1) *Incitement to racial hatred*. A provision to make it unlawful for a person publicly to utter or to publish words or engage in conduct which, having regard to all the circumstances, is likely to result in hatred, contempt or violence against a person or persons, or a group of persons, distinguished by race, colour, descent or national or ethnic origin: this provision
-



---

## Legal Measures and Law Enforcement to Combat Racist Violence

---

should be drafted so as to ensure that certain valid activities are not brought within its scope, e.g. the publication or performance of bona fide works of art; genuine academic discussion; news reporting of demonstrations against particular countries; or the serious and non-inflammatory discussion of the issues of public policy.

- (2) *Racial defamation.* A provision to make it unlawful publicly to threaten, insult or abuse an individual or group, or hold that individual or group up to contempt or slander, by reason of race, colour, descent, national or ethnic origin.
- (3) *Definition of 'publication'.* A definition clause to make it clear that 'publication' is to be taken in a very broad way to cover the print and electronic media, sign boards, abusive telephone calls etc. and that both the individual making the statement and, where publication implies endorsement, the publisher would be covered by the two provisions outlined above.

The Commission did not propose any criminal law remedy for incitement or defamation. Its reasons for proposing a civil remedy only were consistency with the scheme of the *Racial Discrimination Act*, furthering the educative role of that legislation and a belief that the New Zealand experience indicated that the civil remedy was 'both more used and more effective' than the criminal law provision.

### **Implementing Article 4 of the Convention on the Elimination of All Forms of Racial Discrimination**

When it ratified CERD, Australia recorded a statement in the following terms:

the Government of Australia ... declares that Australia is not at present in a position specifically to treat as offences all the matters covered by Article 4(a) of the Convention. Acts of the kind there mentioned are punishable only to the extent provided by the existing criminal law dealing

---

## Legal Measures and Law Enforcement to Combat Racist Violence

---

with such matters as the maintenance of public order, public mischief, assault, riot, criminal libel, conspiracy and attempts. It is the intention of the Australian Government, at the first suitable moment, to seek from Parliament legislation specifically implementing the terms of Article 4(a).

This statement relates to the partial implementation of Article 4(a) of the Convention by the *Racial Discrimination Act* (Article 4 is set out in full in Appendix 3). It has commonly been regarded as a reservation by Australia in respect of its obligations under the Convention. However, in its terms, the statement does not appear to be a permanent reservation but a statement of future intention to enact legislation making specific provision to treat as offences all matters covered in Article 4(a).

No criminal offence of racial incitement was created in the *Racial Discrimination Act* as passed although a provision concerning the intentional promotion of hostility, ill will, contempt or ridicule on racial grounds had been included in the Bill when originally drafted. The provision that had been dropped during the legislative process was as follows:

A person shall not, with intent to promote hostility or ill will against or to bring into contempt or ridicule, persons included in a group of persons in Australia by reason of the race, colour or national or ethnic origin of the persons included in that group —

- (a) publish or distribute written matter;
- (b) broadcast words by means of radio or television; or
- (c) utter words in any public place, or within the hearing of persons in any public place, or at any meeting to which the public are invited or have access,

being written matter that promotes, or words that promote, ideas based on —

---

## Legal Measures and Law Enforcement to Combat Racist Violence

---

- (d) the alleged superiority of persons of a particular race, colour or national or ethnic origin over persons of a different race, colour or national or ethnic origin; or
- (e) hatred of persons of a particular race, colour or national or ethnic origin.

Penalty: \$5,000

The *Racial Discrimination Act* enacted in 1975 remains in this respect unamended to the present day. It contains a provision making unlawful 'any act involving a distinction, exclusion, restriction or preference based on race, colour, descent or national or ethnic origin' (section 9(1)); provisions making it 'unlawful ... to publish or display, or cause or permit to be published or displayed, an advertisement or notice' indicating an intention to do such an unlawful act in relation to the provision of land, housing, other accommodation or employment (see sections 16, 12 and 15); and a provision making it unlawful to incite, assist or promote the doing of such unlawful acts (section 17). All of these provisions create civil wrongs rather than criminal offences. No measure has yet been enacted to make incitement to racial discrimination or the dissemination of ideas based on racial superiority or hatred punishable by law as required by the terms of Article 4(a) of CERD or to make incitement of racial hostility otherwise actionable, for example through the complaint mechanisms of the *Racial Discrimination Act*.

Under the International Covenant on Civil and Political Rights (ICCPR) to which Australia is also a party, the Federal Government is obliged to protect, inter alia, liberty and security of the person (Article 9 of the Covenant); freedom from arbitrary or unlawful interference with privacy, family, home, honour or reputation (Article 17); freedom of thought, conscience and religion including the freedom to manifest one's religion subject only to such limitations as prescribed by law and neces-

---

## Legal Measures and Law Enforcement to Combat Racist Violence

---

sary to protect public safety, order or the fundamental rights and freedoms of others (Article 18); freedom to hold opinions without interference subject only to lawful and necessary restrictions for respect of the rights or reputations of others and for the protection of national security or of public order or of public health or morals (Article 19); freedom of peaceful assembly subject only to lawful restrictions necessary in the interest of national security, public safety, public order or the protection of public health or morals or the protection of rights and freedoms of others (Article 21); and freedom of association with others subject only to the same restrictions as for peaceful assembly (Article 22). In addition, Article 20 of the International Covenant requires the prohibition of any propaganda for war and of any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence.

In ratifying the International Covenant on Civil and Political Rights, Australia expressed a reservation in relation to Article 20 in the following terms:

**Australia interprets the rights provided for by Articles 19, 21 and 22 as consistent with Article 20; accordingly, the Commonwealth and the constituent states, having legislated with respect to the subject matter of the Article in matters of practical concern in the interest of public order (ordre public), the right is reserved not to introduce any further legislative provision on these matters.**

In its report in July 1985 to the Committee on the Elimination of Racial Discrimination, established under CERD to monitor that Convention's implementation by States Parties, Australia explained the absence of legislation in respect of organisations which promote or incite racial hatred in terms of a conflict with the guarantee of the right of assembly under the International Covenant on Civil and Political Rights. Australia's report also referred to consideration of the appropriateness of legal restriction on racist utterances in terms of the need for:

---

## Legal Measures and Law Enforcement to Combat Racist Violence

---

careful balancing between the right to freedom of expression on the one hand and the right to live free from racist abuse and defamation on the other.

The other major rationale for not introducing legislative restrictions on racist utterances and racial harassment is the existence of a variety of laws which are said to cover various manifestations of the problem. These laws have been examined above.

The Committee on the Elimination of Racial Discrimination has been critical of the legislative measures adopted by most countries in their attempt to implement Article 4 of the Convention. It has been particularly critical of Australia's position for failing to impose criminal sanctions. Measures which require *mens rea* or which permit wide exceptions and defences have also attracted the Committee's criticism. In the view of the Committee, Article 4 imposes strict liability.<sup>16</sup>

In relation to racist organisations the Committee has stressed that Article 4 requires not **only** that their activities be prohibited but also that their existence and participation in them be made illegal.<sup>17</sup>

The Committee takes the view in relation to freedom of expression and freedom of association that Article 4 requires some limitation and that such limitation is consistent with and even supported by other international instruments. As discussed above, the International Covenant on Civil and Political Rights contains express limitations on freedom of speech and freedom of association necessary for 'respect of the rights or reputations of others' and for 'protection of national security or of public order ... or of public health or morals' (Article 19).<sup>18</sup>

**Balancing Rights and Freedoms** As can be seen from the texts of the international instruments (CERD and ICCPR) the freedoms of speech, the press, assembly and association, in particular, are

---

## Legal Measures and Law Enforcement to Combat Racist Violence

---

not guaranteed in absolute terms. They are expressed as subject to considerations such as respect for the rights or reputations of others, and protection of national security and of public order. Implementation of Australia's international obligations under these instruments thus requires the striking of a balance between potentially conflicting rights and freedoms.

Balancing rights and freedoms is a familiar task for both the legislature and the courts as is apparent from the number and variety of criminal offences and civil law remedies applicable to various forms of expression and conduct such as sedition, defamation, affray and assault. From the survey of legislative measures adopted in other countries and jurisdictions, it can be seen that different legislatures have arrived at different solutions to the question of how the balance is to be struck. These differences have reflected historical, political and constitutional factors.

In announcing in October 1990 the indictment of six members of a skinhead group on 'hate crime' charges under the US Civil Rights provisions outlined above, the US Attorney-General, Dick Thornburgh, described such crimes as 'not just a threat to their victims, but a threat to the first civil right of all Americans — the right to be free from fear in our own homes, on our streets and in our communities'. He pointed out that in the previous two years the US Department of Justice had stepped up its investigation and prosecution of racial, religious and ethnic violence!

In the United Kingdom the vigorous debate on the appropriate balance of civil rights, that surrounded the passage of the incitement provisions in the *Race Relations Act* in 1965 and its amendment in 1976, eventually led to new legislation (the *Public Order Act 1986*) which has moved significantly further towards control of incitement of racial hatred. In an introductory 'General Note' to the section of the *Public Order Act 1986* dealing with racial hatred, the following statements appear:

---

## Legal Measures and Law Enforcement to Combat Racist Violence

---

These reforms are a response to continued criticism that racial harmony remains as elusive as ever and that racial discrimination is being actively fostered by individuals and political groups who appear to be untouched by any attempts by the law to suppress their activities ... Part of the problem has been that a narrow scope was selected as suitable for legal intervention because of concern about interference with free speech ... The measures contained in this Part do have greater potential for success than the offences which they replace. The ambit of behaviour is wider; intentional conduct regardless of the result is punishable; racist propaganda will be subject to control. Nevertheless, obstacles remain. The use of threatening, abusive or insulting conduct remains as the criminal threshold and will not extend to 'less blatantly bigoted ... more apparently rational and moderate' messages.

The British experience also demonstrates that attempts to safeguard freedom of speech by hedging a criminal provision with a plethora of restrictions (such as requirements of intention; of consent by the Attorney-General; of likely effect; and a threshold level of gravity) may render the legislative measure ineffective by making it too complex to be implemented by police and others routinely responsible for law enforcement.

The experience, on the other hand, of the New Zealand legislation providing a civil remedy for racial disharmony defined in terms of 'hostility or ill will ... contempt or ridicule' towards any racial group indicates the need to set an appropriate threshold on prohibited conduct in order to avoid trivialisation.

---

**Conclusions and Recommendations** The Inquiry concludes that it has become necessary to take legislative action to outlaw certain kinds of racist conduct. It is therefore now appropriate for Australia to take steps to remove any qualification placed upon its ratification of CERD and to accept all obligations arising under it.

---

## Legal Measures and Law Enforcement to Combat Racist Violence

---

The Inquiry does not recommend extending existing provisions relating to organisations formed for racist purposes. On the one hand, extending the substantive law relating to racist incitement will complement the existing categories of unlawful object subject to rejection at the point of incorporation as well as the existing prohibitions on activities of individuals or of organisations. On the other hand, creation of criminal penalties for membership of organisations on the basis of their aims or purposes is considered an excessive and unnecessary infringement of the right of association.

No prohibition or penalty is recommended for the simple holding of racist opinions without public expression or promotion of them or in the absence of conduct motivated by them. Nor would any of the proposed measures outlaw 'casual racism', for example the exchange of 'Irish jokes'.

The Inquiry concludes that acts of racist violence should **Racist Violence and Intimidation** be treated as distinctive, serious criminal offences in exactly the same way as other specific types of assault (such as aggravated assault or sexual assault). This will assist in directing police and public attention to the prevention of such offences and apprehension of offenders.

It is therefore recommended that the *Federal Crimes Act 1914* be amended to create the new Federal offence of racist violence and intimidation.

The amendment of the *Crimes Act* is not meant to displace existing State criminal offences, but it is intended to ensure the effective protection of fundamental human rights by Federal authorities in accordance with CERD and Australia's other international obligations. Drawing on the experience in the United States of America, the Inquiry considers that any such Federal action will be successful, in particular, in ensuring that State police forces are properly accountable in the polic-

---

## Legal Measures and Law Enforcement to Combat Racist Violence

---

ing of Aboriginal and Islander communities.

**Incitement to Racist Violence** In addition, it is recommended that a clearly identified offence of incitement to racist violence and to racial hatred likely to lead to violence be created. It is considered that the terms racial hatred and racist violence represent an appropriately high threshold to make criminal sanctions for incitement to such conduct necessary. It is recommended that a broad definition of race be included, covering colour, descent or national or ethnic origin, making the scope co-extensive with that of the *Racial Discrimination Ad.* The offence should also be inserted in the *Federal Crimes Ad.*

In drafting the provision it is suggested that, as in the UK *Public Order Act 1986*, intention to stir up racial violence and likely effect of stirring up racial violence be made alternatives rather than being simultaneous requirements (as in previous UK legislation which proved unworkable).

**Racist Harassment** The *Racial Discrimination Ad.*, in addition to its provisions relating to the areas of employment, membership of trade unions, provisions of goods and services, access to places and facilities and access to land, housing and other accommodation, contains the general prohibition on acts involving distinction, exclusion, restriction or preference based on race and with the purpose or effect of nullifying or impairing the equal recognition, enjoyment or exercise of rights and freedoms of the kind referred to in Article 5 of CERD.

As noted above, the list in Article 5 is broad-ranging. While it could be argued that certain forms of racial intimidation or violence come within the terms of the general provision in sections 9-15 of the *Racial Discrimination Act*, the matter is by no means clear. It is desirable that there be a clear statement of the unlawfulness of conduct which is so abusive, threatening or

---

## Legal Measures and Law Enforcement to Combat Racist Violence

---

intimidatory as to constitute harassment on the ground of race, colour, descent or national or ethnic origin. It is also desirable that individuals who have been the victims of such words or conduct be given a clear civil remedy under the *Racial Discrimination Act* in the same terms as those subjected to other forms of racial discrimination covered by the Act.

The Inquiry has reached the conclusion that legislative **Incitement of Racial** action needs to be taken to deal with certain kinds of **Hostility** racist propaganda.

The Inquiry recognises that this is a difficult area which requires the striking of a balance between conflicting rights and values. The right to free speech, for example, needs to be weighed against the value placed on the rights of people from different ethnic backgrounds to enjoy their lives free of harassment or violence. The evidence presented to the Inquiry indicates that some people are deliberately inciting racial hostility and, particularly in the case of racist graffiti and poster campaigns, getting away with it.

In recommending the amendment of the *Racial Discrimination Act* to prohibit the incitement of racial hostility, the Inquiry is not talking about protecting hurt feelings or injured sensibilities. Its concern is with conduct with adverse effects on the quality of life and well-being of individuals or groups who have been targeted because of their race. The legislation would outlaw public expressions or acts of incitement, *not* private opinions. As in the case of defamation laws, the context, purpose and effect of the words or material need to be considered before determining whether or not they are acceptable under the Act. Savings clauses should make it clear that the legislation will not impede freedom of speech in the following forms:

- private conversations and jokes;

---

## Legal Measures and Law Enforcement to Combat Racist Violence

---

- genuine political debate;
- fair reporting of issues or events;
- literary and other artistic expressions;
- scientific or other academic opinions, research or publications.

The threshold for prohibited conduct needs to be higher than expressions of mere ill will to prevent the situation which occurred in New Zealand, where legislation produced a host of trivial complaints. The Inquiry is of the opinion that the term 'incitement of racial hostility' conveys the level and degree of conduct with which the legislation would be concerned.

Incitement of racial hostility is not as serious as outright racist violence and intimidation. It need not, therefore, be subject to criminal laws and criminal penalties. It should be dealt with as a civil matter under the *Racial Discrimination Act*, with the same remedies (conciliation and compensation) as provided for racial discrimination.

**Racist Motivation** The Inquiry recommends that there be an amendment to section 16A of the Federal *Crimes Act* and to State and Territory *Crimes Acts* stating the relevance of racist motivation in sentencing upon conviction of any offence. Such motivation should be stated to increase the gravity of an offence. Racist motivation may require definition in terms of the expression of ideas based on racial superiority or hatred, of incitement to racial discrimination or to racial violence.

**Anti-Racist Advocates** The Inquiry recommends that the present limited protection provided under the *Racial Discrimination Act* for the relatives and associates of people who are subjected to discrimination be extended to include those

---

## Legal Measures and Law Enforcement to Combat Racist Violence

---

who are discriminated against or who are harassed by reason of their association with advocates against racism and supporters of Aboriginal rights. Section 9 of the *Racial Discrimination Act* should therefore be extended to cover such persons and the new prohibition on harassment should apply in the same way.

The Inquiry recommends that discrimination against or **Religion** harassment of a person on account of that person's religious belief be prohibited where the religious belief is commonly associated with persons of a particular race or races or a particular ethnic group or groups, and is used as a surrogate for discrimination on the basis of race or ethnicity. As discussed earlier, if a reference to the Islamic religion or a Muslim observance, for example, is taken to be synonymous with being a member of a particular ethnic group then it would probably be held by a court to come within the scope of ethnicity or race for the purposes of the *Racial Discrimination Act*. The ambiguity, however, needs to be addressed by amending the legislation.

- That any qualification on Australia's obligations under Article 4(a) of CERD be removed. **Recommendations**
- That the Federal Parliament enact in the Federal *Crimes Act 1914* a new criminal offence of racist violence and intimidation.
- That the Federal *Crimes Act* be amended to create a clearly identified offence of incitement to racist violence and racial hatred which is likely to lead to violence.
- That the Federal *Racial Discrimination Act 1975* be amended to prohibit racist harassment.
- That the Federal *Racial Discrimination Act* be amended to prohibit incitement of racial hostility,

---

## Legal Measures and Law Enforcement to Combat Racist Violence

---

with civil remedies similar to those already provided for racial discrimination.

- That Federal and State *Crimes Acts* be amended to enable courts to impose higher penalties where there is a racist motivation or element in the commission of an offence.
- That the prohibition of racial discrimination in the enjoyment or exercise of human rights and fundamental freedoms in section 9 of the *Racial Discrimination Act* be extended to cover discrimination against those who have advocated against racism and supported anti-racist causes; and that the new provisions for remedies for incitement of racial hostility and harassment also provide coverage for such advocates.
- That the Federal *Racial Discrimination Act* be amended to provide that discrimination against or harassment of a person on account of that person's religious belief be prohibited where the religious belief is commonly associated with persons of a particular race or races or of a particular ethnic group or groups and is used as a surrogate for discrimination or harassment on the basis of race or ethnicity.

---

### Court System

We would like to impress upon the Inquiry that any crime that is committed must be thoroughly investigated, that the cause, racist or not, [be] identified, and that the judiciary system itself [be] beyond reproach when deciding upon or investigating an alleged act of racist violence.

We cannot afford to have a ... judiciary system that upholds racial discrimination for whatever reason and we certainly [cannot] tolerate magistrates or court judges to be racist or [impose] sentences based on racial discrimination. It is equally important that in the process of selecting

---

## Legal Measures and Law Enforcement to Combat Racist Violence

---

**a jury panel that thoughts or inclinations of prejudice and racial discrimination by judge, prosecutor and defence lawyer be totally eliminated?'**

Equality before the law and equal treatment in relation to judicial proceedings are both cornerstones of our legal system and basic human rights guaranteed by the international instruments to which Australia has committed itself (see in particular Articles 2, 14, 17 and 26 of ICCPR and Article 5 of CERD). As the evidence to the Inquiry clearly indicates, victims of racist violence are frequently deterred from reporting crimes and from approaching the courts to pursue remedies. Moreover, Aborigines are brought before the courts on criminal charges in disproportionate numbers. Reform of policing procedures will be dealt with in the final section of this chapter. This section considers what could be done in relation to judicial proceedings. The reasons for failure to report crimes or to utilise the court system in cases of racist violence vary from cultural objections to resorting to adversarial methods for conflict resolution to ignorance of rights, lack of faith in the legal system, or outright intimidation. Not all such factors can be addressed by reforms in the judicial system but there are certain measures that could significantly increase its accessibility to members of racial or ethnic groups who have not previously achieved equality in court proceedings.

Ultimately the best guarantee of equal access to the courts is that justice is seen to be done in them. Only this can break down entrenched problems such as distrust, which may have been the result of experiences with law enforcement authorities overseas or in Australia; perceptions of bias; inability to make oneself understood; and ignorance of the legal processes. Unfortunately, such problems tend to be reinforced by the publicity surrounding such cases as the trial in 1988 of the young person accused of murdering the Western Australian Chinese taxi driver, Peter Tan (see Chapter 6). The Inquiry, having examined the transcript of the prosecu-

---

## Legal Measures and Law Enforcement to Combat Racist Violence

---

tion, has formed the view that there are good reasons for the criticism generated by that case. While there is nothing to indicate that either the process or the outcome was influenced by the racial identity of the victim or the accused, a lingering impression could easily have been left in the minds of other victims of racist violence in Western Australia that the legal system fails to provide a satisfactory response even to the most extreme expressions of racist violence. Such an impression may well have been partially dispelled by publicity given to the more recent convictions of the leader and other members of the Australian Nationalist Movement (ANM) in Western Australia. The severity of sentencing in the ANM case provided an excellent demonstration that justice can be done through the court system when appropriate prosecutions are brought and evidence regarding racist motives is given due consideration.

The recommendations made above for specific new criminal and civil remedies for racist violence should enable courts and tribunals to respond more effectively to racist violence. In addition to these substantive reforms, the processes of law enforcement are capable of improvement to provide more equal access. Greater availability of interpreters would demonstrate a commitment to real access and equality and allow justice to be heard to be done. Greater awareness on the part of lawyers, judges and other court officers of the appropriate use of interpreters and of the implications of cultural diversity in relation to matters such as assessment of damages, sentencing and setting of bail conditions, and a greater representation of diverse ethnic groups on juries would assist justice to be done and be seen to be done.

### **Referrals by Commissioner of Potential Criminal Cases**

The Inquiry has already recommended that the *Racial Discrimination Act* be amended to include civil remedies for incitement of racial hostility and racial harassment. It has also recommended that the Federal *Crimes Act* be amended to create new offences of racist violence and

---



---

## Legal Measures and Law Enforcement to Combat Racist Violence

---

intimidation and incitement to racial violence. Clearly there will be cases brought to the attention of the Race Discrimination Commissioner under these new provisions which would also be capable of sustaining prosecutions under the Federal *Crimes Act*. It is therefore appropriate that the Race Discrimination Commissioner be given a power similar to that given to the Federal Privacy Commissioner under the *Privacy Act* or to the President of the New South Wales Anti-Discrimination Board under the *Anti-Discrimination Act* to refer potential criminal cases to the appropriate prosecuting authority, in this case the Director of Public Prosecutions. The power should be a discretionary one and should not jeopardise the right of a complainant to have his or her case considered by the Human Rights and Equal Opportunity Commission under Division 3 of the *Racial Discrimination Act* with a view to civil remedies.

There is express reference to the right to an interpreter in **Interpreters** paragraph (f) of Article 14(3) of ICCPR. This guarantees free assistance and relates specifically only to criminal trials. The more general principles of equality before the law and equal treatment in relation to all judicial proceedings are both emphasised in the international instruments and form a fundamental axiom of our jurisprudence. It is a principle long recognised by the Common Law that a party to a judicial proceeding should be able to hear the case that he or she has to answer. This first rule of natural justice would be somewhat hollow if it were sufficient merely to hear the case without being able to understand it.

The importance of interpreters was raised by Ikawiria, the Indonesian Community Association of Victoria, in evidence to the Inquiry:

The current system of legal interpreters is not satisfactory for the following reasons: one, that there is not enough of them to [go] around; two, they are often inadequately trained; three, there is often a discrepancy between what

---

## Legal Measures and Law Enforcement to Combat Racist Violence

---

the victim or assailant says and what is actually interpreted; and four, that there are so many different dialects that it is very difficult to interpret and sometimes there are words that have no direct English translation.'

Access to interpreters in the Australian legal system is the subject of a report by the Justice Division of the Federal Attorney-General's Department.<sup>22</sup> This report notes that in the 1986 census 370,000 Australians of non-English speaking background stated that they were unable to speak English well or at all and that over two million Australians, including immigrants and Aborigines, speak a language other than English at home. The report also cites examples of miscarriages of justice in the absence of interpreters. One concerned a Scandinavian tourist who had reported a sexual assault and who was required to give evidence at the subsequent committal proceedings. Despite requests both by the Crown and by the witness herself for an interpreter, cross-examination was allowed to proceed for some time without any such assistance and even after an interpreter was made available the use allowed by the bench was very limited.

In another case cited in the report, a non-English speaking migrant (Mr C) was assaulted by a group of young men at a railway station. A scuffle ensued and charges were laid against Mr C but not against the young men. Mr C was brought before a magistrate and remanded in custody for fourteen days for psychiatric assessment when he stated that he did not understand why he was there. On the second court appearance a report was produced stating that because of language difficulty it was not possible to communicate adequately with Mr C but it was considered that he might be schizophrenic. The magistrate remanded Mr C to Long Bay Gaol for a further fourteen days with an order for medical and psychiatric reports and for the assistance of an interpreter to obtain these. Up to this point Mr C had been unable to communicate with anyone. However, a neighbour had been concerned about his absence from

---

## Legal Measures and Law Enforcement to Combat Racist Violence

---

home and set in train a process which broke through the language barrier. Mr C was released on bail and subsequently the assault charges were dismissed. An innocent person was kept in custody for twenty-eight days simply because of an inability to speak English.

For the purposes of this report, the Justice Division conducted a full week's survey of the use of interpreters in all major Federal and ACT courts and tribunals and also secured the co-operation of the New South Wales and Victorian Attorney-General's Departments to survey local courts in those States. These surveys found that interpreters were rarely used in court despite a number of occasions in which litigants or witnesses had difficulty with the English language.

The only States in which statutory rights to interpreters exist are South Australia and Victoria. Amendments to the *Evidence Act 1929* (SA) enacted in 1986 and commencing operation in 1987 entitle a witness to give evidence through an interpreter where the native language of that witness is not English and where the witness is not reasonably fluent in English. The provision applies to the giving of oral evidence in any proceedings. Proceedings are specifically defined to include civil or criminal matters. Amendments made at the same time to the *Summary Offences Act 1953* (SA) extend the right to an interpreter to police questioning. There is no provision covering a party to proceedings who does not wish to give evidence in person. In Victoria, legislation providing a right to an interpreter applies only to proceedings under the *Children and Young Persons Act 1989* and to criminal matters in the Magistrates Court where the defendant is charged with an offence punishable by imprisonment. No statutory entitlement exists in civil proceedings.

In other States and in Federal courts and tribunals, entitlement to an interpreter is a matter of judicial discretion. The threshold question to be determined by the judge or magistrate is whether an accused can speak

---

## Legal Measures and Law Enforcement to Combat Racist Violence

---

or understand English. In criminal cases where the bench is satisfied that the accused cannot do so, an interpreter would be provided free of charge. However, the factors considered by the bench in deciding whether or not the accused requires the assistance of an interpreter have been criticised.<sup>23</sup> Courts appear to be reluctant to permit interpreters to be used. A frequently expressed concern is that an interpreter could provide an unfair advantage to a party or witness who has some knowledge of English. Judges and other lawyers place great store by the direct personal interaction of eliciting oral testimony and observing the demeanour of a witness. Another concern is that an interpreter might intervene or interfere in an inappropriate way in the process of conveying questions and answers to and from the witness.

In civil cases a party has no recognised entitlement to an interpreter. The matter is again subject to judicial discretion, exercised with more stringency than in relation to a person accused of crime. The emphasis has been rather on the court's need to know what a witness has to say rather than on the right of a witness or a party to understand the proceedings. The leading case in Australia is the High Court decision in *Dairy Farmers Cooperative Milk Co Limited v. Acquilina*. The High Court in that case adopted the decision of the Full Court of New South Wales in *Filios v. Morland*<sup>15</sup> in which Justice Brereton said:

The primary consideration, especially where the witness in question is a party, is that what the witness has to say should be put before the court as fully and accurately, and as fairly and effectively, as all the circumstances permit. It maybe that a witness with an imperfect understanding of English cannot achieve this by using English.

Justice Brereton went on to catalogue what he saw as the disadvantages of evidence given through an interpreter lacking the full colour of personal evidence and, he believed, commonly making loose translations or inter-

---

## Legal Measures and Law Enforcement to Combat Racist Violence

---

polating questions and eliciting explanations.

The Australian Law Reform Commission (ALRC) in its report on Evidence (1987) recommended that a witness should be entitled to an interpreter unless the court directs otherwise. The court should allow a witness to give evidence through an interpreter unless the witness can understand and speak the English language sufficiently to enable him or her to understand fully and to make adequate reply to questions that may be put.

The report of the Justice Division of the Attorney-General's Department points out that the difference between this formulation and those in South Australia and Victoria is the prima facie entitlement to an interpreter while allowing a role for judicial discretion and clarification of the appropriate level of language skill at which a witness may be denied an interpreter. The ALRC's recommendation covers both civil and criminal proceedings. However, because of its focus on evidence rather than upon the more general question of justice between the parties, the ALRC does not address the question of a party who does not choose to give evidence. It is considered that the position of such a party should also be protected in that the court should be prepared to allow the use of an interpreter to assist the party to understand the proceedings and, if necessary, to instruct a legal representative. The Inquiry endorses the ALRC recommendations concerning the right to an interpreter.

The Attorney-General's Department report also considers the questions of ethics, competence and accreditation of interpreters for courts. It recommends the establishment of a national registration system for interpreters, including specialist registration of legal interpreters. This would require, in addition to language skills, an adequate knowledge of the judicial system, legal terminology and the role and ethical responsibilities of interpreters. These recommendations are endorsed by this Inquiry. The questions of competence and reliability of interpreters are critical. It is necessary

---

## Legal Measures and Law Enforcement to Combat Racist Violence

---

in order to overcome both the reluctance of judges, as expressed above, and the reluctance of would be litigants and witnesses.

**The Courts and Cultural Diversity** The communication processes central to court proceedings require more than an understanding on all sides of the language in which evidence is given. Language barriers may mask more fundamental differences in the concepts themselves?' Of particular importance in the area of racial violence and intimidation are cultural differences in the value placed on certain words or actions. While the question of whether a civil or criminal wrong has been committed will be a matter of law and determined in accordance with 'objective' tests that do not depend upon particular cultural sensitivities, the questions relevant to the assessment of damages or to severity for the purposes of a criminal penalty should give appropriate weight to the victims' values. Similarly, in assessing the potential or actual effect of words or actions that may incite others to violence or racial hostility, the court must be able to appreciate the consequences in the context of Australia's modern multicultural society.

The Australian Law Reform Commission is presently reviewing in detail the implications of multiculturalism for the Australian legal system. The ALRC has already reported at length on the recognition of Aboriginal customary laws. This report is not the place to canvass all of the complex issues associated with these matters. It is important, however, to emphasise the need for courts to take a broad view of the relevance of questions relating to cultural diversity when dealing with issues of the impact and severity of words or actions. As noted by the ALRC in its report on the recognition of Aboriginal customary laws, this may require some relaxation of Common Law rules of evidence. Of particular concern are rules regarding the scope of expert evidence, specifically in relation to expressions of opinion on the ultimate issue or question to be decided by the court, and

---

## Legal Measures and Law Enforcement to Combat Racist Violence

---

possibly also in relation to hearsay inasmuch as certain expert evidence as to cultural values or customs could be challenged as hearsay.

As a corollary to the recommendation that racist motivation be taken into account in sentencing for crimes, a number of evidentiary questions will be raised concerning an offender's attitudes to persons of different racial or ethnic backgrounds. Such questions may include the history of an offender's words or actions evincing racist views. These questions should be capable of resolution according to existing rules of evidence such as those relating to prior inconsistent statements. As a matter of judicial discretion, the relevance of racist motives or other elements of a crime should be recognised and given a weight reflecting both the effect of the crime on the victim and the consequences of racist violence for society at large.

At present little evidence is available to give accurate **Composition of Juries** information on the racial and ethnic composition of juries. However, anecdotal and impressionistic evidence suggests that Aborigines, Torres Strait Islanders and people of non-English speaking background are significantly under-represented on juries compared with their proportions in Australian society. This in part reflects the method of recruitment of jurors from electoral rolls but no doubt also arises from challenges to potential jurors and from the difficulties of language and general understanding faced by potential jurors of these backgrounds. The basic concept of a jury of one's peers requires that an accused person or a party to a civil case appear before a jury composed of persons drawn from the Australian community as a whole. It is not proposed that juries be matched in some mechanical way to the race or ethnic background of parties to a civil case or the accused in a criminal case. The Inquiry recommends, however, that jury selection procedures be amended and that appropriate information and education be provided to enable all members of the community to

---

## Legal Measures and Law Enforcement to Combat Racist Violence

---

handle jury duty.

Consistent with the concept of random selection of the ethnic composition of a jury from the community at large, a party's right to challenge a potential jury member should not be able to be exercised on the basis of the race or ethnic background of the potential juror. If need be, this should be ensured by amendment to the various Juries Acts.

There may, however, be significant cultural issues at stake in the selection of a jury panel. Cultural rules or traditions may govern categories of people (in terms of their sex or marital status) to whom certain information maybe divulged. These issues are clearly relevant to the scope of evidence that will be able to be elicited from witnesses giving evidence before the jury. Therefore, they are appropriate for the court to take into account in allowing parties to challenge potential jurors.

- Recommendations**
- That, following amendment of the *Racial Discrimination Act* with respect to incitement of racial hostility and racist harassment, the Race Discrimination Commissioner be given the power to refer to the Director of Public Prosecutions potential criminal cases identified in the handling of complaints.
  - That the Australian Law Reform Commission's recommendation concerning statutory entitlement to interpreters be implemented with the further provision of a discretionary entitlement to an interpreter for a party who does not give evidence but is unable to understand court proceedings.
  - That a national registration system for interpreters be established, to include specialist registration of legal interpreters, who would be required to meet strict standards in language skills and adequate knowledge of the judicial system, legal terminology and the role and ethical responsibilities of inter-

---

## Legal Measures and Law Enforcement to Combat Racist Violence

---

preters.

- That barriers to more representative jury selection be removed and information and education be provided to enable all members of the community to handle jury duty.

That objection to a potential juror on the ground of ethnic or racial background be prohibited.

Witnesses and those who made submissions to the **The Police Inquiry** called for major reforms to police practices and procedures. They proposed the implementation of a system of reporting racially motivated offences, achieving decisive responses from authorities to instances of racist violence, equity in the application of other types of police practices, and improvement in the training and selection of police officers in relation to issues affecting Aborigines, Torres Strait Islanders and people from non-English speaking backgrounds.

As noted previously in this report, no official statistics are kept to identify particular crimes as having a racial element. This has caused significant problems in estimating the extent of racist violence and responding to it.

### **The Reporting of Racist Violence**

Police departments and community-based organisations have a role in collecting and maintaining reliable statistics in this area. As the government authority with primary responsibility for investigating criminal activity, clearly the police are in a key position to collect statistics on crimes with a racial element. The issues involved in such a process will be discussed below. Community-based organisations such as Community Legal Centres, Migrant Resource Centres and Aboriginal Legal Services are also in a position to assist with monitoring offences. In addition, the charters and roles

---

## Legal Measures and Law Enforcement to Combat Racist Violence

---

of anti-discrimination bodies could be extended to facilitate the collection of data on incidents which involve racist violence, intimidation and harassment, and the reporting of such incidents to police departments.

Data on racially-motivated offences should be collected and analysed at a State and Federal level. Both the United States experience at State and Federal level and the British experience indicate that the collection of such data is feasible and necessary.

There are no technical reasons why such data could not be collected by Australian jurisdictions. Indeed the Australian Bureau of Statistics currently collects standardised data nationally for 10 criminal offences. As noted in Chapter 9, examples of standardised definitions of racist violence are available. The definition of a 'racially-motivated attack' agreed upon by the British Association of Chief Police Officers is one example. The definition of 'racial violence' by the Boston Civil Disorders Unit provides another model. While there may be some difficulties in reaching an agreed definition, the overseas experience indicates that these difficulties are far from insurmountable. The British Home Office has noted that the most promising approach in developing a definition of racist violence is one which takes account of both the context in which the incident occurs and the victim's perception of the perpetrator's motivation?

The Inquiry believes that 'uniform national procedures' for the collection of statistics on racist violence, intimidation and harassment need to be developed. Those statistics should be analysed and published annually to provide uniform information on the incidence of racially based crime in Australia.

The collection of such statistics has a number of advantages including the provision of accurate public information and assistance to police managers in developing appropriate strategies to deal with racist

---

## Legal Measures and Law Enforcement to Combat Racist Violence

---

violence.

The Inquiry is concerned that, with the exception of the Victorian Ombudsman's Office, other Ombudsman's Offices and Police Complaints Authorities were unable to supply any meaningful information which would have identified the ethnic or racial background of the complainant or indicated whether complaints against police officers contained an alleged racist element. The Inquiry recommends that investigating authorities introduce a system of classifying complaints against police officers according to whether the complainant and/or the investigating officer perceives the actions leading to the complaint to be racially-motivated. If the complainant is willing to be identified on the basis of race or ethnicity, this information should also be included. Such information would provide important data on any systematic victimisation of particular groups or communities.

A factor which is related to the monitoring of racist violence is the incidence of discriminatory and sometimes violent actions by police against Aboriginal and Islander people and the way complaints concerning such actions are dealt with by the appropriate authorities. It was noted in Chapter 5 that there were widespread complaints concerning the inadequacies of police complaints mechanisms. The Inquiry has recommended the creation of a new Federal criminal offence of racist violence, to assist in addressing that problem. There are also a number of other reforms which could be introduced to overcome some of those inadequacies.

In August 1989, the NSW Office of the Ombudsman introduced a designated position for an Aboriginal Investigative/Liaison Officer. The purpose of the position was to increase awareness among the Aboriginal community of the functions of the Ombudsman's Office and to deal with complaints from Aboriginal people. The Aboriginal Investigative Officer has been effective in locating and interviewing Aboriginal witnesses in

---

## Legal Measures and Law Enforcement to Combat Racist Violence

---

relation to complaints against police officers, in facilitating a direct line of communication between particular Aboriginal communities and the Ombudsman's Office, and in providing information on the role of the Office at a local rural level through meetings and the use of local media. As a result, there has been an increase in the number of complaints from Aboriginal people.

The Inquiry considers that designated positions should be established in all statutory authorities which are responsible for investigating complaints against police officers.

### **Priority for the Investigation of Racially Motivated Offences**

The Inquiry considers that higher priority needs to be given by police and intelligence agencies to the investigation of racially motivated offences. This would need to encompass both the activities of organised racist groups and sporadic incidents of racial violence, harassment and intimidation.

The police response to activities by racist groups, even where these clearly constitute criminal activities, has generally been slow and unenthusiastic. The Inquiry has noted that the main complaint from members of ethnic communities in Australia concerning police officers was their indifference to reports of crime involving racist violence. There was also a significant number of complaints from Aboriginal and Islander people that police failed to investigate properly incidents of violence or intimidation when they were reported to the appropriate authorities. It was clear from the evidence that a police perception of what constituted 'serious' crime did not include racist violence *unless* the violence was of a type which would be classified as serious regardless of its racist element (such as an armed robbery). The importance of acts of racist violence has been generally denied under traditional classifications of what constitutes serious crime. Persistent verbal abuse, threats and racist graffiti can have a devastating effect on individuals and families. Yet under traditional

---

## Legal Measures and Law Enforcement to Combat Racist Violence

---

notions of crime such actions (if they are seen as criminal actions at all) are classified as minor offences such as common assault or property damage. Police responses need to reflect the seriousness of such activities. This would go a long way towards improving community relations in Australia.

The Inquiry received serious complaints concerning the actions of police officers, particularly from Aboriginal and Torres Strait Islander people.

### Police Procedures and Practices

The Inquiry requested Police Commissioners in all Australian jurisdictions to provide guidelines and procedures for dealing with complaints from Aboriginal and Torres Strait Islander people. All Commissioners responded, assisting the Inquiry by providing information on Police Instructions, Routine Orders, General Orders and Standing Orders. No Australian police forces have specific instructions or procedures in relation to reporting racially motivated violence or intimidation. The instructions that exist relate to police treatment of Aboriginal and Islander people as criminal suspects, not as victims of crime.

In the *Commonwealth* jurisdiction, Federal Police General Instruction 1 covers Aboriginal and Torres Strait Islander persons. The instruction covers the notification of 'specified organizations', the interrogation of suspects, and grounds for the restriction of access to lawyers, specified organisations or prisoners' friends.

In *Western Australia*, police instructions which relate to the interrogation of Aboriginal suspects can be found in Western Australia Routine Orders. These instructions set out guidelines for the conduct of police when interrogating Aboriginal people and are designed to prevent inadmissibility of confessions by Aboriginal people as a result of failure to understand the meaning and effect of police interrogation.

---



---

## Legal Measures and Law Enforcement to Combat Racist Violence

---

As in other States these instructions set out the requirements necessary to comply with the 'Anunga Guidelines' for the interrogation of Aboriginal and other persons who have difficulties with the English language.<sup>29</sup> Other instructions specify contact with Aboriginal Legal Service personnel.

In *Queensland*, Police General Instruction 4.54A refers to Police Questioning Persons Under Disability. Within this Instruction, section (c) refers to the questioning of Aborigines and Torres Strait Islanders.

In *South Australia*, Police General Order 3810 deals with racial discrimination, while General Order 3015 refers to Aboriginal people. The instruction outlines the operations of the Aboriginal/Police Liaison Committee and Liaison Officers, the employment of trackers, protection of relics and cultural objects, access to Aboriginal Legal Service officers and the Aboriginal Child Care Agency, and interrogation of Aboriginal people. As a result of the Interim Report of the Royal Commission into Aboriginal Deaths in Custody Police Command Circular 90/12 introduced new guidelines to deal with attempted suicides by detainees.

In the *Northern Territory*, the 'Anunga Guidelines' appear in Police General Order Q2.

In *Victoria*, Chapter 17 of the Police Manual sets out instructions relating to Aboriginal persons. It requires notification of arrests to the Missing Persons Bureau which is responsible for contacting the Aboriginal Legal Service.

In *NSW*, Police Instruction 38 deals with Aboriginal people. It states that the policy of the Force is non-discriminatory and that it 'is not the policy of this Force to discriminate in favour of Aborigines any more than it is to discriminate against them'.

---

## Legal Measures and Law Enforcement to Combat Racist Violence

---

The Instruction deals with Aboriginal people in custody in relation to self-inflicted injury or suicide, and states that where diversionary facilities are available Aborigines should not be detained for minor offences. In addition every effort should be made to advise relatives, friends or the Aboriginal Legal Service concerning a person detained. Instruction 38 also covers procedures in relation to entry into Aboriginal lands, Aboriginal relics, skeletal remains and rights in relation to hunting, gathering and fishing.

The Instruction also states that a patrol commander must maintain an open line of communication. A regular forum for discussion should be established where Aboriginal people represent a group within a patrol commander's area.

In *Tasmania*, the Police Standing Order 144 deals with the arrest of Aboriginal persons. It specifies that every precaution should be taken in relation to self injury or suicide, that Aboriginal people should be admitted to bail at the first opportunity and not placed in cells unless there are exceptional circumstances. Section 144.3 requires 'every effort to be made' to notify relatives, friends and Aboriginal Legal Aid.

Police instructions are simply guidelines which do not have the force of law. Reports from the Royal Commission into Aboriginal Deaths in Custody have pointed out that police departments have approached police instructions as guidelines which do not have to be strictly complied with. Commissioner Wootten reported that such an approach 'makes it very difficult to hold police accountable even for clear breaches of mandatorily expressed instructions.'" This Inquiry strongly recommends the development of statutory codes of practice for police in relation to Aboriginal people and people of non-English speaking backgrounds to ensure better protection of the rights of these people and clearer

---

## Legal Measures and Law Enforcement to Combat Racist Violence

---

accountability of police.

The level and nature of police intervention into particular Aboriginal communities is of serious concern to the Inquiry. The evidence strongly suggests that in some areas Aboriginal communities are over-policed. The use in some instances of specialist police forces such as the Tactical Response Group in the policing of Aboriginal communities or events is also a matter of concern. Police operations should not discriminate on the basis of race or ethnicity. They should not target particular communities for undue surveillance or intervention. They should ensure justice and equality for all and reflect the principles of equity and equality. In addition, racist abuse and intimidation by members of police forces towards people of Aboriginal, Torres Strait Islander and non-English speaking backgrounds is clearly occurring and is an unacceptable practice which needs to be addressed both through training and disciplinary procedures.

**Community Relations Strategies** Police forces throughout Australia were asked to provide information on community relations strategies and special programs for people of Aboriginal, Torres Strait Islander and non-English speaking backgrounds. The following is a summary of information provided to the Inquiry.

The *Australian Federal Police* does not have a program to actively recruit Aborigines or persons from non-English speaking backgrounds. However, it is currently examining the possibility of advertising vacancies in the ethnic media. It also proposes to introduce 'Ethnic Workshops' and make greater use of ethnic media outlets.

In *South Australia*, the Multicultural Services Section of the Community Affairs Branch of the Police Department deals with issues relating to Aboriginal people and people from non-English speaking back-

---

## Legal Measures and Law Enforcement to Combat Racist Violence

---

grounds.

As far as Aboriginal issues are concerned, the Section has a Police/Aboriginal Liaison Officer, two Field Liaison Officers and 18 District Liaison Officers at various locations. These positions are filled by police officers. The Section conducts monthly meetings of the State's Aboriginal/Police Liaison Committee.

There are 12 Aboriginal Aides serving in Aboriginal communities, and a three year program has been introduced to increase the number of Aboriginal Aides by seven each year. In addition, each of the aides over the three year period will be assessed for suitability to begin the Academy training course to become police constables.

In June 1989, an Aboriginal Visitors Scheme under the responsibility of the Minister for Aboriginal Affairs was introduced for Aboriginal persons detained in custody.

The Ethnic Unit within the Multicultural Services Section of the Police Department is comprised of a sergeant, senior constable and constable and is primarily responsible for liaison and conducting regular forums with ethnic communities. As of November 1990, there were three Aboriginal police constables and one Asian constable in the South Australian Police Force.

In *Victoria* the Police Department has an Ethnic Affairs Advisory Unit and an Aboriginal Advisory Unit. Recent recruitment campaigns have been directed towards ethnic communities.

Aboriginal Community Justice Panels have been established with the aim of improving relations between Aboriginal people who come into contact with the criminal justice system and the police. The

---

## **Legal Measures and Law Enforcement to Combat Racist Violence**

---

panels are co-ordinated by the Aboriginal Legal Service and comprise members of the Aboriginal community. The aims of the panel include:

- (i) minimising contact of Aboriginal persons with the criminal justice system by working with police on appropriate diversionary programs;
- (ii) co-ordinating the welfare of any Aboriginal person in police custody;
- (iii) assisting in other areas of the criminal justice system including the courts and prisons.

Panel members are required to:

- (i) advise police of any known medical or behavioural background relevant to the detainee while in custody;
- (ii) be available to take custody of Aboriginal people charged for minor offences;
- (iii) assist in welfare matters, bail etc;
- (iv) arrange legal assistance if necessary;
- (v) notify relatives or friends; and
- (vi) liaise with police regarding problems existing within or confronting the Aboriginal community.

As of July 1990, there were five regional co-ordinators appointed to establish Community Justice Panels in areas with particular Aboriginal communities or needs. Fourteen panels had been established.

An Ethnic Affairs/Police Liaison Committee has

---

## Legal Measures and Law Enforcement to Combat Racist Violence

---

been formed to develop community relations strategies. The Committee is comprised of 15 members nominated from the Victorian Ethnic Affairs Commission, the Police Department and a representative from the Equal Opportunity Board.

In addition, all police initiatives in the area of police—ethnic relations come under the umbrella of Operation Ethos.<sup>m</sup> Its programs fall under the categories of ethnic community information and education; police education; advisory services; and liaison with ethnic communities, community organisations and government departments.

In NSW, an Aboriginal Liaison Unit has been established in the Aboriginal Ethnic Liaison Section of the Community Relations Bureau of the Police Department. A number of community workshops have been held in Bourke, Walgett, Wilcannia and Mt Druitt with input from the Aboriginal community. The workshops are designed to sensitise local police to the needs of the people in the particular community.

A 12 month Tertiary Preparation Certificate Course has been introduced to prepare Aboriginal students for entrance into the NSW Police Academy. There are currently 14 Aboriginal students undertaking the course. The Department states that it has an active program of recruiting Aborigines and people of non-English speaking backgrounds with recruitment targets set each year and specific advertising and recruitment strategies.

The position of Aboriginal Services Co-ordinator (staffed by an Aboriginal person) has been created to provide senior policy advice on Aboriginal issues. A similar position has been established for an Ethnic Services Co-ordinator.

Aboriginal Community Liaison Officers (staffed by

---

## Legal Measures and Law Enforcement to Combat Racist Violence

---

Aboriginal officers) have been introduced in a number of areas throughout the State including Redfern, Wilcannia, Bourke, Brewarrina, Dubbo, Walgett and Moree. According to NSW Police Instructions (38.24) the function of the Community Liaison Officers is to assist 'police in their daily dealings with members of the local Aboriginal community'.

In addition, Regional Commanders may appoint Liaison Officers (who in some cases have been serving Aboriginal police officers).

The NSW Police Department has appointed Ethnic Liaison Officers (staffed by police officers) on a number of police patrols. In Cabramatta and Fairfield there are also four civilian positions for community liaison officers. A basic course in Vietnamese has also been conducted for a number of officers serving in the Cabramatta /Fairfield area.

A number of initiatives have been designed or introduced in *Queensland*, partly as a result of the Fitzgerald Inquiry.' Within the Community Policing Branch of the Queensland Police Service the position of Aboriginal /Torres Strait Islander/Ethnic Policy Co-ordinator has been established. A new emphasis on community policing strategies has seen the proposed establishment of advisory bodies to function as regional consultative groups and a number of community-police liaison committees have been established in various areas.

Aboriginal and Torres Strait Islander Liaison Officer positions (staffed by police officers) have also been established in Cairns, Townsville, Mt Isa and Rockhampton. There are also Community Liaison Officers (staffed by police officers) at the police district level.

The Government plans to introduce a bridging

---

## Legal Measures and Law Enforcement to Combat Racist Violence

---

course through the Department of Technical and Further Education to enable Aboriginal and Torres Strait Islander people to enter the Police Academy. The recruitment section of the Department mounted a campaign to attract people from non-English speaking backgrounds in 1989.

The *Northern Territory* Police Aide Scheme began in 1979. It developed out of a concern with inadequate surveillance of coastal areas at a time of unauthorised landings by refugees. The original plan was to use members of remote Aboriginal communities as information gatherers. Seven aides were recruited and trained in 1979. The role of the aides has been extended to the point where they are now utilised for selective community policing and public safety. They have limited powers of arrest as prescribed in their 'Instruments of Appointment'. The aides are also covered by the Northern Territory Police Association Tribunal Determination and have their own conditions of service, salaries and rank structure. There are annual training programs for each aide. The police aides are initially proposed by the local community and then considered by the Police Department. As of October 1990, there were 24 aides employed in 21 communities. The appointment of a further ten aides was approved in late 1990.

The Northern Territory Government is also discussing the implementation of a wardens program in Aboriginal communities. It is envisaged that wardens would enforce appropriate community by-laws. As the wardens would derive their authority from the community, they would not be considered aligned with the police. The warden program would be an informal community-based policing program and would serve to supplement and complement the police aide scheme. It has been suggested that the widening of the police aide scheme and its integration with a wardens program should allow police to lessen their presence in some

---

## Legal Measures and Law Enforcement to Combat Racist Violence

---

communities and possibly withdraw altogether from others.

A police task force has been established to develop strategies aimed at attracting and retaining 'members of racial and minority ethnic groups'. The task force reported in late 1990 and programs are currently being developed to implement its recommendations.

An Aboriginal Aide Scheme has also been introduced in *Western Australia* where, as of November 1990, there were 64 aides.

The WA Government attempts to keep an Aboriginal representation level of 16 per cent amongst police cadets. There are no target levels for people from non-English speaking backgrounds.

The *Tasmanian* police have no policy of actively recruiting persons from Aboriginal or non-English speaking backgrounds. The Department has, however, appointed a sergeant with responsibility for liaison with Aboriginal communities and promoting multicultural issues.

There have been moves in some States to increase the number of Aboriginal and Islander people and people from non-English speaking backgrounds as fully qualified members of police forces. The use of bridging courses to enable entry into the police academy in some States is a worthwhile initiative. The Inquiry also notes that such recommendations in relation to Aboriginal people have been reiterated by a number of Inquiries and Commissions over the last fifteen years including the Laverton Royal Commission (WA),<sup>34</sup> the Commonwealth House of Representatives Standing Committee on Aboriginal Affairs Report on Aboriginal Legal Aid,<sup>35</sup> and the Australian Law Reform Commission's Report on the Recognition of Aboriginal Customary Law.<sup>35</sup> The Inquiry agrees with the Australian Law Reform

---

## Legal Measures and Law Enforcement to Combat Racist Violence

---

Commission's view that it is preferable to aim at a long term strategy of employing Aboriginal people and people from ethnic groups as fully trained police officers rather than simply as liaison officers.

There is also a need for the development of appropriate community justice mechanisms. The Inquiry is concerned that in a number of States there were criticisms of the implementation of liaison schemes. For instance, of the sixteen alleged incidents of police violence in the Gallagher study, in three cases an Aboriginal police aide was present during the assault." In addition there appears to be a wide discrepancy in the effectiveness of such schemes. Evidence to the Inquiry notes that the Aboriginal-Police Community Relations Committee in Geraldton had become an effective mechanism for communication between the community and senior police in the area?' However in other areas such as Murray Bridge and Meningie (SA), Aboriginal people had been critical of the establishment of such liaison groups because they had primarily served the interests of the police." According to evidence from Mareeba, Aboriginal people were unaware that there was an Aboriginal Liaison Officer at the police station until after this Inquiry had made some investigations in the area. It is understood that the Victorian Community Justice Panels and the Northern Territory Police Aide Scheme have in general received favourable comment.

Evidence to the Inquiry raised serious doubts as to the **Training, Selection, adequacy of police training and selection. Submissions and Promotion of** from both Aboriginal and Torres Strait Islander people **Police** and people from non-English speaking background raised the issue of police training as an area of particular concern. In Geraldton, for instance, inadequacies in police training and selection were seen as exacerbating racial tensions." The Inquiry contacted police forces throughout Australia for information on their community relations training programs and was most concerned at the inadequacy of many of the replies. The responses

---

## Legal Measures and Law Enforcement to Combat Racist Violence

---

are presented below.

Members of the *Australian Federal Police* (AFP) are introduced to community relations through in-service training. New members are given an eighty minute lecture on police procedures in relation to persons of non-English speaking backgrounds. According to the Assistant Commissioner, 'attitudes and customs at variance with the Australian lifestyle, and cultural difference between Aboriginals and ethnic and white society/ Australian lifestyle are discussed'. Two hours and forty minutes are provided for this section of the course. There is also a proposal currently before the AFP to provide for one presentation by Aboriginal community leaders to new recruits. In 1989 selected members of the ACT region of the AFP attended a six month Aboriginal Studies course.

In comparison to some other States, *NSW* recruits receive relatively extensive training, both in the number of hours devoted to the subject and the range of material available. There are a number of compulsory training modules which deal with Aboriginal and ethnic issues during Police Academy training. In addition probationary constables who are assigned to areas with substantial Aboriginal populations are required to meet members of the Aboriginal community as part of their induction.

All new recruits in the *Northern Territory* receive twenty hours instruction on Aboriginal culture and society from a Senior Lecturer in Anthropology at the Northern Territory University. A one hour lecture is given on 'Policing on Small Settlements' by a member of the force who has served or is serving in an Aboriginal community. Specialist training is also given in issues affecting new immigrants, community relations and conflict resolution.

In *South Australia* new recruits receive an introduc-

---

## Legal Measures and Law Enforcement to Combat Racist Violence

---

tory lecture on Police—Aboriginal and Ethnic Relations. This lecture is followed by a one day workshop on Aboriginal awareness and a similar one day workshop on ethnic issues. Police officers who wish to transfer to areas with large Aboriginal communities are required to attend a three day in-service workshop. According to the Department, a more structured approach to training in Aboriginal issues is being implemented.

In *Queensland*, training for new recruits in Aboriginal and ethnic issues includes ten forty-five minute sessions on Aboriginal and Torres Strait Islander cultural studies within the course on communication and human relations training; three sessions related to Aboriginal and Torres Strait Islander awareness which includes information on specific legislation and police practices; and seven periods allocated to workshops conducted by Aboriginal and Torres Strait Islander people. In-service training in the area has been the responsibility of regional liaison officers.

There are a number of training programs under consideration in Queensland, partly as a result of the Interim Report from the Royal Commission into Aboriginal Deaths in Custody." These proposals include a senior police training program, a training package for Aboriginal people who serve on selection panels to select police officers for Aboriginal communities, an induction package for officers prior to commencing work on Aboriginal communities and an Aboriginal cultural /social awareness training package for trainee and serving police.

New recruits in *Western Australia* receive training in Aboriginal issues over a one-day period. The topic is evaluated by means of examination. In-service training in relation to Aboriginal issues is not provided. There is no training for new recruits in relation to issues affecting people from non-English speaking

---

## Legal Measures and Law Enforcement to Combat Racist Violence

---

backgrounds. According to departmental correspondence such training is not given because 'there is not a perceived need at this time'.

Training in *Tasmania* includes a subject entitled 'The Individual and Society' which has some study of Aboriginal and ethnic communities. A new subject entitled 'Human Relations' is currently being developed.

The extent of training in community relations varies across jurisdictions both in the time allocated and the sophistication of curriculum development. Some courses devoted to Aboriginal issues may simply involve training in interrogating Aboriginal suspects to comply with instructions and rules to ensure admissibility of evidence. It is also difficult to assess the educational value of one hour lectures. Certainly the British commentators have criticised police training in the area of 'race relations' for the use of one-off seminars! Such initiatives may operate as little more than public relations exercises, with no discernable effect on day-to-day policing practices. Similarly, the provision of information on ethnic or indigenous culture does not necessarily have any impact on attitudes and prejudices or on the development of effective policing strategies.

The Inquiry believes that police training should include appropriate education in cultural issues and community relations but this should be seen as a part of normal police training and professional development. Both initial and in-service training should emphasise that it is an officer's duty to provide professional service to all residents. Training could include supervised placements in areas with significant numbers of persons from Aboriginal or non-English speaking backgrounds. In addition, Aboriginal people and people from non-English speaking backgrounds should be involved in curriculum development and teaching.

More attention needs to be paid to the selection of police

---

## Legal Measures and Law Enforcement to Combat Racist Violence

---

officers who will serve in areas with large Aboriginal or non-English speaking populations. It is encouraging to see that the Queensland Police Department is looking to the establishment of selection committees with Aboriginal representation for officers undertaking duties in Aboriginal communities.

The Inquiry is also aware of developments in NSW in respect of screening new recruits in relation to racist attitudes. This approach accords with the views of the Royal Commission into Aboriginal Deaths in Custody which recommended in its *Interim Report* that:

Appropriate screening procedures should be implemented to ensure that potential officers who will have contact with Aboriginal people ... are not recruited or retained..., whilst holding racist views.<sup>42</sup>

The Inquiry believes that the criteria for promotion within State and Federal police authorities should include demonstrated ability to work with Aboriginal people and people from non-English speaking backgrounds.

- That uniform national procedures for the collection **Recommendations** of statistics on racist violence, intimidation and harassment be developed, and that the incidence of racially-based crime in Australia be reported upon annually by an appropriate Federal agency.
- That Federal and State police record incidents and allegations of racist violence, intimidation and harassment on a uniform basis, and that such statistics be collected, collated and analysed nationally by the appropriate Federal agency.
- That Migrant Resource Centres, Aboriginal Legal Centres and community legal services accept complaints of racist violence, intimidation and harassment for referral to the police.

---

## **Legal Measures and Law Enforcement to Combat Racist Violence**

---

- That the charters and role of anti-discrimination bodies be extended to facilitate reporting to the police of incidents of racist violence, intimidation and harassment.
- That authorities with the statutory role of investigating complaints against police officers (Ombudsman's Offices etc.) establish (where they have not already done so) designated Aboriginal and Islander investigatory positions with the sole function of following up complaints from Aboriginal and Islander people and designated Aboriginal and Islander education and information officers with the function of providing accessible information to Aboriginal communities in relation to police complaints mechanisms.
- That police and other intelligence agencies accord a high priority to the investigation of racially motivated offences and racist groups and assist in ensuring the successful prosecution of such offences.
- That statutory codes of practice be developed for police in relation to Aborigines and Torres Strait Islanders and people of non-English speaking background to ensure better protection of the rights of those people and clearer accountability of police.
- That police operations reflect the principles of equity and equality towards people of Aboriginal and non-English speaking backgrounds and ensure that particular communities are not targeted for extraordinary policing measures.
- That racist violence, intimidation and harassment by members of the police forces be considered a serious breach of duty and attract severe penalties, including dismissal from the force.
- That State and Federal police forces promote the establishment of community justice mechanisms in

---

## Legal Measures and Law Enforcement to Combat Racist Violence

---

areas where such schemes would be appropriate.

- That police training include appropriate education in cultural issues and community relations and provide for supervised placements in areas with significant numbers of persons of Aboriginal and non-English speaking backgrounds.
- That the elimination of racist attitudes and practices be accorded an essential place in the recruitment and training of police, and that such attitudes and practices not be condoned in policing operations.

That Federal and State police forces promote the recruitment of persons of Aboriginal and non-English speaking backgrounds, and provide special training programs to ensure that persons of those backgrounds are able to meet recruitment standards and prerequisites.

That people of Aboriginal and non-English speaking backgrounds be involved in the development of curricula and materials for police training in cultural issues and community relations, in the presentation of training programs and in the assessment of trainees.

That Federal and State police forces require experience and proven ability to work effectively with people of Aboriginal and non-English speaking backgrounds as prerequisites for promotion.

---

## Legal Measures and Law Enforcement to Combat Racist Violence

---

- Endnotes**
- 1 (a) *Hill v. Water Resources Commission* (1985), EOC 92-127.
  - (b) *O'Callaghan v. Loder* (no. 1) 1984, EOC 92-022; (no. 2) 1984, EOC 92-023/92-024.
  - (c) Federal Court  
*Hall and Ors v. A and A Sheiban Pty Ltd and Ors* (1989), EOC 92-250.  
HREOC  
*Hall and Ors v. Sheiban and Anor* (1988), EOC 92-222.
  - 2 *Mandla v. Dowell-Lee* (1983), 1 All ER, 1069; *King-Ansell v. Police* (1979), 2 NZLR 531.
  - 3 See Castles S., 'Programs to Counter Racist Violence: The International Experience' unpublished paper commissioned by the National Inquiry into Racist Violence, Sydney, 1990, p.12.
  - 4 See discussion in Human Rights Commission Occasional Paper no. 2 *Incitement to Racial Hatred: The International Experience, 1982*, pp.4-11.
  - 5 *ibid.*
  - 6 Sections 201, 202 and 203 of *Civil Rights Act 1964* and sections 803, 804, 805, 806 and 818 of *Civil Rights Act 1968*. Christenfeld T., 'Government Responses to Racial Violence in America', unpublished paper commissioned by Stephen Castles, p.14.
  - 8 Lee V N, 'Legislative Responses to Hate Motivated Violence: The Massachusetts Experience and Beyond', *Harvard Civil Rights*, vol. 25, no. 2, Summer 1990, p.296.
  - 9 *ibid.*
  - 10 *Beauharnais v. Illinois*, 343, US (1952) 250-305.
  - 11 Christenfeld, *op cit*, p.10
  - 12 Reported in the *Los Angeles Times*, December 1990, p.25.
  - 13 *Glimmerveen and Hagenveek v. the Netherlands*, 1979, 4 European Human Rights Reports, 160.
  - 14 *King-Ansell v. the Police* [1979], 2 NZLR 531.
  - 15 Western Australian Law Reform Commission Report *Incitement to Racial Hatred*, Project Number 86, 1989, paragraph 4.2.
  - 16 Committee on the Elimination of Racial Discrimination, *Positive Measures Designed to Eradicate all Incitement to, or Acts of, Racial Discrimination*, United Nations, New York, 1986.

---

## Legal Measures and Law Enforcement to Combat Racist Violence

---

- 17 *ibid*, para 218.
- 18 *ibid*, paras 225-229.
- 19 US Department of Justice Press Release, 25 October 1990.
- 20 Lanita Idrus, Melbourne Hearing, transcript, p.67.
- 21 Ilcawida, Indonesian Community Association of Victoria, Melbourne Hearing, transcript, p.70.
- 22 Federal Attorney-General's Department, Access to Interpreters in the Australian Legal System, AGPS, Canberra, 1991.
- 23 'Legal Interpreting: A Fair for Go for Migrants Before the Law', *Law Society Journal*, November 1988, p.56; L W Roberts-Smith, 'Communication Breakdown', *Legal Service Bulletin*, vol. 14, no. 2, April 1989, p.75.
- 24 (1963) 109 CLR 458.
- 25 (1963) SR (NSW) 331.
- 26 For example see the different way of dividing parts of the body and parts of the day in English and related languages compared to Eastern European languages such as Polish, Serbian and Slovenian, discussed in detail in 'Communication Breakdown', LW Roberts-Smith, *op cit*.
- 27 Report no. 31, AGPS 1986.
- 28 British Home Office, 1989, *op cit*, para 215.
- 29 See *R. v. Anunga; R. v. Wheeler (1976)* 11. A.L.R. 412. The Anunga Guidelines, which were originally spelt out in a judgment by the Northern Territory Supreme Court, relate to the conduct of police when interrogating Aboriginal people and are designed to assist police to prevent inadmissibility of confessions by Aboriginal people as a result of failure to understand the meaning and effect of police interrogation. The Guidelines require the presence of a 'prisoner's friend' during interrogation and specify that no questioning take place until the suspect understands why he or she is being charged.
- 30 Wootten H., *Report of the Inquiry into the Death of Mark Wayne Revell*, Royal Commission into Aboriginal Deaths in Custody, AGPS, Canberra, 1989.
- 31 Described in the Draft Report of the National Conference on Police Services in a Multicultural Australia, Melbourne, August 1990, p.3.
- 32 Fitzgerlad A., *Report of a Commission of Inquiry Pursuant to Orders in Council*, (Fitzgerald Report), Queensland GPS,

---

## Legal Measures and Law Enforcement to Combat Racist Violence

---

- Brisbane, 1989.
- 33 Western Australian Government, *Report of the Ixwerton Royal Commission 1975-1976*, WAGP, Perth, 1976.
  - 34 Ruddoc Report, *Aboriginal Legal Aid*, Report of the House of Representatives Standing Committee on Aboriginal Affairs, AGPS, Canberra, 1980.
  - 35 Australian Law Reform Commission, *The Recognition of Aboriginal Customary Law*, vols. 1 and 2, AGPS, Canberra, 1986.
  - 36 Gallagher M., 'Evidence of Racist Violence from the Pilbara Region Western Australia', unpublished paper commissioned by the National Inquiry into Racist Violence, Sydney, 1990.
  - 37 Allbrook Cattalini, 'Community Relations in Geraldton, Western Australia', unpublished paper commissioned by the National Inquiry into Racist Violence, Sydney, 1990.
  - 38 Saunders S., 'Report on Community Consultations in Adelaide and Murray Bridge', unpublished report commissioned by the National Inquiry into Racist Violence, Sydney, 1990.
  - 39 Allbrook Cattalini, op cit, p.3.
  - 40 Muirhead J H, *Interim Report*, Royal Commission into Aboriginal Deaths in Custody, AGPS, Canberra, 1988.
  - 41 Gordon P., *White Lew*, Pluto Press, London, 1983; and Oakley R., 'Community and Race Relations for the Police: A Review of Developments', *New Community*, vol. 16, no. 1, 1989, pp.61-79.
  - 42 Muirhead, J H, op cit. p.51.

---

## Chapter 12: Strategies to Confront Racism

---

### Structural Change

This section of the report is concerned with strategies to eliminate racist violence, attitudes and practices from neighbourhoods, workplaces, schools and campuses.

The Inquiry considers that service providers and workers in schools, unions and government agencies should be encouraged to provide support for the victims of racist violence, and to work for the prevention of racist violence by formulating anti-racist policies and work practices. To assist in this process, the Inquiry has developed a framework for implementing institutional change, incorporating elements of the most effective models put into practice in this country and overseas. The framework is included as Appendix 12.

---

### Introduction

### Racist Violence and Discrimination in Housing

#### *Public Housing*

As indicated in Chapters 6 and 8, a significant level of racist violence takes place in public housing estates. In part this could be due to Aboriginal people and recently arrived immigrants living in public housing in greater numbers than in private accommodation.

We have currently got a case at the [Migrant Resource] Centre of an El Salvadorean family whose next door neighbours — they have only been in the house for two days — have given them that much harassment and intimidation, racist harassment, that this family feels that they just cannot stay there.

They have presented to the centre frantic that they cannot live in that house any longer and we are trying to get them other priority housing at the Ministry, just so they can get out of the house. They are very distraught about this. They have actually been to the police and the police have

---

## Strategies to Confront Racism

---

said that nothing can be done about it. That is one example.'

There are two different but related dimensions involved in responding to this problem:

- (i) developing specific strategies to deal with racist violence; and
- (ii) ensuring non-discriminatory access to housing services.

The practice of the various State and Territory public housing authorities varies greatly. Only the NSW Department of Housing has a special Multicultural Housing Unit. This unit has a staff of four and its main responsibilities are the development of policies and guidelines in matters relevant to tenants and applicants of non-English speaking background, liaison with ethnic communities and the production of information for applicants and tenants in community languages. Victoria has an Ethnic Liaison Officer within the Policy and Programs Division of the Ministry of Housing and Construction. The Northern Territory, where the percentage of tenants who are of Aboriginal or Torres Strait Islander origin is approximately 10% to 15%, has an Aboriginal Housing Unit and Aboriginal Housing Advisory Service in Darwin. The Queensland Department of Housing and Local Government has recently appointed Aboriginal Liaison Officers for the first time.

Most government housing authorities do not have a specific policy on racist harassment or violence. However, NSW is currently working on new guidelines to include serious religious or cultural differences as grounds for transfer and to recognise the important principle of taking the victims' perceptions seriously when requests for transfer are lodged.' There is a severe lack of data concerning racist violence in public housing estates, and departments generally do not keep records in terms of race or ethnicity. This would indicate that racist violence is not yet seen as a major problem or one

that requires action, despite the clear evidence that racist violence or abuse is a significant source of neighbourhood disputes and that these disputes can easily take on racist overtones.

The Inquiry considers that housing departments and housing managers should be required to assess the nature and extent of racist violence in their areas of responsibility and act on it.

From the incidents reported to the Inquiry it seems that migrant and Aboriginal families could have been spared much harassment had they not been placed next door to people with known racist views or if they had been placed near at least a few families who spoke the same language or were of the same culture. In recognition of this problem, public housing authorities in New South Wales, South Australia and Victoria are giving serious consideration to strategic allocation of newly arrived migrant families. South Australia is devolving its allocation functions to local housing managers who are more familiar with the issues involved.

Limitations on the right to refuse offered housing without penalty make it vital that the likelihood of harassment is a recognised non-penalty ground for refusal of offer. In NSW, where would-be tenants can lose their position on the waiting list if they refuse an offer in their chosen area, steps have been taken to recognise that applicants may have information about racist neighbours from relatives or from previous residents and therefore should be allowed to refuse an offer without penalty. In other States, such as Tasmania where there is no limitation to the right of refusal without penalty, the issue does not arise.

Victoria is examining the allocation of newly arrived migrants to residences near other members of their communities and close to government and other agency services. Housing department officers in some other States have expressed the view that the creation of 'ghettos' is to be avoided. This is indeed a difficult

---

## Strategies to Confront Racism

---

problem in that applicants' preference for a particular locality and desire to be housed quickly are often seen as more important to them, even where they have been given cautionary information about a particular housing offer by other community members or department officers. Systems based on the waiting list principle do not sit easily with policies of sensitive placement.

In the absence of strategic placement policies, there is also the option of dealing with racist violence and harassment by evicting or transferring perpetrators. Tenancy leases usually contain some clause requiring tenants to agree not to interfere with the peaceful enjoyment of the tenancy of other residents. Most housing authorities do not use this clause alone to evict harassers. For example, the eviction of a family that is dependent on welfare is obviously something that public housing authorities are anxious to avoid as far as possible. Where harassers have been evicted the main reasons have been non-payment of rent and gross damage to property. In the opinion of housing managers, the harassment of neighbours and racist attitudes are often found in conjunction with these other factors.

A few evictions on the grounds of racist harassment or intimidation have taken place in Victoria, Tasmania and Queensland, but eviction is an extremely lengthy process and it would only be favoured by this Inquiry in exceptional circumstances. The provision of information about the duties and obligations of public housing tenants, the avenues of complaint open to them and the forms of assistance available are of great importance to recent migrants who find themselves subject to racist harassment in their new homes. Information in English is of little use to many tenants of non-English speaking background. The NSW Housing Department's Multi-cultural Unit produces material in community languages and considers that some parts of the lease agreement and other correspondence vital to tenants'/ applicants' interests should be translated. In Victoria there is general information about applying for

public housing and a statement of rights and obligations available in a variety of languages. In Queensland no tenants' handbooks or public information brochures were available before December 1988 when translations of general information became available in four languages only. Present policy is to provide general purpose 'how to get assistance' leaflets in as many languages as possible. Currently, leaflets in 17 languages are available. South Australia and Western Australia are reviewing their policies in accordance with recent procedural changes.

Housing managers have not always accepted that there should be a tenant welfare aspect of their work and many see themselves principally as property managers. While some refer victims to other organisations others advised that if it was not a matter for the police then there was little that could be done. Queensland has appointed its own housing referral workers for counselling tenants, but these are not necessarily bilingual. With the exception of general cultural awareness and client services training, there is no evidence of material relevant to dealing with racist harassment in tenancy manager training.

The review of State housing department perceptions and responses to racist harassment conducted for the Inquiry suggests that racist harassment is very possibly under-recognised and under-reported in Australia. No State authority denied that it existed (although the Tasmanian department saw it as a very minor problem), but no State was in a position to assess the size of the problem.

The first priority for public housing authorities is to develop effective anti-racist violence policies and procedures to identify and deal with the problem.

As indicated in the guidelines for implementing structural change (see Appendix 12), this would **initially** require a working definition of racist violence, data collection about the incidence of violence on particular

---

## Strategies to Confront Racism

---

estates, grievance handling procedures, and active support for victims. In developing these policies, management needs to designate people who are responsible for implementing anti-racist goals. They should be senior managers, and it should be made clear that achievement of these goals will be regarded as an important part of their performance assessment.

All tenants should be made aware of their rights and responsibilities under the policy, and new tenancy agreements should include a clause about tenants' obligations to refrain from harassing neighbours or other tenants on any grounds, including those of race, colour, descent, or national or ethnic origin.

This approach needs to be reinforced by a general anti-racist policy which ensures fair access to housing and the provision of appropriate and accessible housing support services through the employment of Aboriginal or ethnic workers, improved access to translation and interpreter services, the establishment of neighbourhood dispute mediation facilities, and closer consultation with youth workers to develop inclusive programs for young people on estates.

Clearly, managers and housing officers will need to be given appropriate training to assist them in furthering these objectives, recognising the needs of tenants of different backgrounds, and providing enhanced security measures on all estates.

- Recommendations**
- That public housing authorities develop and implement anti-racist policies and strategies for all housing estates, and especially those which have significant numbers of persons of Aboriginal, Islander and non-English speaking backgrounds.
  - That anti-racist strategies include the employment of bi-cultural and community workers, the establishment of structures to resolve disputes between neighbours and deal with racist harassment and

violence, and the promotion of good community relations.

- That managers of public housing authorities and estates be required to ensure that all residents are able to enjoy a neighbourhood free from racist violence, intimidation and harassment.

Under the *Racial Discrimination Act*, owners, landlords and real estate agents are prohibited from discriminating on the basis of race, colour, descent, or national or ethnic origin in the lease or sale of private accommodation. This discrimination can be direct or indirect (where, for example, the right of all tenants to quiet enjoyment of rented premises is said to be jeopardised). **Private Housing**

As many victims of racist attacks live in privately owned or rented accommodation, the Inquiry strongly recommends that the private housing industry develop an anti-racist code of practice for its members.

In some cases people in private accommodation are victimised because of anti-racist views or membership of anti-racist organisations. They are targeted as a result of the disclosure of information by government agencies. Stricter security measures are therefore required to restrict access to private information held by motor vehicle registration authorities and other agencies. Further, Telecom should respond promptly when individuals are being harassed by threatening or abusive telephone calls.

- That the private housing industry develop and **Recommendations** implement an anti-racist code of practice for its members.
- That government authorities, especially road traffic authorities, increase security measures to prevent access to or release of personal information without prior notification and without proper cause.

---

## Strategies to Confront Racism

---

**Racism in the Workplace** A number of people reported racist harassment at work. From the examples given in Chapter 6 it is clear that the involvement of both management and unions is necessary in developing strategies to prevent racism and redress grievances, support victims, discourage perpetrators, prevent recurrences of racist behaviour, and promote equal employment opportunity. Again the strategies involve data gathering, monitoring and evaluation; establishment of grievance procedures; publicising and enforcing anti-racist and non-discriminatory guidelines and work practices; and providing training and support for managers, staff and union officials. Industrial awards also need to be varied to include provisions guaranteeing freedom from racial discrimination and racial harassment as a condition of employment.

Apart from the distress which incidents [of workplace harassment] have caused to the individuals themselves, they have implications for many groups in the community.

From these minor events come violent reactions which do not allow any conciliation. The most vulnerable sectors of the workforce are the ones who are punished by losing their jobs or being forced to leave.<sup>3</sup>

The Federal *Racial Discrimination Act* 1975 prohibits discrimination in employment on the grounds of race, colour, descent or national or ethnic origin. Employers are liable under the Act for discrimination by their employees unless they can show that they have taken all reasonable steps to prevent such discrimination. Managers have a legal obligation, therefore, to eliminate all discriminatory practices from workplaces, including practices which amount to racist violence, intimidation or harassment. The strategy contained in Appendix 12 may be of assistance to them in this.

Unions have a special responsibility for anti-racist action in defence of all of their members. However they can be placed in a difficult position when those responsible for racist acts or abuse are also union members (as occurred

in the *Ardeshirian* case discussed in Chapter 6). Thus a union anti-racist policy needs to emphasise that racist violence or harassment is totally against union policy, and that no member who is responsible for racist acts can expect union support.

Union officials are well placed to act as mediators between members before formal grievance procedures are activated, provided they have training and support in these roles. Unions, like employers and managers, have an interest in developing procedures which contribute to safe, co-operative working environments. However, victims of racism will have little confidence in a union whose own procedures, policies, structures or personnel are not fully representative of its members. Unions need to examine their own participation and leadership, and develop anti-racist strategies within the union as well as with employers.

Unions can also play a role combating racist views which divide employees and target certain groups of workers as scapegoats for the economic difficulties faced by industry.

Many industrial awards already contain provisions to prohibit racial discrimination. Such provisions should be extended to all awards and they should be enforced.

New policies and work practices must be backed by adequate resources. Management needs to ensure that appropriate training and information programs are provided in accordance with structural efficiency principles. Further, specialist training needs to be provided in pre-service and in-service courses for community service professionals, e.g. police; youth, community and social workers; and teachers. It is also necessary to identify and provide training for the key people in any particular agency or workplace, e.g. counter staff, service deliverers and community liaison workers.'

- That employer and employee organisations co- **Recommendations**

---

## Strategies to Confront Racism

---

operate in the development and implementation of anti-racist policies and training programs to eliminate racism from the workplace.

- That all industrial awards include provisions guaranteeing freedom from racial discrimination and racial harassment as a condition of employment and that such provisions be enforced.
- That trade unions assist employers to take action to remedy situations of racial discrimination and racial harassment in the workplace.

### Education and Racism

Existing programs available in schools promoting multi-cultural awareness must be given impetus. More financial support must be given to inservice education programs for teachers in order that they be better equipped to promote multicultural awareness and racial tolerance to students.<sup>5</sup>

The relationship between education and racism is complex. Schools and campuses may be subjected to racist attacks by organised racist groups (usually in the form of graffiti campaigns and vandalism), and students and staff can suffer individual or group harassment, intimidation and outright physical violence. In addition, schools and campuses may be accused of perpetuating institutional racism in terms of their educational philosophies and in their roles as workplaces. On the other hand, they provided unparalleled opportunities for developing anti-racist strategies, both at the institutional level and in the education of the students who attend them.

**The Educational Response to Cultural Diversity** The educational response to Australia's cultural diversity has been of two distinct kinds. First, there are specific education programs *for migrants*, where the main goal is to enable migrants to adapt to the challenges and requirements of their new country. This is primarily achieved through instruction in the English

---

## Strategies to Confront Racism

---

language. Since the 1970s, however, educational authorities have also been concerned with increasing the self-esteem of migrant students through providing opportunities to maintain community languages, funding for ethnic schools, and the endorsement of difference as a positive value.

Second, there is education *for multiculturalism*. The goal here is social cohesion and the targets are students of all ethnic backgrounds. The underlying assumption has been that sensitivity, respect and understanding can be increased by exposure to minority cultures and improved knowledge about them. The strategies employed here have included:

- exposure to the various cultures in the school community by means of special occasions devoted to exploring the traditions and artistic activities of different countries using films, musical performances and visiting speakers as well as drawing on the talents of school students;
- participation in language study and cultural activities by students of all backgrounds, for example, Greek dancing may be an activity for all of second grade;
- the introduction of material about other cultures into conventional subjects.

This report does not purport to cover the complex issues of multicultural and anti-racist education. There have been a great array of committees and a bewildering number of inquiries into and policies on multiculturalism in education since the early 1970s. The current emphasis, developed by the National Advisory and Co-ordinating Committee on Multicultural Education (NAACME, 1987) concentrates on the key elements of equity, identity and understanding. Equity is about equality of access and participation by ethnic minorities. Identity is to be developed by such measures as the promotion of languages other than English and under-

---

## Strategies to Confront Racism

---

standing aims at achieving intercultural sensitivity and respect. This new approach is still seeking expression in State multicultural education policies. At present a mixture of earlier approaches co-exist in policy form and an even greater diversity is to be found within schools themselves, although in the absence of regular national reviews of practice it is difficult to monitor multicultural education.

**Schools and Racist** The evidence to the Inquiry indicated that parents and

**Violence** students are concerned by the often unconscious presentation of racist views in the classroom and the racist violence and intimidation that can arise. The Islamic Council of NSW and the Committee for Arab Australians told the Inquiry that during the Gulf crisis some teachers' comments about 'Arabs' and 'Muslims' were hurtful and threatening to students.<sup>6</sup> In other cases students feel that the history and cultural traditions of their homelands are either entirely ignored, misrepresented or devalued in ways that reinforce the prejudices or ignorance of other students. Aboriginal and Torres Strait Islander students still find that Australian history can be taught without acknowledging the status or rights of indigenous people, and that many teachers still hold inaccurate or derogatory stereotypes of Aboriginal people.

I worked seven years in the education system. I was the only Aboriginal liaison officer and we had 400 schools in my portfolio. The racism in the schools was enormous. Today they have more liaison offers. [In one] Senior High School the English teacher put a paper in the school asking students to comment ... and my niece was one of those who burst into tears and ran from the school because of some of the things that they were asked ...

It was the worst piece of literature I have ever seen — ever put in a school — and I think some of the things we need to look at, if we are to change the attitudes of people, are [that] we need Aboriginal history in the school. We need to teach Aboriginal history in regard to truth, and I think

---

## Strategies to Confront Racism

---

truth is the main thing about all of Australia, because Australia is living in a false world.

You know, they are saying everything is okay. History has been written by the white people, and Aboriginal history is not taken into account, and - sure, bring out all the massacres, bring out all the atrocities committed. Let everybody know what Australia was really like, and then we can create a better Australia.

We cannot push into multiculturalism unless we address all the facts in every part of the school system.'

Many students either do not feel safe at school or are the victims of subtler forms of racism. Truancy, absenteeism through stress-related illness, poor academic performance, misbehaviour, and low retention rates are only some of the consequences of racism at school. These consequences restrict the successful school participation of many children of Aboriginal and non-English speaking backgrounds and deprive them of the skills and training they need in the job market and in society generally.

The school community must accept that it has a responsibility to oppose racism and to work for an optimum educational (and working) environment. This is best achieved through the development of explicit anti-racist strategies along the lines of the policies which are already in place in South Australia and New South

At present there tends to be very little information available to school management and staff about who experiences racism, in what forms, and from whom; or how schools can successfully accommodate students from different cultural backgrounds. However, community groups have given evidence to the Inquiry that racism is usually perpetrated by other students, although sometimes staff members may be implicated. It follows that efforts to create a co-operative and non-racist school community must actively involve staff,

---

## Strategies to Confront Racism

---

students and parents, and must address the suspicions and grievances which give rise to racism and which may be provoked by any action to counteract it. Counselling and mediation should be available in all cases of racist violence or harassment. A formal mechanism to deal with complaints and grievances should be established.

An immediate task is to respond to racism and racist violence in schools, support its victims and work towards its elimination. This calls for the building of an inclusive school environment with good relations with the community (see the Community Relations section of this chapter for further details). School rules and expectations which discriminate against or offend particular groups of students and parents need to be reviewed. Racist graffiti and materials should be quickly removed from school property. Strategies to respond to verbal taunts and harassment should include developing the students' own skills in conflict resolution and co-operative problem-solving. Policies to assist teachers and other staff to reflect the ethnic diversity of the school and the community should be encouraged and extended.

Trusted, accessible and authoritative staff should be designated as the initial contacts for racist complaints, but responsibility for acting against racism must be shared by all staff, and involve training and support for auxiliary staff as well as teachers. The commitment of school managers, education authorities and professional associations at all levels of education is vital.

Aboriginal studies and multicultural studies are often only electives in pre-service and in-service teacher education, and may not address issues of racism in an effective manner. As all teachers are teaching in a multicultural society and one in which racism and racist violence are immediate problems, they must be given time, support, training and resources to meet these new responsibilities. Pre-service and in-service training should prepare teachers to respond positively to cultural differences and language difficulties, and to develop practical anti-racist strategies and skills.

---

## Strategies to Confront Racism

---

There are many examples of good teaching practices in relevant areas, and of strategies to combat prejudice and racism in the classroom. It is important therefore that current work be evaluated and information about the best of it disseminated. Most importantly, special priority needs to be given to developing new curriculum materials to teach all students about Aboriginal and multicultural history and society, and to do so in a way that counters racism and fosters good community relations.

- That government and non-government education **Recommendations** authorities work with teachers and teacher unions, and with students, parents and community groups affected by racism to develop anti-racist education policies and formal grievance procedures to deal with allegations of racist violence, intimidation and harassment in schools.

That government and non-government school education authorities provide training to assist teachers to deal with issues of cultural difference and racism in the staffroom, classroom and playground.

- That school principals ensure that allegations of racist violence, intimidation and harassment are taken seriously and resolved through grievance procedures, mediation and counselling.
- That school curriculum initiatives on multicultural and multiracial issues be supported, evaluated and extended.

Some campuses of technical and higher education **Technical, Higher and Adult Education** institutions have been directly targeted by organised racist groups, and most have experienced some incidents of racist violence. In 1989 the Sydney University Students' Representative Council conducted a phone-in to determine the extent of racism and racist violence on

---

## Strategies to Confront Racism

---

campus. It found that:

racism, racial harassment and racist violence within, not only Sydney University, but all tertiary institutions, is pervasive and, in fact, extensive. Despite awareness being evident in the upper echelons of some institutions, this awareness is very slow in filtering down.<sup>9</sup>

The Inquiry is of the view that each campus or education centre requires an anti-racist policy, which could include the adoption of a working definition of racist violence, the collection of information and keeping of records, and a formal grievance procedure, with designated people responsible for action against racism.

Students and staff who experience or fear racist violence should be supported in practical ways. In many cases there are already student counselling services and student groups for this. In other cases a women's adviser or centre may help. Individual staff members who are seen as sympathetic and accessible, often because of their anti-racist work or because they teach in programs with high minority student enrolments, do much informal counselling, usually without recognition and in addition to their often heavy teaching load. While the involvement of such individuals is to be encouraged, they too need support, which should be formalised and endorsed by the senior managers and education authorities.

Some campuses or centres have special support programs for Aboriginal or Torres Strait Islander students or for overseas students. While special services are required to meet particular needs, a campus or centre-wide anti-racist strategy is essential, both to build alliances across group boundaries and to avoid the situation which is reported on some campuses where Aboriginal students or overseas students are seen as having advantages which many local students including those from non-English speaking backgrounds do not have.

Education authorities need to inform all students and

---

## Strategies to Confront Racism

---

staff of their rights and obligations under various anti-discrimination and equity programs, and devise specific anti-racist policy statements and guidelines. Some specific strategies are also needed to inform students and staff of the existence of anti-racist or anti-discrimination policies and contact persons, and to encourage them to report incidents or seek advice and assistance.

Equal education opportunity programs should include all groups that are vulnerable to discrimination. A guide to non-sexist and non-racist language can be incorporated into course and assessment materials. Cross-cultural and anti-racist training should be available to all staff, and demonstrated commitment in these areas should be a criterion for promotion. Lecturers should be supported in course development and methods in terms of what they teach and how they teach it. Library and other resources are needed to support more inclusive teaching.

Some education courses are important to any wider action against racism. Teacher education, social work and health education courses should all incorporate core units in cross-cultural studies and anti-racist strategies. Indeed, all students could benefit from education for living and working in a multicultural society. Adult and continuing education centres should be encouraged to devise and offer a range of short courses for practitioners and others in cross-cultural, anti-racist and community information areas.

As is the case with school education, Aboriginal people and many from non-English speaking backgrounds find their own experiences largely absent from curriculum material or represented in curriculum material in ways that offend them and also reproduce racism in the wider community. The inclusion of different perspectives will challenge many people's notions of history and identity. Therefore, educators need to develop anti-racist strategies for use in their own teaching and in tutorials and less formal discussions.

---

## Strategies to Confront Racism

---

Campuses also need to examine their formal and informal procedures for discrimination against minority students, including admission requirements. Some campuses already have special entry programs (for example, for Aboriginal students) to attract eligible students from disadvantaged backgrounds. All education institutions should be encouraged to analyse their admissions policies and practices in this light.

Specific strategies to improve campus safety have already been introduced by some institutions, as a result of attacks on women. These strategies are also of assistance to students from minority groups. Better campus lighting, an internal bus if the campus is large, improved general security and a public stand against any form of harassment are all essential. Racist and sexist graffiti and posters should be removed as soon as possible after they appear.

- Recommendations**
- That education authorities with responsibility for technical, higher and adult education develop anti-racist policies and guidelines in consultation with the management, staff, students and unions involved.
  - That teacher education, social work, health education and other appropriate courses incorporate core units in cross-cultural studies and anti-racist strategies.
  - That government and non-government higher education institutions and technical colleges establish formal mechanisms to investigate allegations of racist violence, intimidation and harassment of students and staff.

The mass media are the main means by which most Australian residents receive information about race issues. Few members of the majority white Anglo-Celtic group have close contacts with Aboriginal people and many have little close contact with members of ethnic minorities. Their image of and knowledge about these people draw heavily on information and perceptions conveyed through the media.

Media reporting on issues such as the situation of Aboriginal people in our society, changes in Australia's ethnic composition, racial conflicts and multiculturalism is central to shaping community attitudes about these issues. The media can therefore play a significant role both in communicating and soliciting the ideas, fears and resentments of racism and in informing and educating Australians about each other. In this area as in many others, the media have an immense impact both for good and ill.

Many people complained to the Inquiry about what they believed was racism in media reporting and expressed their concern that such reporting may create a social climate tolerant of, or even likely to promote, racist violence.

This was particularly true of Aboriginal people, who complained of long standing racism and insensitivity on the part of the media (see Chapter 5). People of non English speaking background pointed to coverage of issues such as the immigration debate and the Gulf war as directly contributing to an increase in racist violence (see Chapter 6).

The Inquiry recognises that the media have a right and indeed a responsibility to report on race issues. However, the question arises as to whether the media generally exercise impartiality, accuracy and balance in

---

---

## Strategies to Confront Racism

---

reporting such issues. The perpetuation and promotion of negative racial stereotypes, a tendency towards conflictual and sensationalist reporting on race issues and an insensitivity towards and often ignorance of minority cultures can all contribute to creating a social climate which is tolerant of racist violence.

**Evidence Presented to the Inquiry** As set out in Chapters 5, 6 and 7, many people gave evidence to the Inquiry about the role of the media in dealing with issues relating to people of Aboriginal or non English speaking backgrounds. They complained about media representations which they felt to be racist, racially offensive and likely to encourage racism and racist violence.

**Reporting on Aborigines** The evidence presented to the Inquiry suggested a range of serious concerns of Aboriginal people in relation to the media. There was ample evidence of discriminatory reporting and racial stereotyping. It was argued that such presentations legitimise coercive and violent measures against Aboriginal people.

Aboriginal people were particularly concerned that Aborigines are often represented by the media as 'criminals'. They have long experienced being reported almost solely in relation to their alleged association with or involvement in crime, their rejection of state discipline and the squalor of their living conditions.

It has been argued that there has been a shift in stereotypical portrayals of Aboriginal people over the last 30 years, from 'victims' to 'criminals'.<sup>10</sup> The media tendency to represent urban violence and racial conflict from the perspective of law enforcement agencies, particularly from the police viewpoint, exacerbates this problem.

The Inquiry received evidence from all over Australia about allegedly racist reporting of Aboriginal issues. Chapter 5 of this report documents a number of specific examples of discriminatory reporting and racial stereo-

typing in regard to Aboriginal people.

Discriminatory reporting in relation to crime stories was cited as being particularly likely to generate a climate conducive to racist violence. Terms such as 'black terror/ or 'black crime wave'" clearly convey a sense of racial hostility and threat. Other examples included stories where a person's ethnic and racial origin was only mentioned if the person was Aboriginal or Islander. Aborigines in many rural areas complained that local media reinforced racist attitudes and generated fear and tension in their reporting of race issues.

The question of balance arises not only in relation to the presentation of individual stories, but in regard to the predominance of negative reporting on Aboriginal people. While the role of the media in exposing injustices or highlighting the problems faced by Aboriginal communities is a most important one, there were many complaints about racist portrayals and the lack of media coverage of positive developments within Aboriginal communities.

Reporting on the Aboriginal community in the Sydney suburb of Redfern is cited in evidence to the Inquiry by Prof. Andrew Jakubowicz as an example of the media's predominantly negative reporting on Aboriginal people. The focus on 'police raids' and law and order issues in relation to the community has resulted in a constant identification of the community with crime and violence.<sup>12</sup>

Media coverage of Redfern has provided numerous examples of sensationalist and provocative reporting. The former Sydney afternoon newspaper *The Daily Mirror*, in reporting on disturbances in Redfern in May 1989, headed the story 'Bloodshed Fears in Riot Zone', with a subheading 'Battleground Redfern: another day of violence'.<sup>13</sup>

Several witnesses at the Inquiry's Redfern hearing complained of biased and negative media coverage. Local

---

## Strategies to Confront Racism

---

youth worker Shane Phillips told the Inquiry:

I believe our number one enemy is the media because the media are the ones that create all the negative thoughts in people's heads out there.'

The Inquiry does not question the media's right or responsibility to report 'the facts' or to report on issues of social concern. Indeed, as already indicated, these are very important responsibilities. However analysis of the coverage given to the Redfern community over a number of years is indicative of the media's tendency to focus on conflict and the tendency to too often accept the police version of events.

After the police raid in Redfern in February 1990 (described elsewhere in this report) *The Sydney Morning Herald* covered very well the conflicting views of the community and the police towards the raid and canvassed a number of the significant social justice issues involved. Other print media subsequently published in-depth features on Redfern which reported on positive developments within the community — most notably, *GH Magazine's* 'Our Place'.<sup>15</sup> However such balanced reporting on the Redfern Aboriginal community would appear to be significant more for its rarity than for any real achievement of overall balance in media coverage of this particular community.

Evidence presented at the Inquiry's hearing in Redfern indicated that the community perceives the electronic media in particular as one of the major weapons of their oppression, and one they feel least able to resist.

The community's outrage over the *Sixty Minutes* program 'The County' and their lack of success in complaining about the program to the Australian Broadcasting Tribunal (see Chapter 5) was cited as evidence of the powerlessness of Aboriginal people to counter or correct what they perceive as racially offensive reporting. In the eyes of many of those giving evidence to the Inquiry, the program had maliciously exposed the problems of their

---

## Strategies to Confront Racism

---

community to ridicule and hatred:<sup>6</sup>

It is worth noting that in this case the Tribunal referred the complainants to the Ethics Committee of the Australian Journalists' Association and suggested that the Union might be the appropriate place to 'express you [sic] concern' — implying that an ethical breach may have occurred but no breach of standards!

The development of Aboriginal broadcasting has provided a mechanism for expression of Aboriginal viewpoints. However only rarely in the mainstream media are Aborigines presented as powerful and in control. Television programs which represent the reality of Aboriginal experience are isolated and tend to be restricted to ABC and SBS productions, such as ABC TV's *'Blackout'*, and SBS TV's *'First in Line'*, *Women of the Sun'* and the *'Rainbow Serpent'*.

Evidence to the Inquiry suggests that there is a connection between media coverage of immigration issues, foreign affairs and events involving ethnic minorities and the level of harassment experienced.

### ***The Perceptions of People of Non-English Speaking Background on the Role of the Media***

As part of the Inquiry's outreach program, members of immigrant communities throughout Australia were brought together to discuss external factors influencing the incidence of racist harassment (see Appendix 2).

Evidence from these groups and many other submissions received by the Inquiry cited the media coverage of certain issues and events as affecting the level of harassment and violence directed towards people of ethnic minorities. These included coverage of the so called Immigration Debate, the national economic situation (for example, high unemployment), the influx of Vietnamese refugees, the issue of Japanese property developers and more recently the Gulf War (see Chapter 6).

The Inquiry recognises, of course, that most of the media

---



---

## Strategies to Confront Racism

---

coverage of these issues was proper and unbiased. However the perceived connection between media coverage and harassment makes it imperative that news reporting not sensationalise items involving immigrant groups.

Alarmist or sensationalist treatment of race related issues, coverage which focuses on conflict and extremist views, the unwarranted introduction of race or ethnicity into a story, reporting stories in such a way as to suggest a threat from, or imply widespread wrongdoing by, an ethnic group, and perpetuating negative stereotypes of a particular ethnic group may all indirectly fuel racial hostility.

An examination of media coverage of the Immigration Debate demonstrates the problem of the media giving large amounts of media coverage to spokespersons with extreme views, such as Mr Bruce Ruxton. This style of reporting tends to increase conflict in race relations and increase the potential for racist violence.

Overt incitement of racist violence in the media is rare. An extreme example of inflammatory media comment was the statement by Sydney radio commentator Mr Ron Casey in response to a caller's complaint about a Chinese restaurant, 'It makes you feel like getting a dozen or so of your footballing mates together and have a night down there and sort these little bastards out!'

These and other on — air comments by Mr Casey referring to 'little Chinks', 'blinking Japs and slopes' and 'all you need to do to get a job is to have plastic surgery on your eyes to look like an Asian', made in 1986 and 1987, were the subject of complaints to the Australian Broadcasting Tribunal. The Tribunal found that Radio 2KY and Ron Casey had breached radio program standards relating to racial vilification.

**Recommendations** • That the media strive for more balance in the reporting of race related issues and avoid sensationalist coverage of these issues.

- That the media avoid the unwarranted introduction of race or ethnicity into a story, and particularly the unnecessary use of ethnic-specific labels in reporting on suspected or convicted criminals.

The impact of media reporting of incidents of racist **Reporting Racist** violence or harassment needs to be carefully assessed. Violence Both anti-racist groups and communities affected by racist violence are ambivalent about the merits of reporting racist attacks to the media.

Research evidence from both the USA and Australia strongly suggests that media portrayal of violence will accentuate tendencies to violent behaviour amongst those who are encouraged to behave in that way from family and peer networks, and will have minimal effect on those whose environment does not reinforce violent behaviour."

Sensitive and considered media reporting can help to galvanise public opinion against such violence. However there is a risk of generating publicity for extremist groups, prompting copycat attacks or increasing an atmosphere of threat through sensationalism and exaggeration.

In some instances, it seems, the media have been exploited by racist groups in basing stories on fabrications by the groups themselves. Any reports on the activities of extremist groups should be well researched and not based on the claims of these groups.

- That media organisations establish clear policies or **Recommendation** guidelines for the reporting of incidents of racist violence which encourage sensitivity to the potential impact of such reporting.

The recent conflict in the Gulf and its impact on Arab **The Gulf Crisis: A** and Muslim Australians has highlighted the problems **Case Study**

---

## Strategies to Confront Racism

---

which can be faced by minority communities in Australia when an external crisis is 'internalised' as hostility and violence towards particular ethnic or religious groups within Australia. It has also highlighted the significant role which can be played by the media in either reducing or increasing community tensions.

Arab and Muslim organisations reported a significant increase in the level of harassment and violence against their communities during the Gulf crisis. There were also reports of violence and harassment against people of Middle Eastern origin who are neither Arab or

Media coverage both of the situation in the Gulf and of the reaction of Arab and Muslim Australians to that situation is perceived by these communities as having helped to create a climate of increased threat and hostility.

In a submission to the Inquiry before the Gulf conflict the Islamic Council of NSW complained about media portrayal of Islam and Muslims as dangerous and threatening to the security of Australia. The Council claimed that there had been many media reports over the years which had portrayed Islam as a malevolent force which, while at the moment quiescent, could eventually threaten the security of Australians. Two television programs were particularly identified as having vilified Muslims: *'Nostradamus'* on the Seven Network (screened August 1989) and *'Sword of Gideon'* on the Ten Network (screened September 1989)."

Prof. Jakubowicz told the Inquiry that most Australians have little knowledge about Middle Eastern politics and religion, including Islam. Australian perceptions tend to be of a monolithic Islam encompassing all of the Middle East, without regard for the differing nationalities and religious beliefs in the area."

As mentioned in Chapter 6, anti-Arab and Muslim feeling is largely based on stereotypes: an identification of

Arabs and Muslims with violence (such as terrorism, the taking of hostages, brutality to women, and calls for the death of Salman Rushdie) and with 'unAustralian values' (for example, religious fundamentalism and conservative views about women and moral issues).

Jakubowicz has confirmed this, giving evidence that the portrayal of Islam as the enemy of Western values came to dominate media accounts of Islam in the wake of the Salman Rushdie affair.<sup>23</sup> If, as Jakubowicz says, this lack of understanding about Islam and particularly the perception of a monolithic Islam call into play all the prejudices normally associated with ethnic antagonisms, then media coverage of the Gulf conflict which helped to promote these perceptions had the potential to increase hostility towards Arab and Muslim Australians.

The danger in sensationalist or uninformed reporting of the Gulf crisis was that the coverage of Islamic issues could rapidly turn to scapegoating, where local Australian Muslims (and non Muslim Arabs) could be harassed for alleged connections with events perpetrated by some Muslim Arabs elsewhere in the world.

Much of the media coverage in the months leading up to the outbreak of war was perceived by the Arab and Muslim communities as not only ill informed but inflammatory. A number of professional commentators criticised some of the media reports during the Gulf crisis as racist and complained that the approach of media representatives to individuals had been intimidating and offensive

Dr Greg Tillett advised the Inquiry that some of the recent coverage of Arab and Muslim Australians has included misinformation, particularly in relation to the concept of *jihad*, or holy war. He also contends that the media have exploited 'media shock' by, for example, using sensational and misleading headlines and opening statements, such as 'Arab terrorists' or 'Muslim extremists'. Such phrases are more likely to be recalled

---

## Strategies to Confront Racism

---

than the more detailed stories which they accompany and are likely to have a negative impact on perceptions of Arabs and Muslims.

Arab and Muslim leaders raised their concerns about the media coverage at meetings in Sydney and Melbourne with senior media personnel. The Sydney meeting was convened in November 1990 by the Human Rights and Equal Opportunity Commission and the NSW Ethnic Affairs Commission. The Melbourne meeting was convened in February 1991 by the Human Rights and Equal Opportunity Commission, the Victorian Ethnic Affairs Commission, the Office of Multicultural Affairs and the Victorian Equal Opportunity Commission.

Speakers from the Arab and Muslim communities emphasised at both meetings that their communities in Australia are not monolithic in terms of opinion, religion or culture. They were particularly critical of the tendency of many media outlets to represent all Arabs as Muslims and all Muslims as Arabs, both in covering the Gulf crisis itself and in referring to the different communities in Australia.

Many media reports were seen as inaccurately characterising the crisis as Arabs and/or Muslims versus the West. Representatives complained that a number of media outlets, in particular television, were not approaching recognised leaders of the Australian communities for comment, preferring to conduct random street interviews with Arab people who were being portrayed as representative of all Arab Australians. The question of the loyalty of Arab and Muslim Australians was repeatedly raised during interviews and stories relating to the crisis.

Media portrayals of Muslims were seen as demonstrating a fundamental ignorance of Islam and as perpetuating negative and destructive stereotypes. It was argued that inaccurate and insensitive reporting was having the effect of raising tensions in the community, and may have been contributing to an increase in acts of racial

---

## Strategies to Confront Racism

---

hostility and violence against Arabs and Muslims. The communities were also concerned at what they saw as their lack of effective access to the media and their powerlessness to correct inaccurate and often inflammatory stories.

Media representatives pointed out the constraints under which the media often operate when trying to convey information about complex, contentious issues. It was suggested that the Arab and Muslim communities should try to communicate directly with media organisations by, for example, making spokespeople more readily available and responding quickly to inaccuracies.

In considering the situation of Arab and Muslim Australians during the Gulf crisis, the Inquiry concluded that there had been many incidents of harassment of members of these communities but that in fact there had been no serious deterioration in community relations and no general victimisation of Arabs and Muslims. The experience clearly demonstrated that multiculturalism is working well.

Nonetheless, the Inquiry considers that legitimate concerns have been raised by members of the communities concerning media coverage of the Gulf conflict. The Inquiry makes a number of specific recommendations on media reporting on Arabs and Muslims.

- That media use of the term 'Muslim', as in 'Muslim **Recommendations** extremists' or 'Muslim fanatics', be avoided unless it actually refers to people who are most accurately identified by their religion.
- That ethnic-specific labels be avoided wherever possible, particularly in headlines and that, where such labels are a necessary part of the story, they be as accurate and as specific as possible.
- That when reporting on Islamic belief or practice,

---

## Strategies to Confront Racism

---

particularly on controversial issues like calls for a *jihad* (holy war), authoritative leaders of representative groups be consulted.

- That Arab and Muslim organisations take a more active role in informing the media of community issues and concerns and ensuring that media outlets are aware of representative groups and appropriate spokespersons to be consulted when required.
- That the Human Rights and Equal Opportunity Commission and other anti-discrimination bodies provide regular opportunities for consultation and exchange of views between the media and leaders of Arab and Muslim organisations.

**Addressing Racism in the Media** The development of ethnic and Aboriginal media has provided a mechanism for expression of immigrant and Aboriginal viewpoints, but there are presently very few resources available to these communities for addressing what they perceive to be expressions of racism or racial vilification by mainstream media outlets.

**The Australian Broadcasting Tribunal** The Australian Broadcasting Tribunal, established by the *Broadcasting Act 1942*, is a quasi-judicial body charged with licensing and regulating commercial and public radio and television stations. The jurisdiction of the Tribunal does not extend to the Australian Broadcasting Corporation (ABC) or the Special Broadcasting Service (SBS).

The existing powers of the Australian Broadcasting Tribunal to set standards for commercial radio and television have resulted in relatively strict standards in relation to racially offensive material or incitement to racist hatred.

As indicated earlier, the effectiveness of the Tribunal has been questioned by Aboriginal people disappointed with decisions such as that made in regard to the *Sixty*

*Minutes* 'Coon County' program (see Chapter 5). However the action taken by the Tribunal in relation to the breach of broadcasting standards by 2KY and Mr Ron Casey has been commended by ethnic community groups

The broadcasting legislation is presently under review and the powers of the Tribunal to regulate the standards for radio and television may be curtailed or abolished. The Inquiry considers that these proposals reinforce the need for effective Federal legislation to deal with incitement of racial hostility.

There is no government regulation of the print media in ***The Press Council*** relation to race issues, other than that which prevents discrimination in employment or in the offering of goods and services, or censorship on the grounds of obscenity or violence.

The Press Council imposes standards on its members by way of self regulation. These standards include refraining from publication and display of racist or racially offensive material. However, not only are there no effective sanctions for breach of such standards, but the crucial questions of definition are left to members of the industries concerned. Knowledge of the mechanisms for making complaints to the Press Council is not widespread and information is unlikely to be available to members of racial and ethnic minorities.

The Australian Journalists Association has a Code of ***The Australian*** Ethics with a provision relevant to issues of reporting ***Journalists*** race, in so far as it states that journalists 'shall not place ***Association*** unnecessary emphasis on gender, race, sexual preference, religious belief, marital status or physical or mental disability'.

The Code is part of the industrial award covering journalists, and therefore has the force of law. However the general nature of the Code would appear to leave its

---

## Strategies to Confront Racism

---

practical interpretation to the vagaries of personal values and editorial direction.

Complaints against journalists for breaches of the Code are taken to State Judiciary Committees for assessment. They ultimately have the power to expel members, thus jeopardising their employment. There do not appear to have been any breaches of the code in relationship to race or ethnicity which have proceeded to this point.

**Media Monitoring** The ability to effectively monitor the media is an important tool for groups wishing to respond to, or take action over, racist reporting. The Communications Law Centre at the University of New South Wales was able to support complaints to the Australian Broadcasting Tribunal in relation to Mr Ron Casey, but its assistance is restricted to community groups in NSW.

The Office of Multicultural Affairs (OMA) has recently initiated a project whereby consultants will be funded to monitor media reporting on multicultural issues. The Aboriginal and Torres Strait Islander Commission (ATSIC) currently proposes to fund Aboriginal and Islander groups to monitor media in each State and Territory and, where appropriate, respond to biased and unfair reporting. The proposal is part of the community relations strategy under the National Agenda for a Multicultural Australia.

- Recommendations**
- That any proposal to modify or abolish the powers and processes of the Australian Broadcasting Tribunal take into account the need to retain an effective avenue for the handling of complaints of racism and racial vilification in the media.
  - That the Press Council develop standards for reporting issues relating to race and ethnicity which are based on those adopted by the Australian Broadcasting Tribunal for the electronic media.

---

## Strategies to Confront Racism

---

- That the Ethics Committee of the Australian Journalists Association develop a detailed Code of Practice for journalists reporting issues relating to race and ethnicity and ensure the observance of that Code by members of the Association.
- That the Office of Multicultural Affairs and the Aboriginal and Torres Strait Islander Commission establish community-based training programs to ensure that people from Aboriginal and ethnic communities can acquire skills to help them to proceed with complaints about what they perceive to be racist or unfair reporting and to have a greater input into media agendas.
- That funding be provided to enable community groups representing people of non English speaking background to monitor and respond effectively to media reporting on race related issues.

The *Australian Broadcasting Corporation Act 1983* (Section 6) requires the ABC to provide radio and television **Broadcasting Corporation (ABC)** programs which 'contribute to a sense of national identity' and 'reflect the cultural diversity of the Australian community'.

ABC television has established a Multicultural Programs Unit and an Aboriginal Production Unit. As well, TV management has included a standard multicultural assessment as part of all internal and external program commissioning. The Aboriginal Production Unit has been involved in a number of one-off documentaries, as well as the '*Blackout*' program on television.

ABC radio has recently released guidelines on non-racist language to ensure that broadcasters do not offend minority groups. ABC Radio's *Radio National* broadcasts discussion and documentary programs on race and ethnic issues. Morning radio programs such as Andrew 011e on Radio 2BL (Sydney) have been consistent in their criticism of racist groups and the provision of air time to

---

## Strategies to Confront Racism

---

cover the activities of anti-racist organisations.

**SBS** The Special Broadcasting Service (SBS) has responsibility for ethnic radio (i.e. broadcasting in community languages) and multicultural television (broadcasting to the 'whole community' in English and in languages other than English with sub-titles).

The SBS has a Policy on Combating Racism which imposes contractual obligations on suppliers and contractors to meet SBS anti-racist goals. This Policy is the first Australian government agency 'contract compliance' strategy in relation to racism. The Policy commits SBS to counter stereotyping by presenting minority group members in a wide variety of roles.

The SBS has taken important initiatives in relation to Aboriginal programming, including issuing a handbook on guidelines for film and television productions on Aborigines and Torres Strait Islanders. In addition, the SBS Corporate Plan (1990-1993) ensures a presence of Aborigines and people of non English speaking background on-air.

The SBS radio broadcasts programs in languages other than English and Aboriginal programs.

**Public Radio** Minority voices are most often heard outside SBS on public radio. There are now dozens of public radio stations around Australia, often operating on low power FM transmitters. Many of them have ethnic language programming, and many also offer Aboriginal programs. Stations controlled by Aboriginal communities such as 2-RSR (Radio Redfern) and 8-KIN (Central Australia Aboriginal Media Association in Alice Springs) provide a crucial avenue for community voices to be heard on their own terms. An association was recently licensed in Sydney to establish a multicultural public radio station.

---

## Strategies to Confront Racism

---

At present, people of Aboriginal and non-English speaking backgrounds are under-represented, as a proportion of their representation in the population, in employment in media organisations. **Employment and Training Policies**

In evidence to the Inquiry Jakubowicz said that the small number of workers in the media industry from Aboriginal and non-Anglo backgrounds is reflected in the generally poor quality of coverage of issues which affect these groups.'

The ABC has a policy of increasing the employment of Aborigines to at least 2 per cent of all staff across the organisation. By March 1990, about 1.5 per cent of all full-time staff were Aboriginal. However there are still very few Aboriginals employed as journalists or presenters.

The SBS has an Equal Opportunity policy in relation to the employment of members of ethnic minorities and Aboriginal and Islander people both by SBS itself and by outside contractors.

The Inquiry considers that the employment of more people from Aboriginal and non English speaking backgrounds in the media industry generally would help to sensitise the media to issues of concern to these groups and contribute to more informed and more realistic reporting. Ensuring that all working journalists are better informed and more aware of cultural and inter-racial issues would also make a significant contribution to this sensitising process, as would the allocation of specific journalists to cover Aboriginal and ethnic issues.

- That media organisations develop and implement **Recommendations** policies to encourage the recruitment and advancement of Aboriginal and non-English speaking journalists within the industry.
- That the training of journalists at tertiary institutions include education in and awareness of cultural and

---

## Strategies to Confront Racism

---

inter-racial issues and that people of Aboriginal and non English speaking background be involved in the development and teaching of such curricula.

- That awareness of cultural and inter-racial issues be included in the training of cadet journalists.
- That, where possible, media organisations allocate journalists to specialised rounds covering Aboriginal and ethnic affairs.

**Conclusion** People giving evidence to the Inquiry were critical of the role of the media in reporting on race issues and racist violence. The Inquiry found considerable evidence to indicate that racism in media reporting can damage community relations and create a social climate which is tolerant of racist violence.

The Inquiry was given numerous examples of media reporting perceived to be racially offensive by Aboriginal and ethnic communities. Many people told the Inquiry that media coverage of political issues (such as the Immigration Debate and the Gulf crisis) had exacerbated community tensions and contributed to creating a climate of fear of and actual racist harassment and attacks against people of immigrant communities. People of Aboriginal and non English speaking background complained about the use of racial stereotypes. Aborigines were particularly concerned about the stereotyping of Aborigines as criminals.

The Inquiry has a general concern about the apparent lack of consistent application of the journalists' principles of fairness and accuracy in reporting on race related issues. There has been a tendency on the part of many media outlets to focus on conflict and extreme views in relation to these issues. The viewpoints of the communities themselves are too often ignored. There are too few stories about positive developments within minority racial/ethnic groups, particularly Aboriginal communities.

---

## Strategies to Confront Racism

---

The Inquiry considers that long term strategies should be adopted to counter racism in the media. However the experience of Arab and Muslim communities during the recent Gulf crisis demonstrates the need for the media also to be more immediately sensitive to the potential impact of racist or misinformed or conflictual reporting on minority communities.

The Inquiry does not suggest that the media should be unduly constrained in reporting on race related issues. Rather, the media should observe, in the race area as in other areas, journalistic ethics of fairness, accuracy and balance. The media has a responsibility, in this as in other areas, to inform itself on issues of concern and not to convey misleading and inaccurate 'facts' or stereotypes.

The Inquiry also recognises that there is a need for members of the various communities to take, where possible, a more active role in liaising with the media.

---

### Community Relations

---

Evidence to the Inquiry confirms the importance of effective community relations and community education. **Introduction**

[There is another] aspect to combating racial violence of course. You cannot leave it up to legislation alone. The legislation can only attack the **most blatant examples. However, we need a response of some kind of community education and perhaps a clearer understanding by the community of the concept of multiculturalism ... The long-term situation has to be one of community awareness and education?**

This section draws extensively on recommendations made by Professor Stephen Castles in a special paper on the development of a community relations strategy to implement the Federal Government's National Agenda

---

## Strategies to Confront Racism

---

for a Multicultural Australia.<sup>29</sup> Evidence presented to the Inquiry supports Professor Castles' findings that:

- (i) problems of community relations are not the result of attitudes alone, but rather of complex historical, structural, institutional and cultural factors;
- (ii) a community relations program must be multi-faceted, and must be based on a balanced approach to the various factors which cause problems of community relations;
- (iii) good community relations are only possible if political and economic structures enable groups in our society to enjoy equality of opportunity, political participation, a reasonable measure of social security and cultural self-determination;
- (iv) good community relations require an active policy by all levels of government, in co-operation with community associations and non-government organisations.'

This section proposes a range of practical measures which could be pursued in a national community relations strategy.

**Local Area Strategies** The Inquiry considers that priority should be given to developing community relations strategies for local areas, particularly those with special needs, for several reasons.

First, as the evidence presented in this report clearly shows, a significant proportion of violence and intimidation takes place at the local community level — at or near the victims' homes, on streets and public transport, at shopping centres, clubs and hotels and on the way to, from or at school.<sup>31</sup> Here racist violence or the threat of violence can become part of people's everyday lives. There is also evidence to suggest that many racist incidents and conflicts develop out of neighbourhood

---

## Strategies to Confront Racism

---

disputes over other issues — noise, pets, children's quarrels and so on.

Second, racism takes different forms in different places, and affects particular groups and individuals in distinctly different ways. Aboriginal people in country towns experience and respond to racism in very different ways from Aborigines in Redfern, for example, where the level of politicisation and availability of Aboriginal support organisations and networks is much greater.

Third, there are many community and other non-government organisations and groups at the local level that already have a great deal of information about how different people experience racism and racist violence. These organisations have often developed strategies and resources to deal with racism and support its victims. Submissions to the Inquiry reveal a wealth of knowledge about and informed and thoughtful proposals to counteract racism and racist violence. Any community relations strategy should aim to utilise, support and strengthen such knowledge, rather than by-pass or duplicate what is there. Currently, however, these organisations are often under-resourced and over-stretched, and people working within them generally have to improvise strategies without any training or other forms of assistance. Also in many cases community organisations are fragmented, and unaware of what other groups are doing to combat racist violence.

Fourth, it is essential to involve local and community organisations in any strategy against racist violence because of the reluctance of many of its victims to approach government officials or authorities, either because of past conflicts with officials in this country (as indicated in the evidence presented by Aboriginal people) or because of experiences with the state in their former homelands. Many young people, for example, are reluctant to report incidents, but will tell their stories to youth or community workers.' This reluctance is compounded by the common experience of those who do report an attack that police and other officials often

---

## Strategies to Confront Racism

---

do not take them seriously, fail to respond or take action, or even blame or harass the victim. Lack of English and lack of knowledge both of their rights and of political and administrative practices also mean that approaches for help are often only made to local community organisations and workers. As there may also be considerable fear of reprisal or making things worse by taking action, victims need an active support network in their local area.

In developing local area strategies, the limited available resources should be concentrated on geographical areas of special need. For Aborigines these would be country towns and certain areas of major cities. For immigrants they would be specific neighbourhoods with large concentrations of newly-arrived people of non-English speaking background, above-average rates of unemployment and large numbers of people with special needs, such as the elderly. Areas particularly affected by economic restructuring and loss of major sources of employment should be targeted. Areas could be selected according to the incidence of conflicts or other reported community relations problems. Great care should be taken in working out area approaches to avoid labelling a neighbourhood as a 'problem area'.

An area strategy could involve setting up a local community co-ordinating committee including:

- representatives of appropriate Federal Government agencies;
- representatives of appropriate State Government agencies;
- representatives of appropriate local government agencies;
- spokespersons of the local ethnic groups; and
- representatives of non-government organisations active in the area.

This co-ordinating committee could examine local problems, decide on appropriate measures and initiate

---

## Strategies to Confront Racism

---

pilot community relations projects through an 'inter-agency approach'. The resources of all relevant agencies could be used to achieve common aims. The type of issues to be addressed could include:

- specific local conflicts;
- local policing problems;
- inter-group relations at schools;
- availability of local infra-structure and services to all groups; and
- training for appropriate government officials on the needs and problems of the local ethnic groups.

Schools maybe the best focus for co-ordinating committees because they already involve so many different sections of the community.

- That Federal, State and local governments undertake **Recommendation** pilot community relations projects in local communities.

Local government councils have special responsibility for maintaining good community relations at the local level. Their attitude towards racist posters and graffiti and their public commitment to all residents can affect the whole climate of an area. They therefore need to take the lead and should have a major role in helping to establish co-ordinating committees, and devising and implementing appropriate local strategies. **The Role of Local Government**

Local councils should also be encouraged to develop management plans which address racism and racist violence and include detailed strategies for combating them. These strategies would entail developing or adopting operational definitions of racist violence and means of categorising and reporting incidents and complaints; appointing specially designated officers responsible for record keeping and grievance procedures; analysing their own procedures and service

---

## Strategies to Confront Racism

---

delivery to ensure equitable access and appropriate services for all client groups; responding promptly to racist incidents (including the removal of racist graffiti from council property); and providing training for managers, counter staff and council community workers.

Local government can also play an important role in informing those responsible for common sites of racist violence and racist propaganda, such as property owners, shop proprietors and publicans, of victims' rights and their own responsibilities to eliminate racist practices in their establishments. Local councils should be encouraged to appoint a community relations officer or Aboriginal or ethnic worker to liaise with local businesses and groups. It should be noted, however, that the appointment of specially designated workers should not be seen as relieving other workers of responsibility for developing anti-racist practices and culturally appropriate services. Local councils can also support the development of mechanisms for the settlement of local and neighbourhood disputes, e.g. through conflict resolution centres.

- Recommendation***
- That local government councils develop community relations strategies, including the establishment of community co-ordinating committees, to promote multiculturalism and positive relations among the communities in their localities, in consultation with Federal and State Governments, key ethnic and Aboriginal groups and non-government organisations.

### **Strategies for Federal and State Government Agencies**

#### ***Management Procedures***

Good community relations are clearly part of the overall management responsibilities of every government agency. Community relations issues should be recognised as integral to the normal work of the agency and should be

---



taken into account in working out mission statements, corporate plans, institutional structures and work programs.

It may be appropriate for this concept to be recognised in a code of practice for agencies whose work is most closely related to community relations issues, such as the police. This approach has recently been adopted by the Association of Chief Police Officers in the United Kingdom. Their code of practice, a statement of common purposes and values, attempts to place new emphasis on the police as a service rather than a force and to shift the priority from law enforcement towards a concept of reassurance <sup>policing</sup>.

Other agencies whose work involves particular responsibility for community relations include housing, employment, social security, immigration and ethnic affairs and education. Such service delivery agencies often work under considerable pressure and additional resources would need to be allocated to allow the re-orientation of policies and practices.

The need for reporting and monitoring procedures has **Reporting and Monitoring** already been discussed in some detail in terms of reforms to law enforcement agencies (see Chapter 11).

Here it is sufficient to recommend that all relevant agencies develop effective reporting procedures to monitor problems and evaluate programs to improve community relations. This would require the definition of racially motivated incidents and offences, introduction of procedures to facilitate reporting, designation of officers with responsibility for maintaining records and the development of performance measures to gauge the success of community relations strategies.

The evidence to the Inquiry strongly suggests that **Training** people working in community service delivery areas, particularly government agencies, need to be appropri-

---

## Strategies to Confront Racism

---

ately trained to be able to provide these services to a culturally diverse clientele.

Specific agencies with an intervention role may require specialist training. The significance of training for community-based police work has been discussed in the previous chapter. Similarly, youth workers may need to develop special skills to deal with young people who are most commonly identified as the perpetrators of racially motivated offences. Preventive strategies for young people also need to be developed in consultation with local community co-ordinating groups. The Inquiry recommends that adequate funding and resources be made available to enhance the skills of youth workers in this area.

- Recommendations**
- That Federal and State government agencies whose work relates closely to community issues adopt specific community relations policies (including, if appropriate, codes of practice) and ensure that service delivery staff are properly trained.
  - That adequate funding and resources be made available to enhance the skills of youth workers.

**Community Education** Broad-based public information campaigns using the print and electronic media can be a useful part of a strategy to influence people's behaviour or attitudes. However, they are effective only if they are used as an adjunct to more practical and substantive action, for example, an advertising campaign that invites people to ring an information hotline where they can obtain personal advice or that raises the public profile of specific activities that demonstrate general community benefit. Neighbourhood Watch is a good example of a program where advertising actually encourages people to participate in a highly practical strategy.

Public information campaigns often use personal endorsements by public figures. These may be effective in

supporting a campaign, provided the figure is one whose opinion is respected by the target audience. If not, there is a real risk that such endorsements may be counter productive.

In general, public information campaigns tend to be expensive and it is often difficult to evaluate their effectiveness. In view of the large costs involved, measures of this kind are best used to target particular audiences and to advise people as to what information or resources are available.

Targeted community information campaigns using posters, pamphlets and media advertisements could be directed to the following audiences:

**(i) Community organisations and Aboriginal, Torres Strait Islander and ethnic communities**

The emphasis would be to inform communities of their rights under the Federal *Racial Discrimination Act* and State and Territory anti-discrimination legislation and statutes; provide information on reporting racism and racist violence; and direct them to the appropriate agencies and organisations for assistance and support. This is especially important in light of the evidence that many Aboriginal people and newer migrant groups are unaware of their rights and/or feel powerless to act in their own defence.

Education for community groups could focus on strategies for the prevention, containment and redress of racist incidents. Such strategies could include training in identifying and recording information about racist attacks by keeping log-books or diaries of events,<sup>1t</sup> and in ways of utilising and participating in political and policy-making processes.

**(ii) Link People** This target group includes people involved in

---

## Strategies to Confront Racism

---

service delivery, such as youth workers, CES workers, teachers, police and local councillors. The campaign would provide them with appropriate information, reinforce obligations to work in ways that are non-racist and provide appropriate services for clients from the variety of backgrounds represented in local districts.

### (iii) Members of local communities

Targeting information to individuals who may themselves have no understanding or experience of racist violence is difficult. It is important to explain that racism reflects societal values and not only individual prejudices; racist violence is generated by racist attitudes which represent Aborigines and Islanders, people from non-English speaking backgrounds and recent migrants as somehow less valuable and less entitled to protection of their rights than others. Much resentment against these groups stems from both misunderstandings and deliberate misrepresentations of the entitlements available to them and of the assumed connections, for example, between immigration and unemployment. Community education programs should correct popular misconceptions and provide or be backed up with other realistic ways of responding to economic and social insecurity.

Racist violence cannot and should not be explained away as generalised vandalism or thuggery. The impact of violence on the victim is essentially different when the incident is racially motivated. The Inquiry identified young white males as major offenders in incidents of racist violence. It is considered that special emphasis should be placed on community education for young people. Here specific strategies could be linked in with local youth support schemes. They could be based on shared interests or activities, using the growth of an urban youth culture for whom particular forms of music, dance and style may be more important bases of

---

## **Strategies to Confront Racism**

---

identity and friendship than presumed 'race' or ethnicity.

- That the Federal Government provide funding for **Recommendation** community relations education programs targeted to specific audiences such as youth.

- Endnotes**
- 1 Donna Beer, Melbourne Hearing, transcript p.37.
  - 2 NSW Department of Housing, *Ethnic Affairs Policy Statement*, Report for 1988-89 and Strategies for 1990-91, Sydney, 1990.
  - 3 Submission no. 429, Ethnic Youth Issues Network.
  - 4 See, for example, the 'Race Relations in the Workplace' training package, which has been developed and piloted by the Human Rights and Equal Opportunity Commission in co-operation with SBS Television, the NSW Education and Training Foundation and major employer groups and unions.
  - 5 Submission no. 4.41, Australian Asian Community Welfare Association.
  - 6 Submission no. 428, Islamic Council of NSW, and submission no. 4.75, Committee of Arab Australians.
  - 7 Noel Morich, Perth Hearing, transcript pp.44-45.
  - 8 NSW Department of School Education, *Anti-Racism: A Policy Statement to Promote Racial Harmony*, Sydney, 1991 and South Australian Department of Education, *Anti-racism Policy*, Adelaide, 1990. The South Australian Policy appears at Appendix 13.
  - 9 Submission no. 422, University of Sydney Students' Representative Council.
  - 10 Goodall H., (1990a) 'The media and Aborigines', unpublished draft.
  - 11 *Daily News*, Perth, 29 November 1989.
  - 12 Jakubowicz A., 'Racism, racist violence, and the media', unpublished paper commissioned by the National Inquiry into Racist Violence, Sydney, 1990.
  - 13 *Daily Mirror*, Sydney, 24 May 1989.
  - 14 Shane Phillips, Redfern Hearing, transcript p27.
  - 15 *GH Magazine*, June 1990
  - 16 Barry Caine, Redfern Hearing, transcript p.39.
  - 17 Cited in Jakubowicz, op cit.
  - 18 Mr Ron Casey, transcript of broadcast on Sydney Radio Station 21(Y on 18 February 1988.
  - 19 Jakubowicz, op cit.
  - 20 See, for example, Submission no. 4.28 from the Islamic Council of NSW and Submission no. 4.75 from the Committee for Arab Australians.
  - 21 Submission no. 428.
  - 22 Jakubowicz, op cit.

---

## Strategies to Confront Racism

---

- 23 *ibid.*
- 24 Barry Cohen, in *The Bulletin*, 25 September 1990; John Sampson, in *The Sydney Morning Herald*, The Guide, 17-23 September 1990; and the Editorial in *The Age*, 9 January 1991.
- 25 Tillett G., 'Anti-Arab and Anti-Muslim violence in contemporary Australia', unpublished paper commissioned by the National Inquiry into Racist Violence Sydney, 1991.
- 26 Submission no. 4.73, Federation of Ethnic Communities Councils of Australia.
- 27 Jakubowicz, *op cit.*
- 28 N. Tsingoida, Perth Hearing, transcript p.131.
- 29 Castles S., 'Issues for a Community Relations Strategy', unpublished paper commissioned for the Federal Community Relations Strategy, February, 1990.
- 30 *ibid.*, p.55.
- 31 See, for example, Newell P., 'Migrant Experience of Racist Violence: A Study of Households in Campbelltown and Marrickville', unpublished paper commissioned by the National Inquiry into Racist Violence, Sydney, 1990.
- 32 Submission no. 429, Ethnic Youth Issues Network.
- 33 Cited in United Kingdom Institute of Race Relations, *Police-Media Research Project*, Bulletin no. 65, October-November 1990, p.1.
- 34 See Submission no. 3.51, Fitzroy Community Youth Centre Diary.



### Chapter 8

### Findings

---

- 1 Racist violence, intimidation and harassment against Aboriginal and Torres Strait Islander people are social problems resulting from racism in our society, rather than isolated acts of maladjusted individuals.
- 2 The fact that Aboriginal and Torres Strait Islander people are faced with racism in almost every aspect of their daily lives, is the underlying reason for the high levels of racist violence against Aborigines and Torres Strait Islanders reported to this Inquiry.
- 3 Racist violence is an endemic problem for Aboriginal and Torres Strait Islander people in all Australian States and Territories.
- 4 Racist attitudes and practices (conscious and unconscious) pervade our institutions, both public and private.
- 5 Aboriginal—police relations have reached a critical point due to the widespread involvement of police in acts of racist violence, intimidation and harassment.
- 6 The crisis in Aboriginal—police relations is illustrated by the so-called Redfem raid, which constituted a significant act of racist violence against the Aboriginal community.
- 7 Racist violence on the basis of ethnic identity in Australia is nowhere near the level that it is in many other countries. Nonetheless it exists at a level that causes concern and it could increase in intensity and extent unless addressed firmly now.
- 8 The existence of a threatening environment is the most prevalent form of racist violence confronting

---

## Findings and Recommendations

---

people of non-English speaking background.

- 9 People of non-English speaking background are subjected to racist intimidation and harassment because they are visibly different. For recent arrivals, unfamiliarity with the English language can exacerbate the situation.
- 10 The perpetrators of racist violence against people of non-English speaking background are generally young, male Anglo-Australians. There have, however, been some notable exceptions.
- 11 In public places racist violence usually takes the form of unprovoked, 'one-off' incidents by strangers.
- 12 Neighbourhood incidents are more likely to be sustained campaigns by perpetrators known to the victim.
- 13 Social, economic and international crises produce a climate which is conducive to the most extreme form of racism — racist violence.
- 14 On the whole, public authorities do not respond effectively to reports of racist violence.
- 15 The activities of extremist groups, which have become more violent in recent years, constitute a small but significant part of the problem of racist violence in Australia.
- 16 The activities of extremist groups, some of which have resulted in prosecutions, show a close connection between racist propaganda and racist violence.
- 17 In assessing the extent of organised racist violence, it is important to acknowledge the role of long standing racist organisations which do not perpetrate violence themselves, but nevertheless provide the impetus for others. These organisa-

---

## Findings and Recommendations

---

tions essentially incite and maintain prejudice.

- 18 Anglo-Australians who are supporters or members of anti-racist organisations are subjected to racist violence because of their political beliefs and advocacy of human rights.

### Chapter 10

### Recommendations

---

- 1 That the Federal Government accept ultimate responsibility for ensuring, through national leadership and legislative action, that no person in Australia is subject to violence, intimidation or harassment on the basis of race.
- 2 That the Federal Government continue to pursue strategies to ensure the welfare and rights of all Aboriginal and Torres Strait Islander communities.

### Chapter 11

- 3 That any qualification on Australia's obligations under Article 4(a) of the Convention on the Elimination of All Forms of Racial Discrimination be removed.
- 4 That the Federal Parliament enact in the Federal *Crimes Act* 1914 a new criminal offence of racist violence and intimidation.
- 5 That the Federal *Crimes Act* be amended to create a clearly identified offence of incitement to racist violence and racial hatred which is likely to lead to violence.
- 6 That the Federal *Racial Discrimination Act 1975* be amended to prohibit racist harassment.
- 7 That the Federal *Racial Discrimination Act* be amended to prohibit incitement of racial hostility,

---

## Findings and Recommendations

---

with civil remedies similar to those already provided for racial discrimination.

- 8 That Federal and State *Crimes Acts* be amended to enable courts to impose higher penalties where there is a racist motivation or element in the commission of an offence.
- 9 That the prohibition of racial discrimination in the enjoyment or exercise of human rights and fundamental freedoms in section 9 of the *Racial Discrimination Act* be extended to cover discrimination against those who have advocated against racism and supported anti-racist causes; and that the new provisions for remedies for incitement of racial hostility and harassment also provide coverage for such advocates.
- 10 That the Federal *Racial Discrimination Act* be amended to provide that discrimination against or harassment of a person on account of that person's religious belief be prohibited where the religious belief is commonly associated with persons of a particular race or races or of a particular ethnic group or groups and is used as a surrogate for discrimination or harassment on the basis of race or ethnicity.
- 11 That, following amendment of the *Racial Discrimination Act* with respect to incitement of racial hostility and racist harassment, the Race Discrimination Commissioner be given the power to refer to the Director of Public Prosecutions potential criminal cases identified in the handling of complaints.
- 12 That the Australian Law Reform Commission's recommendation concerning statutory entitlement to interpreters be implemented with the further provision of a discretionary entitlement to an interpreter for a party who does not give evidence but is unable to understand court proceedings.

---

## **Findings and Recommendations**

---

- 13 That a national registration system for interpreters be established, to include specialist registration of legal interpreters, who would be required to meet strict standards in language skills and adequate knowledge of the judicial system, legal terminology and the role and ethical responsibilities of interpreters.
- 14 That barriers to more representative jury selection be removed and information and education be provided to enable all members of the community to handle jury duty.
- 15 That objection to a potential juror on the ground of ethnic or racial background be prohibited.
- 16 That uniform national procedures for the collection of statistics on racist violence, intimidation and harassment be developed, and that the incidence of racially-based crime in Australia be reported upon annually by an appropriate Federal agency.
- 17 That Federal and State police record incidents and allegations of racist violence, intimidation and harassment on a uniform basis, and that such statistics be collected, collated and analysed nationally by the appropriate Federal agency.
- 18 That Migrant Resource Centres, Aboriginal Legal Centres and community legal services accept complaints of racist violence, intimidation and harassment for referral to the police.
- 19 That the charters and roles of anti-discrimination bodies be extended to facilitate reporting to the police of incidents of racist violence, intimidation and harassment.
- 20 That authorities with the statutory role of investigating complaints against police officers (Ombudsman's Offices etc.) establish (where they have not already done so) designated Aboriginal and

---

## Findings and Recommendations

---

Islander investigatory positions with the sole function of following up complaints from Aboriginal and Islander people and designated Aboriginal and Islander education and information officers with the function of providing accessible information to Aboriginal communities in relation to police complaints mechanisms.

- 21 That police and other intelligence agencies accord a high priority to the investigation of racially motivated offences and racist groups and assist in ensuring the successful prosecution of such offences.
- 22 That statutory codes of practice be developed for police in relation to Aborigines and Torres Strait Islanders and people of non-English speaking background to ensure better protection of the rights of these people and clearer accountability of police.
- 23 That police operations reflect the principles of equity and equality towards people of Aboriginal and non-English speaking backgrounds and ensure that particular communities are not targeted for extraordinary policing measures.
- 24 That racist violence, intimidation and harassment by members of the police forces be considered a serious breach of duty and attract severe penalties, including dismissal from the force.
- 25 That State and Federal police forces promote the establishment of community justice mechanisms in areas where such schemes would be appropriate.
- 26 That police training include appropriate education in cultural issues and community relations and provide for supervised placements in areas with significant numbers of persons of Aboriginal and non-English speaking backgrounds.
- 27 That the elimination of racist attitudes and practices be accorded an essential place in the recruit-

---

## Findings and Recommendations

---

ment and training of police, and that such attitudes and practices not be condoned in policing operations.

- 28 That the Federal and State police forces promote the recruitment of persons of Aboriginal and non-English speaking backgrounds, and provide special training programs to ensure that persons of those backgrounds are able to meet recruitment standards and prerequisites.
- 29 That people of Aboriginal and non-English speaking backgrounds be involved in the development of curricula and materials for police training in cultural issues and community relations, in the presentation of training programs and in the assessment of trainees.
- 30 That Federal and State police forces require experience and proven ability to work effectively with people of Aboriginal and non-English speaking backgrounds as prerequisites for promotion.

### Chapter 12

- 31 That public housing authorities develop and implement anti-racist policies and strategies for all housing estates, and especially those which have significant numbers of persons of Aboriginal, Islander and non-English speaking backgrounds.
- 32 That anti-racist strategies include the employment of bi-cultural and community workers, the establishment of structures to resolve disputes between neighbours and deal with racist harassment and violence, and the promotion of good community relations.
- 33 That managers of public housing authorities and estates be required to ensure that all residents are able to enjoy a neighbourhood free from racist violence, intimidation and harassment.

---

## Findings and Recommendations

---

- 34 That the private housing industry develop and implement an anti-racist code of practice for its members.
- 35 That government authorities, especially road traffic authorities, increase security measures to prevent access to or release of personal information without prior notification and without proper cause.
- 36 That employer and employee organisations cooperate in the development and implementation of anti-racist policies and training programs to eliminate racism from the workplace.
- 37 That all industrial awards include provisions guaranteeing freedom from racial discrimination and racial harassment as a condition of employment and that such provisions be enforced.
- 38 That trade unions assist employers to take action to remedy situations of racial discrimination and racial harassment in the workplace.
- 39 That government and non-government education authorities work with teachers and teacher unions, and with students, parents and community groups affected by racism to develop anti-racist education policies and formal grievance procedures to deal with allegations of racist violence, intimidation and harassment in schools.
- 40 That government and non-government school education authorities provide training to assist teachers to deal with issues of cultural difference and racism in the staffroom, classroom and playground.
- 41 That school principals ensure that allegations of racist violence, intimidation and harassment are taken seriously and resolved through grievance procedures, mediation and counselling.

---

## Findings and Recommendations

---

- 42 That school curriculum initiatives on multicultural and multiracial issues be supported, evaluated and extended.
- 43 That education authorities with responsibility for technical, higher and adult education develop anti-racist policies and guidelines in consultation with the management, staff, students and unions involved.
- 44 That teacher education, social work, health education and other appropriate courses incorporate core units in cross-cultural studies and anti-racist strategies.
- 45 That government and non-government higher educational institutions and technical colleges establish formal mechanisms to investigate allegations of racist violence, intimidation and harassment of students and staff.
- 46 That the media strive for more balance in the reporting of race related issues and avoid sensationalist coverage of these issues.
- 47 That the media avoid the unwarranted introduction of race or ethnicity into a story, and particularly the unnecessary use of ethnic-specific labels in reporting on suspected or convicted criminals.
- 48 That media organisations establish clear policies or guidelines for the reporting of incidents of racist violence which encourage sensitivity to the potential impact of such reporting.
- 49 That the media use of the term 'Muslim', as in 'Muslim extremists' or 'Muslim fanatics', be avoided unless it actually refers to people who are most accurately identified by their religion.
- 50 That ethnic-specific labels be avoided wherever possible, particularly in headlines and that, where

---

## **Findings and Recommendations**

such labels are a necessary part of the story, they be as accurate and as specific as possible.

- 51 That when reporting on Islamic belief or practice, particularly on controversial issues like calls for a *jihad* (holy war), authoritative leaders of representative groups be consulted.
- 52 That Arab and Muslim organisations take a more active role in informing the media of community issues and concerns and ensuring that media outlets are aware of representative groups and appropriate spokespersons to be consulted when required.
- 53 That the Human Rights and Equal Opportunity Commission and other anti-discrimination bodies provide regular opportunities for consultation and exchange of views between the media and leaders of Arab and Muslim organisations.
- 54 That any proposal to modify or abolish the powers and processes of the Australian Broadcasting Tribunal take into account the need to retain an effective avenue for the handling of complaints of racism and racial vilification in the media.
- 55 That the Press Council develop standards for reporting issues relating to race and ethnicity which are based on those adopted by the Australian Broadcasting Tribunal for the electronic media.
- 56 That the Ethics Committee of the Australian Journalists Association develop a detailed Code of Practice for journalists reporting issues relating to race and ethnicity and ensure observance of that Code by members of the Association.
- 57 That the Office of Multicultural Affairs and the Aboriginal Torres Strait Islander Commission establish community-based training programs to ensure that people from Aboriginal and ethnic

---

## Findings and Recommendations

---

communities can acquire skills to help them to proceed with complaints about what they perceive to be racist or unfair reporting and to have a greater input into media agendas.

- 58 That funding be provided to enable community groups representing people of non-English speaking background to monitor and respond effectively to media reporting on race related issues.
- 59 That media organisations develop and implement policies to encourage the recruitment and advancement of Aboriginal and non-English speaking journalists within the industry.
- 60 That the training of journalists at tertiary institutions include education in and awareness of cultural and inter-racial issues and that people of Aboriginal and non-English speaking background be involved in the development and teaching of such curricula.
- 61 That awareness of cultural and inter-racial issues be included in the training of cadet journalists.
- 62 That, where possible, media organisations allocate journalists to specialised rounds covering Aboriginal and ethnic affairs.
- 63 That Federal, State and local governments undertake pilot community relations projects in local communities.
- 64 That local government councils develop community relations strategies, including the establishment of community co-ordinating committees, to promote multiculturalism and positive relations among the communities in their localities, in consultation with Federal and State Governments, key ethnic and Aboriginal groups and non-government organisations.

## **Findings and recommendations**

- 65 That Federal and State government agencies whose work relates closely to community issues adopt specific community relations policies (including, if appropriate, codes of practice) and ensure that service delivery staff are properly trained.
- 66 That adequate funding and resources be made available to enhance the skills of youth workers.
- 67 That the Federal Government provide funding for community relations education programs targeted to specific audiences such as youth.

---

## **Appendices**

---



**List of Submissions****Category 1:  
General Opinions**

- 11**      **Anonymous**
- 1.2**     **John Bolt**
- 13**      **D. Bates**
- 1.4**     **Stephen Keane**
- 15**      **L H M Cooray**
- 16**      **Anonymous**
- 17**      **Australian National Action**
- 1.8**     **S I Liberman (Dr)**
- 19**      **C. Saunders**
- 1.10**    **Peter Jull**
- 1.11**    **Nigel Harman**
- 1.12**    **David Williamson**
- 1.13**    **L R Burch**
- 1.14**    **Max Hall**
- 1.15**    **Matt Taylor**
- 1.16**    **Roy W. Cathcart**
- 1.17**    **Richard Ryan**
- 1.18**    **Paul Desmond**
- 1.19**    **Eric Butler**
- 120**     **Charles Khoo**
- 121**     **Peter Sawyer**
- 1.22**    **M. Rimington**
- 123**     **L. McCallum**
- 1.24**    **Victor Robb**
- 125**     **BM McIntyre**
- 126**     **J C Dique (Dr)**
- 127**     **G H Caine**
- 128**     **N. Jackson**
- 129**     **A. Kliger**
- 1.30**    **Anonymous**
- 1.31**    **Anonymous**
- 132**     **Australian Civil Liberties Union (John Bennett)**
- 133**     **Queensland Council for Civil Liberties (Bill Lane)**
- 1.34**    **Women's Legal Resource Group (Ro Watson)**
- 135**     **Reg Shelley**
- 1.36**    **Dr I H Ping**
- 1.37**    **The Students of the Radio Seminar Class, University of Technology, Sydney**

---

## Appendix 1(a)

---

- 1.38 Robert Manne and Patrick Morgan, Co-Editors and Members of the Editorial Advisory Board of 'Quadrant'
- 1.39 Babette Francis of Endeavour Forum
- 1.40 Arthur Fletcher, Clayton Christadelphian Ecclesia
- 1.41 R E Kitchinman
- 1.42 Anonymous
- 1.43 Confidential
- 1.44 Jack Dennis
- 1.45 Hickson
- 1.46 Anti-Discrimination Board, NSW
- 1.47 Victorian Government

### Category 2:

#### **Submissions Concerning People Who Support Anti-Racist Policies, as Victims**

- 21 A. Laraia
- 22 A. Palmer (Rev)
- 2.3 P. Bollard
- 24 Geraldine Walsh
- 25 S J Hamra
- 2.6 D J Southern
- 27 G. Hill
- 2.8 Confidential
- 29 M. Ricklefs
- 2.10 Confidential
- 2.11 Confidential
- 2.12 Peggy Holroyd
- 2.13 Confidential
- 2.14 Rosemary Lewis
- 2.15 J L Scott (MP)
- 2.16 B. Bridge (Rev)
- 2.17 K Stevens
- 2.18 B. Turner
- 2.19 U. Themal
- 220 J E Stewart
- 221 C. Hannaford, J. Gunn, L. Marling
- 2.22 Community Aid Abroad (David Armstrong, National Director)
- 223 South Sydney Community Aid Co-operative
- 224 H. Smart (Rev)
- 2.25 Confidential
- 226 Confidential
- 227 Uniting Church in Australia, NSW Synod, Board for Social Responsibility

- (Rev. Harry J. Herbert)
- 228 South Australians for Racial Equality
- 229 Pitt Street Parish of the Uniting Church in Australia (Rev. Dorothy McMahon)
- 2.30 Adelaide Diocesan Justice and Peace Commission (Mrs Moira Deslandes —  
Chairperson)
- 2.31 Gay and Lesbian Immigration Task Force (Keith Howes)
- 2.32 Caroline Fricke
- 2.33 Committees in Solidarity with Central America and the Caribbean (Mr Martin  
Mulligan, Co-Secretary)
- 2.34 Graeme Orr (President United Nations Association of Australia, Victorian  
Branch)
- 2.35 Confidential
- 2.36 Confidential
- 2.37 Confidential
- 2.38 Confidential
- 2.39 Confidential

**Category 3:**

**Submissions Concerning Aborigines and Torres Strait Islanders, as Victims**

- 31 C. Corner (JP)
- 32 Confidential
- 33 Confidential
- 34 Candice Row Row
- 35 Wendy Lawrence
- 36 R. Bropho
- 37 C. Friel
- 3.8 P D Moyle
- 3.9 Streetmeet (Ms Mace Boston)
- 3.10 Office of Aboriginal Affairs (Neville Perkins, Director)
- 3.11 Central Land Council (David Ross) NT
- 3.12 Women's International League for Peace and Freedom (Vic)
- 3.13 NSW Aboriginal Land Council
- 3.14 Tracy & Kelvin Appo
- 3.15 West Queensland Aboriginal and Torres Strait Islanders Corporation for  
Legal Aid
- 3.16 Families and Prisoners Support Inc, Qld (. Andrews Sec)
- 3.17 Qld Aboriginal and Torres Strait Islanders Corporation for Legal Aid
- 3.18 Burnam Burnam
- 3.19 Royal Commission into Aboriginal Deaths in Custody SA
- 320 National Unions Coalition with the Aboriginal Movement (Co-ordinator Peter  
Robin)

---

## **Appendix 1(a)**

---

- 321 Pamela Trotman
- 3.22 Royal Commission into Aboriginal Deaths in Custody Qld
- 323 Dorothy Pryor
- 324 Michael Harris
- 325 Sandra Saunders
- 326 Mike Pepperday
- 327 Royal Commission into Aboriginal Deaths in Custody, WA
- 328 Aboriginal Deaths in Custody Watch Committee SA (Inc)
- 329 Anonymous
- 3.30-39 Numbers not used
- 340 Allbrook Cattalini Research
- 341 Northern Territory (HREOC Consultant)
- 3.42 Mark Holingsworth
- 3.43 Warren Martyns, Committee to Defend Black Rights, Sydney
- 344 Confidential
- 345 Confidential
- 346 Chandian Aboriginal Health Organisation
- 347 Confidential
- 348 Gillian Cowlshaw
- 349 Bev Hall
- 3.50 Stacey Miers
- 351 The Fitzroy Diary
- 3.52 Anonymous
- 3.53 Incarcerated Peoples Cultural Heritage Aboriginal Corporation
- 3.54 Peter Reed
- 355 Northern Regional Council of Congress (Uniting Church)

### **Category 4:**

#### **Submissions Concerning People of Non-English Speaking Background, as Victims**

- 41 Confidential**
- 42 Confidential**
- 4.3 Confidential**
- 44 Anonymous**
- 4.5 S. Duke**
- 4.6 P. Hee**
- 47 Nguyen Van Trung**
- 4.8 Confidential**
- 49 Maria Sebastian**
- 4.10 Anonymous**
- 4.11 E. Tan**
- 4.12 J. Petersen**

- 4.13 Margaret Cameron
- 4.14 Seet Choy Lan
- 4.15 North Richmond Family Care Centre (Colleen Pearce)
- 4.16 Chi Keung Leung
- 4.17 Confidential
- 4.18 Fredrilca Van Der Hoek
- 4.19 Confidential
- 4.20 Dawood Ismailjee
- 4.21 Muslim Women's Association (Nada Roude Ismail)
- 4.22 University of Sydney Students' Representative Council
- 4.23 Dana Houlbova
- 4.24 Ikawiria Indonesian Community Association of Victoria
- 4.25 G. Nazir, President Pakistan Australian Association
- 4.26 Ethnic Communities' Council of Victoria
- 4.27 P A D Tristram
- 4.28 Islamic Council of NSW
- 4.29 Ethnic Youth Issues Network (Carmel Guerra)
- 4.30 Carita Morales
- 4.31 Muslim Students' Association NSW
- 4.32 Michael Powell
- 4.33 C. Wharerimu
- 4.34 Frances Limb
- 4.35 Greg Theodore
- 4.36 Asian Australian Consultative Council
- 4.37 Ethnic Communities Council of NSW
- 4.38 Indo-China Refugee Association (SA) Inc. (Kevin Liston)
- 4.39 Indo-China Refugee Association (Australia) Inc. (Jeffries J. Foale)
- 4.40 Australian Filipino Community Inc. (John Nisbet)
- 4.41 Australian Asian Community Welfare Association (Inc.) (Wan Chen -  
President)
- 4.42 Traudl Tan
- 4.43 Josephine Sullivan
- 4.44 Confidential
- 4.45 Confidential
- 4.46 Confidential
- 4.47 Confidential
- 4.48 Confidential
- 4.49 Confidential
- 4.50 Confidential
- 4.51 Confidential
- 4.52 Confidential
- 4.53 Confidential

---

## Appendix 1(a)

---

- 4.54 Confidential
- 4.55 Confidential
- 4.56 Confidential
- 4.57 Confidential
- 4.58 Confidential
- 4.59 Confidential
- 4.60 Confidential
- 4.61 Confidential
- 4.62 Confidential
- 4.63 Confidential
- 4.64 Confidential
- 4.65 Emmanuel Otti
- 4.66 Dante Marribey
- 4.67 Dante Marribey
- 4.68 Confidential
- 4.69 Barwon Youth Resource Centre
- 4.70 Confidential
- 4.71 S. Suriyam
- 4.72 Anonymous
- 4.73 Federation of Ethnic Communities' Councils of Australia Inc.
- 4.74 Daribor Maroevic
- 4.75 Committee of Arab Australians (Assad Abdi)
- 4.76 Sydney University Muslim Students' Association
- 4.77 S & G Yipp
- 4.78 Incomplete submission

### **Category 5: Submissions Concerning Jews, as Victims**

- 5.1** B'nai B'rith Unit Ora Anti-Defamation (Lorre Zuckerman)
- 5.2 B'nai B'rith Anti-Defamation Commission (Annette Gladwin)
- 5.3 Jeremy Jones
- 5.4 Confidential
- 5.5 **Anonymous**
- 5.6** S. Baumann
- 5.7 Jewish Community Council of Victoria (Susan Denishensky)

### **Category 6: Submissions Concerning People of English-Speaking Background, as Victims**

- 6.1** Max Hoffman
- 6.2** Cathy Dixon

6.3	C. Wilkinson
6.4	'Concerned Parent'
6.5	Lee Hatfield
6.6	N. Sharp
6.7	Angela O'Brien
6.8	Redfern Homeowners Inc. (Max Burgess)
6.9	Confidential
6.10	E M Pettit
6.11	Confidential
6.12	Confidential
6.13	Confidential



**Public Hearings and List of Witnesses****Sydney - Redfern****24 August 1989**

- 1 Tiga Bayles, Chairman, NSW Aboriginal Land Council
- 2 Steve Mark, Acting President, NSW Anti-Discrimination Board
- 3 Reverend Smart, Uniting Church, Redfern
- 4 Shane Phillips, Field Officer, Royal Commission into Aboriginal Deaths in Custody
- 5 Superintendent John Iredale, Acting District Commander, NSW Police
- 6 Barry Caine, Field Officer, Royal Commission into Aboriginal Deaths in Custody
- 7 Troy Fitzgibbon
- 8 David Bell
- 9 Alan Johnson, Aboriginal Police Liaison Officer
- 10 Jim West
- 11 Alastair MacDonald
- 12 Youth Action Group Members
- 13 Linda Burney, President, NSW Aboriginal Education Consultative Group
- 14 Tim Rowse
- 15 Warren Martens, Committee to Defend Black Rights
- 16 Suzanne Kenney, Co-ordinator of the Redfern Youth Action Group
- 17 Fay Moseley
- 18 Chris Cunneen, Aboriginal Law Centre
- 19 Yvonne Crawford, Office of Aboriginal Affairs
- 20 Chris Wave
- 21 Lyle Munro
- 22 Andrew Donnelly

**Sydney - Cabramatta****25 August 1989**

- 23 Betty Hounslow, Public Interest Advocacy Centre, Community Alert Against Racism and Violence
- 24 Hung Nguyen, Vietnamese Community Worker
- 25 Michael Marx, Jewish Board of Deputies
- 26 Bill Gavin, Commander Blacktown Police District, NSW Police
- 27 Yvonne Santalucia, Spanish and Latin American Association for Social Assistance
- 28 Emmanuela D'Urso, Executive Officer, Italian Association of Assistance
- 29 Dr Derrick Shove, Torture and Trauma Rehabilitation

---

## Appendix 1(b)

---

- 30 Jeremy Jones, Australian/Israeli Publications
- 31 Ian Lacey, Ethnic Communities Council of NSW
- 32 Nada Roude, Muslim Women's Centre
- 33 Nina Long
- 34 Bronwyn Ridgway
- 35 Mr Tran
- 36 Mrs Nhu-Hoa, Vietnamese Buddhist Women's Association
- 37 Silas Banks
- 38 Dr Greg Tillet, Macquarie University
- 39 Uri Themal, Deputy Chairman, NSW Ethnic Affairs Commission
- 40 Ken Tighe, Indo-China Chinese Association
- 41 Ziad el Mohatnad, Australian Arabic Welfare Council
- 42 Max Burgess, Redfern Homeowners' Association
- 43 Anonymous Speaker
- 44 Pang Wee
- 45 Debbie Stodardt
- 46 Roger Brown, Redfern Homeowners' Association
- 47 Charles D'Aprano

Melbourne — Richmond  
21 September 1989

- 48 Tan Do, North Richmond Family Care Centre
- 49 Kathleen, member of Timorese community
- 50 Name withheld
- 51 Inspector Greg Roberts, Victorian Police
- 52 Cannel Guerra, Ethnic Youth Issues Network
- 53 Jo Abbatangelo, community worker
- 54 Donna Beer
- 55 John Byrne, refugee worker
- 56 Michael Danby, Australian/Israeli Publications
- 57 Bunnary Soch, Cambodian Welfare Worker
- 58 Dr M. Eisenbrook, Medical Practitioner
- 59 G. Pappadopolous, Chairman, Victorian Ethnic Affairs Commission
- 60 Lanita Idrus, Indonesian Community Association of Victoria
- 61 Dung Tran, Vietnamese Community Association
- 62 Sunny Voo, North Richmond Family Care Centre
- 63 Name withheld
- 64 Carolyn Steele, Victoria Equal Opportunity Commission
- 65 Eve Fesel
- 66 Prof. Bill Rubinstein
- 67 Claudia Garvacho, South American

- 68 Annette Gladwin, B'nai B'rith Anti-Defamation League
- 69 Abdullah Ayan
- 70 Reg Blow
- 71 John Bennett, Union of Civil Liberties
- 72 K P Rajapalca

Townsville  
19 October 1989

- 73 Alec Illin, Townsville City Council
- 74 Mark Hollingsworth
- 75 Vonray Borgas
- 76 Daribor Marovic
- 77 Dr A. Peake, Kuranda
- 78 Wayne Wharton, Townsville Aboriginal and Islander Media Association
- 79 Grace Smallwood
- 80 P. Tristram
- 81 Dr Tam Tran, representative of Vietnamese community
- 82 Albert Abdul Raman, Co-ordinator of Aboriginal and Islander Community Liaison Committee, Townsville
- 83 Kalimo Walcand
- 84 Doug Jackson
- 85 Sergeant Trevor Adcock, Police Aboriginal Liaison Officer
- 86 Mr Rohan, solicitor with Aboriginal Legal Service
- 87 Virginia Whyles
- 88 Dot Prior, Aboriginal/Islander Council
- 89 S Bandaranaike, Chairperson, Migrant Resource Centre
- 90 Maria, Migrant Resource Centre
- 91 Tony Kocsmar
- 92 Jacob George, Aboriginal and Islander Legal Service, Mt Isa
- 93 Rachel Cummings, Child Care Agency
- 94 Jenny Prior, Aboriginal Child Care
- 95 Dr William Park

Perth - Aboriginal Hearing - Clontargh  
29 November 1989

- 96 Greg McIntyre, Principal Legal Officer, Aboriginal Legal Service
- 97 Dennis Eggington, WA Aboriginal Media Association
- 98 Rob Riley, Aboriginal community member
- 99 Robert Bropho, Fringe Dwellers of the Swan Valley
- 100 Jack Davis

---

## Appendix 1(b)

---

- 101 Noel Morich
- 102 Robbert Eggington
- 103 Lionel Nolan
- 104 Helen Cattalini, Cattalini and Associates Research Consultants
- 105 Rev Trevor Holmes, Uniting Church, Aboriginal Islander Christian Congress
- 106 Trevor Jewell
- 107 Michael Gallagher
- 108 Len Culbong, Black Action Group
- 109 Clayton Lewis, Australian Broadcasting Commission
- 110 Carol Gunning, Aboriginal Access, Ticton, Aboriginal Visitors Scheme
- 111 Mark Walsh

North Perth Town Hall  
30 November **1989**

- 112 Naga Narayanan, Chairperson, Ethnic Communities Council
- 113 Naso Tsingoida
- 114 Moira Raynor, Chairperson, WA Law Reform Commission
- 115 Traudl Tan
- 116 Rob White
- 117 Corona Venal, Australian Filipino Community
- 118 Dante Marribey, Filipino Community
- 119 Margaret Jeffry, Swan Valley Fringe Dwellers
- 120 Nam Nguyen, Vietnamese community
- 121 Hanifa Dean-Oswald, Acting Commissioner, Multicultural and Ethnic Affairs Commission of WA
- 122 John Ang, World Ninja Society
- 123 Carl Haines
- 124 Les Anderson
- 125 Jubiac Sher, Council of WA Jewry
- 126 Clarrie Isaacs, Swan Valley Fringe Dwellers
- 127 Derrick De Cruz
- 128 Mick Smurthwaite
- 129 Rick Todd, The Construction, Mining and Energy Workers' Union
- 130 Dr Brounaito
- 131 James Mayers

**Adelaide — Aboriginal Centre, Wakefield Street**  
**15 December 1989**

- 132 Sergeant Gary Casey, Police Multi-Cultural Services, SA Police Force
- 133 Sister Janet Mead

- 134** Mark Allen
- 135** Stephen Rankin
- 136** Luther Karplay
- 137** Brian Butler, Chairman, Aboriginal Child Care Association
- 138** Jenny Baker, Aboriginal Medical Service
- 139** Karina Rigney, Field Worker, Aboriginal Child Care Association
- 140** Dennis Rankin
- 141** Karno Walker
- 142** Marj Tribb
- 143** Steve Barney
- 144** Lisa Robinson
- 145** Kingsley Ahang, Justice Freedom and Hope Work Group, Vice-President  
Aboriginal Deaths Watch Committee
- 146** John Buckskin, Aboriginal Child Care Agency
- 147** Donald Knott
- 148** Isobel Novril

**Adelaide - Commonwealth Centre**

**15 December 1989**

- 149** Laurie Bryan, Aboriginal Education Foundation SA Inc.
- 150** Graham Bryce, Department of Primary Health Care, Flinders Medical Centre
- 151** Bronwyn Mewett
- 152** Christine H. Ascott, Police Complaints Authority
- 153** Irene Gale, South Australians for Racial Equality
- 154** Sybil Wakefield
- 155** Brian Lewis Smith, Uniting Church/SWAPO Solidarity
- 156** Peter Dight
- 157** Michael Brander, SA Chairman, National Action
- 158** Janet Wood, Secretary of South Australians for Racial Equality
- 159** Dave Diss
- 160** Heather Southcott, President UN Society of SA
- 161** Moira Des Lanes, Chairperson of Catholic Justice and Peace Commission
- 162** John Scott, Federal Member for Hindmarsh
- 163** Elina Boulus
- 164** Shamus Lappin



**Overview of Group Discussions Co-ordinated  
by the Office of Multicultural Affairs**

**Table of Contents**

- **Research Design**
- **Targeted Groups**
- **Group Discussion of Focus Questions**
  - A. Perceptions of what is racist violence**
  - B. Perceptions of racist violence in the general community**
  - C. Perceptions of racist violence in own community**
  - D. External factors affecting the incidence of racist violence**

**Incident Questionnaires**

- **Relationship between group discussions and questionnaires**
- **Neighbourhood racist violence and harassment**
- **Racist violence and harassment in the workplace**
- **Racist violence and harassment in public places**
- **Racist violence and harassment in schools and colleges**
- **Indirect reports of incidents**
- **Perpetrators of racist violence and harassment**
- **Victim Response to Racist Violence**
- **Actions Taken in Response to Reported Incidents**
- **Strategies Suggested to Combat Racist Violence**

---

## **Appendix 2**

---

### **Research Design**

The Office of Multicultural Affairs (OMA) provided the National Inquiry into Racist Violence with the resources to run fifty consultations with targeted ethnic communities throughout Australia in April and May 1989.

The research model was developed to:

- allow the participation of individuals or groups unlikely or unable to present formal submissions to the Inquiry
- allow the Inquiry to go beyond official groups and organisational representatives and to consult directly with groups of individuals, particularly those disadvantaged by social, educational and economic factors
- use a form of consultation which is less threatening and more supportive and which allows individuals from targeted NESB communities to communicate in a small group setting with a person (the Group Facilitator) who understands and speaks their language, understands their culture and particular settlement history
- obtain qualitative and quantitative data from the responses of individuals about their own experiences as well as their views on the extent, forms, causes and remedies in respect to racist violence experienced by their community.

### **Targeted Groups**

Consultations were directed at groups who were thought likely to have experienced racist violence but who were less likely for reasons of language or length of residence in Australia to make formal reports of incidents. Targeted groups, therefore, included:

1. recently arrived immigrant communities from Asia and the Middle East
2. Muslim communities from Turkey, Iran, Lebanon, Malaysia, Indonesia and Pakistan
3. Asian communities who are not recent arrivals such as the Chinese
4. immigrant communities in remote or rural areas
5. ethnic communities in the Northern Territory, Queensland and Western Australia

6. high school student groups with a specific NESB background.

Post war immigrant communities, such as Italians, Greeks, Germans and Poles, were also included for comparison purposes.

Group Facilitators were instructed to use contacts with community workers and industrial and recreational groups to gather volunteer discussion groups. Generally the consultations endeavoured to achieve an equal number of men and women and ensure that groups were not biased in composition in respect of social class, age or education unless this was an integral feature of target policy. Approaches which were likely to attract only those who had actually suffered racist violence were avoided.

580 people attended forty-three group discussions held by OMA group facilitators. The location and ethnicity of groups is given in the table below.

### Persons Attending Group Facilitator Consultations

	NSW	VIC	OLD	SA	WA	NT	TAS
Arabic speaking	4	10	14				
Cambodian					17	11	
Chinese	12	13	12	14			12
Filipino		15	45*			33	
German							10
Greek				10			
Indian					15		
Indonesian					13	12	
Iranian			10				
Italian				10	10		
Lao	16						
Mixed					42		
Pakistani						10	
Persian					15		
Polish				10	12		
Spanish speaking				16			14
Thai			13				
Tongan	12						
Turkish	10	10	24	11			
Vietnamese	9		12	14	13	15	
<b>TOTAL 580</b>	<b>63</b>	<b>48</b>	<b>130</b>	<b>85</b>	<b>137</b>	<b>81</b>	<b>36</b>
*3 Groups							

---

## Appendix 2

---

311 women and 269 men took part in the discussions, not including the Group Facilitators themselves. Most of the participants had arrived in Australia after 1979. The Greek, German, Polish and a South Australian Italian group had arrived in the 1950s and 1960s and a group of Italians in Western Australia were all born here and under 20 years old.

### Group Discussion of Focus Questions

#### A. Perceptions of what is racist violence

Most of the groups arrived through discussion at a definition of racist violence that included not only the obvious physical manifestations of racism, such as assault, vandalism and intimidatory graffiti, but also verbal racism, and insulting gestures, telephone calls and mail.

There were some significant differences between groups, however. The longer established groups, those who spoke English well, Iranians, Filipinos and Chileans were more inclined immediately to include the less physical manifestations and discrimination and to speak of psychological violence. Asians and those who did not speak English well were less inclined at first to include verbal manifestations of racism. This is partly because they did not often understand the angry words said to them but also that the broader meanings of the word 'violence' in English may not have applied in their own languages. The Indonesian Northern Territory group, however, included verbal racism when said in anger and with aggressive postures.

#### B. Perceptions of racist violence in the general community

With the exception of the Northern Territory and Tasmania, all groups saw racist behaviour as a general community and nationwide problem and said that most migrants could expect to suffer experiences from racist attitudes. Most groups volunteered the opinion that the Aborigines suffered most from racist violence. After them Asians, Pacific Islanders, Muslim women who wore the hijab, those who spoke English poorly and anyone who looked markedly different from Anglo-Celtic Australians were seen as most likely to experience racist violence. Western Australian groups saw racist violence as increasing and serious although the Polish and Iranian groups did not have this perception, while agreeing that Asians suffered more. Some groups thought elderly women and children who did not speak English well were most likely to experience abuse. Spanish speaking groups and Polish people particularly criticised Australian impatience and rudeness to people who couldn't speak English well.

Some groups mentioned factors which suggested different types of causes of racist

violence. New South Wales Tongans thought those who were a threat to the dominant culture and to employment were most resented. Several groups mentioned that they were often abused because they were mistaken for Japanese (Vietnamese and Chinese) or Aborigines (Central Americans) or Vietnamese (Thais) but that the perpetrators' attitude changed when the mistake was explained. This suggests that some verbal attacks, although triggered by appearance, are in fact directed at a more specific group. The Filipino group in Alice Springs, which said there was no problem for them there, considered that there was a greater problem in big cities.

The expectation of racism in Australia by migrants showed some slight variance. Asian groups in general thought that some resentment of 'outsiders' was to be expected. A Chinese Northern Territory group are reported as saying 'after all the land belongs to the white man' and that 'Australians were free and careless with their words and often didn't mean to be racist'. Chinese with tertiary education, however, did not agree that Australian racism was to be tolerated. Migrants with a higher level of education expected to find some racism in Australia. Migrants who had come to Australia because of political and military upheavals in their own countries had expected Australia to be a democratic haven from persecution and were surprised to experience hostility.

### **C. Perceptions of racist violence in own community**

Nearly all participants could cite incidents of racist actions towards their communities. Nearly all had personally experienced name calling and intimidatory behaviour at some time. The exceptions to this view were groups in the Northern Territory and Tasmania, and Asians in Queensland where incidents were seen as either very rare or trivial. The older established migrant groups, represented by the Poles, Germans, Greeks and Italians, saw hostility as much less than it had been when they first came to Australia and now consisting of rare verbal insult and more subtle forms of discrimination.

Asian groups, Arabic speaking groups, Islanders, Turks and Spanish speaking groups in Western Australia, New South Wales, South Australia and Victoria and Iranians and one Turkish group in Queensland reported abuse and harassment as frequently experienced by themselves and/or their communities.

Some special situations are noteworthy:

Some Filipino women in the Northern Territory and Queensland, who did not report a high level of racist violence in the general community, considered that the attitudes of their Australian husbands were racist and often led to domestic violence. They complained of being called 'black bitches', 'Filipino slaves and whores' and being told that all Filipinos were prostitutes. Some were forbidden to speak Tagalog and cook Filipino food for their friends.

---

## Appendix 2

---

Discussion with a group of young Turkish men in Bundaberg in Queensland revealed that there was a lot of racist violence against Turks and bad relationships with local police, clubs and discos in that town. It was reported that some Turkish people had left the town because of the situation there. In contrast the Turkish group in Brisbane reported only occasional verbal insults.

Fighting, insults and violent rivalry was reported by young Italians in a Western Australian town. School, school buses and sports matches were the main locales for conflict and racist name calling. Originally most of the conflict was between the Italians and Aborigines but recently, the closure of an Aboriginal mission near the town has reduced their numbers and trouble is now mainly between those of Italian and Anglo-Celtic origin.

The Pakistani group in the Northern Territory complained of anti-Muslim attitudes and attacks upon the Mosque, upon which 'Kill the Ayatollah' had been painted. They said they resented the prejudiced ignorance about Islam. They said there was a diversity of ideas and practices within Islam and said all Muslims should not be judged by Islamic fundamentalism.

### **D. External factors affecting the incidence of racist violence**

Several factors were seen as affecting the timing and volume of racist violence but the immigration/Blainey debate was the most frequently mentioned. Other factors mentioned were:

- statements by Bruce Ruxton and other public personalities
- media stories about mail order brides
- Vietnamese refugee influxes
- increases in Asian students
- media reporting of crimes mentioning ethnicity of suspects
- media coverage of Rushdie affair and Middle Eastern 'terrorism'
- media stories on Japanese purchase of Australian land and Turkish compensation fraud cases
- Aquino crackdown on prostitution and crime covered in media (made Filipinos seem inferior)

Only Western Australian groups and the South Australia Chinese Group saw a link with National Action activity.

### Incident Questionnaires

Participants were invited to put the details of incidents that had occurred to them personally onto questionnaires. 169 chose to do this. Six people included incidents occurring to their children, making the total number of individuals to whom incidents occurred 175.

Altogether there were 106 reports of verbal abuse and threats, 40 reports of physical attack, 21 reports of attack upon property, 16 of racist telephone calls, 16 of other kinds of intimidation, 20 of other kinds of hostility, four of graffiti, two of racist sexual harassment, and one of attack upon a workplace. Separate incidents often involved repeated occurrences.

#### Relationship between group discussions **and** questionnaires

The handling of the Inquiry questionnaire by group facilitators did not appear to be consistent. It appeared that a few facilitators thought that the questionnaire was only for the demographic details, as all of their groups only filled in this part. Some translated the questions onto separate forms and some wrote the translations beside the questions. Most did not provide translations. However, even where translation was provided, there were cases of only the demographic parts being filled in. It is not possible to be sure to what extent the rate of returning incident questionnaires, which provide the Inquiry with precise details of incidents, was due to these factors or a genuine absence of incidents in the community or a reluctance to commit details to paper.

For example, a Cantonese group in the Northern Territory returned no incident forms. Examination of the discussion reveals that incidents were not denied but that the group wished to play down their significance - insulting remarks by teenagers and racial teasing of their children at school. The group said that those of them who don't speak English well were most likely to suffer incidents and rudeness but concluded that they didn't have a high level of racist harassment in their town. The group leader did not appear able to go against the feeling of the group and press for more specific details. One woman said 'it was not the Australians' fault' but theirs because 'we're too sensitive'.

In the case of a Northern Territory Indonesian group only Part I of the questionnaire was translated and filled in. The facilitator said she would have translated the rest if necessary. However, the feeling of the group was that they had not experienced any racist violence in Darwin and that the few occurrences that there had been had been aimed at individuals and not on a community basis. In fact three cases of clearly racist abuse were mentioned.

In Queensland, a Vietnamese group declined to fill in any forms despite the facilitator's

---

## Appendix 2

---

encouragement. Discussion showed that the group felt there was prejudice and discrimination against them and that they resented local media reports about Vietnamese. One case of racist mail to a participant was mentioned. The group also observed that verbal abuse and threats were a more common form of discrimination than physical abuse.

These examples indicate several factors:

1. That a more thorough orientation of group facilitators with respect to the questionnaires was needed.
2. That using facilitators from the same group, although less threatening and linguistically necessary, also had the hazard, in the case of Asian groups especially, that facilitators were constrained by the same cultural reluctance to complain and unwillingness to push against the emerging consensus as the participants. Possibly training in the art of follow up questions and probing questions might have counteracted this effect to some extent.
3. Although these factors reduced the questionnaires somewhat, their effect was not so apparent with Asian groups in the capital cities where the consensus opinion that racist violence is a problem was unavoidable.
4. The conclusion may be drawn that the level of written incidence reporting, therefore, underestimates racist violence slightly and that the OMA group discussions accessed some information that would not otherwise have been offered.

### **Neighbourhood racist violence and harassment**

**Fifty incidents which occurred in the immediate vicinity of the victims' homes were reported. Some attacks involved more than one type of violence. Altogether there were:**

- **19 cases of abuse or threats**
- **15 attacks on property**
- **13 racist telephone calls**
- **8 physical assaults**
- **5 other types of intimidation**
- **2 cases each of graffiti, racist mail, sexual harassment and other forms of hostility**

**Some incidents involved several occurrences and some were still being experienced.**

Examples from the fifty reports:

My daughter was marrying and we were celebrating and preparing to go to the reception hall. In the neighbourhood there are a few 15-17 year olds - Anglo Saxons - who are violent and create problems for us all the time. That night they came close to the house and started throwing eggs on the bridegroom and bride and damaged their clothes. We could not bear this which was in addition to shouting, 'Wogs', 'Bloody Lebanese' and 'go home' and damaging the car. We called the police which know all of the kids but again nothing was done. (Vic Lebanese man A37)

Car tyres slashed, acid poured on windscreen, sugar poured over petrol tank by a neighbour known to hate Filipinos. (NT A73)

My next door neighbour abused me while I was hosing the concrete. At the time I was living in a government unit. She harassed me everyday on the way to and from work I eventually moved out because I could not live there happily... Also my car has been scratched. My car's antenna broken and they broke the windscreen wipers and scratched 'wog' on my friend's car there. (Qld Turkish A162)

Living in Rosemeadow Housing Commission in 1984 I was harassed by my neighbours. Their children called me and my family 'bloody wogs', swearing at us. They threw rocks at my doors and sometimes when we were not home they pulled out our plants and vegetables from our garden. (He reported to a community worker and to the Police. The chamber magistrate referred matter to Community Justice. He says, 'but my neighbour did not go [to] that office even though he received a letter from the Community Justice. But the situation got better much better'.) (NSW Laotian A50)

An Adelaide woman says that recently people in the street outside her home called her and her children 'wogs' and bloody ethnics, spat on them and threatened to harm them. People, she said, also jumped into her property and tried to break her car. She and her children were very scared and couldn't sleep for days. She was too scared to give any details about the offenders. (SA Turkish A103)

A Cambodian from WA simply says, 'Neighbourhood problem. I am sorry I wouldn't like to tell you about [what my] neighbour did to me and my family because I am afraid of retaliation'. He has been here one year. In that time his wife was sexually assaulted at a local primary school. He has not told authorities.

---

## Appendix 2

---

### Racist violence in the workplace

Twenty-seven questionnaires reported racist incidents at work. Informants complain often of discrimination in the form of getting the harder jobs or being made to work longer in addition to insults and harassment.

A Filipino laboratory assistant complained that no one would communicate with her at work and that she was given all the hard work. They only spoke to her to make fun of her appearance and accent. (WA A121)

A Fijian supervisor noticed that the white workers would take no notice of what she said and that she was called 'wog' and 'nigger' and 'immigrant'. (WA 123)

A Vietnamese doctor with unrecognised qualifications worked in a fibreglass factory. He says, 'There was an Australian worker in this factory... Our job was to fit windows to the upper part of boats. Everyday when we were sitting to do the job this man passed by and kicked at our backs while saying "go home". One day I took sick leave and my friend stayed alone at work. He was kicked so hard that he fell over. He was hit slightly on the head with a hammer in a threatening way. I came to the factory for rescue and to talk to the man but he threatened me too. We had a dispute which nearly led to fighting. In the end, the manager interfered to bring about peace. He sacked the trouble maker.' (WA A126)

The workplace of a Vietnamese informant was the offices of the Vietnamese Welfare Association. At the time of the immigration debate, the glass doors were smashed one night and he personally had to answer some abusive telephone calls to the office. (WA A132)

A Chinese bread shop proprietor said, 'A stranger came and gave my shop assistant a plastic bag which was opened shortly after the stranger had left. Some handwritten notes were found in the bag. I found some dirty words and "KKK" signs in these notes. I understand that the KKK sign is a symbol of a racism organisation which organised violent activities against the black people in the USA. I consider this kind of behaviour as an intimidating threat to me and my family because I am Asian, in other words a foreigner.' (Qld A137)

A Filipino woman in a supervisory position resigned after three weeks because of continual humiliation about her slightly accented English, remarks about how she got into the country and accusations of being a 'mail order bride'. Her employers, however, reinstated her when they found out the causes of her resignation and sacked the offending workers. (Qld A16)

A migrant met with abuse from a fellow worker when he complained about deliberate inconvenient placing of a machine by a fellow worker. He said, 'he became abusive and swore at me calling me "wankers", "woman", "bloody idiot" and saying "you go back to your country you black \*\*\*\*", you don't know how to speak English". But I just kept quiet because I'm thinking of my family and I need the job.' (Qld Filipino A139)

In many cases of harassment at work managers and supervisors have acted in support of the migrant worker and sacked offenders. For example, a Filipino woman reported, 'A bloke in my work used to say rude things to me which goes on every day of the week. It just got worse and one day someone told my supervisor that there's been harassment and verbal abuse going on so he was called and in the end he told them that one of the reasons was "he doesn't like Filipinos" and they sacked him.' (Qld A145)

'With regard to my job they were always looking for all the mistakes I made and report it to my boss because they wanted to get rid of me and if they do only personal questions like how my husband and I met each other and why did I prefer to marry an Australian than a Filipino.' (NT A75)

Polish clerical worker complained of being called a 'Polish pig', 'bloody ethnic' and 'wog' by her co-workers. She had not reported it because she was afraid of losing her job. (SA A83)

A Polish man, a mechanic, made similar protests. (SA A88)

A Vietnamese man said a fellow worker continually humiliated him with remarks and pulling angry faces at him in front of other workers who never object. He said 'I really wanted to report this Greek man's racist remarks to my factory management but my English is very little for me to explain what he actually did or said and how I felt. Also, nobody at work seemed to care.' (SA A111)

A Tongan who had been called a 'coconut' at work said many of his Pacific Islander friends get called 'coconuts' and it means they are stupid. (NSW A56)

Another Tongan man who was 'pushed around' and called a 'black' by fellow workers and a supervisor lost his job when he retaliated physically. (NSW A57)

'I used to work in a bakery and the foreman there used to harass me and called me names. He gave me the dirtiest and heaviest work to do. One day he said, "you black bastard hurry up". Then I could not contain my anger so I knocked him unconscious. I told the police what had happened and I was warned not to do it

---

## Appendix 2

---

again. However I lost my job.' (NSW Tongan A60)

### Racist violence and harassment in public places

There were fifty-four reports of racist violence occurring in such places as streets, parks and other public amenities. Nine people did not specify where the incident experienced had occurred but as all involved personal harassment by strangers these also were like to have occurred in public places.

An Iranian man said, 'In April 1988 at 5.30pm I was attacked by two Australian youths in the centre of Brisbane City which resulted in my hand being broken. It had a very severe impact on my life for about eight months. Also for my friend who was accompanying me. The Police reaction to this was almost nil ... In that crowded hour of the day, it was quite clear (that it was racist). In that crowd the attack was on us, not on others. I think that there was no reason other than the difference in the colour of hair and skin because why else would anyone be attacked without a single word in the middle of a crowd?' (Qld 165)

A teenager and his friend when they went to a disco were kicked and punched by two bouncers. When they went to the police station to file a complaint, they said 'the cop told us to piss off and to pack our bags and go back to our own country.' (Qld Turkish A154 A158)

A young man says he was picked on by five total strangers who smashed a bottle over his head. He was concussed for three days and needed five stitches to his forehead. When he and the other men were taken to the police station he was put in the lock-up until morning instead of being taken to the hospital. (Qld Turkish A152)

A Chinese woman went to the taxation office for information. The uniformed attendant struck her on the head with a piece of rolled up paper, saying 'where do you come from' so she said 'Hong Kong' and he said 'then go back to your own country'. (SA A100)

'A white man chased me round the block of flats where I was visiting a friend. He was calling me "scum". I was very frightened. My friend said he is racist.' (SA Vietnamese man A110)

'I've often had kids and non-Asian looking people shouting abuses at me and my family in the streets around the area where we live.' (SA Vietnamese A111)

'I have been harassed on the bus and in public places because of the colour of my

---

## Appendix 2

---

skin and the way I speak. I have also been threatened on the street at night. They were mostly white Australians and I could tell they were racist because they said the sort of things they say to foreigners.' (SA American Indian teenager from Chile A78)

'Some people throw rubbish at our car while we are travelling in the city street and people in cars while we are in a bus make unpleasant sign at me.' (SA Chinese man A95/1 and /2)

'A middle-aged woman came forward to me and pushed me on my shoulder saying "go back where you came from". Also in the shopping centre teenagers called us "chinks".' (SA Chinese woman A98 /1/2)

A middle aged Filipino woman was returning by foot from work at 5.00pm on a Saturday when a group of young men in a car at the lights shouted abuse at her. One got out of the car and threw a stone at her, hitting her on the hip. She says, 'I was really shocked why they do these things to me. In fact I was just standing waiting the green light. It really hurt me very much. I reported to the Police and they said they are going to check it up.' Last year a similar thing happened again. She was waiting at a bus stop in Melbourne when teenagers in a car took a shot at her with a sling. It hit her on left thigh causing a large bruise. She said she couldn't say what nationality they were because people here are 'mixed up' but they were all white teenagers. (Vic A20)

A group of boys pushed a Filipino woman with her child off the footpath saying 'Go back to China'. (Vic A22)

A Filipino from Footscray was injured when a piece of brick was thrown at her from a moving vehicle. She described the occupants as male Australians aged between 20 and 30. They had shouted 'Ching Chong'. (Vic A24 (incident 1983))

A group of Aborigines told a Filipino woman and her child that she should go back to where she came from. They said they were the true Australians and she didn't have the same blood as theirs. (Vic A31 (1979))

An elderly Lebanese woman often had indecent words spoken to her by young Australian girls who would try to pull her head scarf off her head. (Vic A32)

'I was attacked by a girl and two men (Anglo Saxons) early this year (1989). They damaged my car, broke windscreens and bashed me, calling me racist names and swearing at me. I called the police but in vain. My solicitor advised me not to call the police until the police call him.' (Vic Iraqi man A38)

---

## Appendix 2

---

'I was delivering newspapers door to door and a Australian man called at me "wog" and started punching me with his fists to the face. I suffered various cuts and bruises to the head and body. He also used a stick. I reported to the police but they did not charge him.' (Vic Turkish man A42)

'On my way to a club with my brother, cousin and boy friend we were approached by a group of guys coming out of a pub ... they called us names such as "Chinese ching chong" and imitate our accents (the fact that we were not Chinese and my friend was a New Zealander did not concern them). They chased us and one of them actually picked me up off the ground but I managed to escape and we all ran to the club. They were young Australian grown up men.' (NSW Laotian woman A51)

'I was driving my car in Perth and on the corner of Wellington St a Western man shouted insults at me and made the V sign. I stopped and got out of the car and he attacked me immediately. He threw several punches at my face. I got my face full of bruises. I resisted but he was too strong. I then ran to the car and picked up an iron bar used to change the wheels to defend myself. I hit him at the back of his head. The police came and the case was taken to the court. The man was charged with attacking me and I was fined for causing bodily injury.' (WA Vietnamese-born Chinese A125)

'Some young men overtake my car and put their heads out of the window and said "go home mixed up \*\*\*\*\*" etc. Sometimes they went too fast and stopped in front of my car at 60kph. This action is very dangerous for me so I always had to be acting to protect myself.' (WA Vietnamese WA A30)

### Public Transport

There were eight cases occurring on public transport or on stations.

'Five young Australians were having a conversation loudly in my hearing on a train from Ashfield to Strathfield. They said "Damn it there's more and more Asians around these days. You know I don't mind other migrants. The Asians are going to outlive all races, you and I, Australians. One of these days, I'm going to take a shot gun, and gun them all down. Cut off their legs and let them walk on sticks. I'm going to Bankstown to wipe them out": (NSW Chinese A54)

'At the top of the escalator in Central Station two youths, a male and a female, grabbed me by the cardigan and attempted to throw me down. At the same time they were hurling abusive and racist remarks such as "Chinese slut, go home, you don't belong here" etc. When I got to the bottom with the girl still clutching my

cardigan, the station officer came along and told us not to fight. I yelled that I was being attacked in front of lots of people. Nobody intervened until a man in his early 30s grabbed the girl and told her to stop. Another time a young man in the train yelled racist remarks at me.' (NSW Chinese woman A55/1 and /2)

'At the train station a woman came up to me and said "go back where you came from. We don't want you lot here taking our jobs. Go back you nigger". The woman was over 50: (NSW Tongan woman A62)

'On a bus going to the city an Aussie teenager spat on my face. He made a remark that I didn't have the right to be here because I'm ugly. He called me a Viet Cong.' (Vic Filipino woman A28)

### Shops, Hotels and Restaurants

There were eleven cases occurring in shops, hotels or restaurants.

'Somebody hit me with a cue at the pub and called me "black bastard", and two others kicked and knocked me down but luckily my two cousins were there so they helped. The fight was broken up by the pub owner and told to get out or they'll call the police.' (NSW Tongan man A58)

'I was kicked out of a club for not having a tie but a lot of whites there didn't have ties. land my friends were told to get lost.' (NSW Tongan man A63)

'I was verbally abused and physically attacked at a pub following an argument about refugees coming into the country and taking jobs away from Australians and having everything done for them. I had bruises to the face and body from this argument with two Australian men.' (SA Polish man A87)

'The incident happened in a small pub in Victoria street. It was night about five to ten when I entered the pub. Two Australian men, aged between 30 and 40, were sitting and drinking when I entered and they asked me "what are you doing in here bloody wog". They assaulted me and broke my nose. I reported it to the police but they did not take any notice.' (Vic Turkish man A45)

A young Tongan man said he was harassed by a pub owner and three other people. He said, "They called me "coconut" and told me to get out of the pub, as the owner does not like islanders or blacks. I did not think anyone could help as the owner had the right to kick me out. Most of my friends get kicked out of pubs and clubs.' (NSW A59)

---

## Appendix 2

---

### The Police

There were nine cases involving the police as perpetrators. Seven of these occurred in public places and are included in the above total for public places. Two others were in custody.

'The police picked me up at Newtown as I was coming out of the pub. They took me to the station and ill treated me and kicked me. They asked me for my passport. I asked them to ring my brother to bring my passport. They thought I was involved in a fight at a nearby disco, but those were Aborigines and they thought they were Tongans. My brother came and they released me. They said there were many Tongan illegals in the area making trouble.' (NSW Tongan A65)

'In the time I have been in Darwin I was attacked one time and I thought that attack was a racist violence. I remember one night I was caught for drink driving by a policeman. I was drunk at the time so I did not know where the police was taking me to. When the car stopped I realised that it was not a police station but only a remote area. After that the policeman took me out of the car and beat me, kicked me at least ten times. I shouted but no one heard me. I also could not shout very loudly because he threatened to kill me. Then he took me back to my car and left. He swore at me but I don't really understand all of it but it was something like "animal, pig and negro". I don't know where I can report to but the police but in this case he is a policeman himself so I am afraid that I would end up reporting to him.' (NT Vietnamese A68)

'I went with my uncle who had been threatened by some people to the police for help. The police told us in exact words "it is about time you fucking Turks went back to your own country and left us in peace. I am going to call the Immigration Department. If you've got a problem go to the bush and kill yourselves".' (Qld Turkish man A160/2)

### Racist violence and harassment in schools and colleges

**There were nineteen reports of incidents in schools and colleges. Twelve of these were reported by senior high school students attending group discussions.**

**A Turkish mother said her son was called a 'turkey' and told he was not really Australian, even though he was, because his parents were not Australian. When she approached the class teacher about this harassment the teacher told her 'that it was normal and they are only kids and other children are likewise teased because they are overweight or darker in skin colour'. She said no one was called 'turkey' and the animal's voice was imitated to tease her children. After a while, she said**

'the teacher asked me how he could handle this to prevent further abuse'. In another class her children's friend, who got more As than Bs, was given a B average. When asked for an explanation of this the teacher said, 'you didn't expect to get the same mark as Australians, did you?' (A104)

A Turkish boy said, 'At high school the other kids identify me as "bloody Turk", "Gaddafi" or "Arab, crazy Arab". The teacher showed me as an example of ethnic families having many children in front of the class but my family is a very small one.' (SA A106)

'It happened more than once. Several Australian students have tried to corner me during recess. They said Asian students were never wanted at their school and that I would invite trouble if I hang around any Australian girls.' (SA Vietnamese boy A109)

'While I was studying at technical college the students laughed at me to such an extent that the teacher had to intervene. I could have received a qualification but I had to give up the course because of this.' This man was under severe mental strain because he and his wife were also suffering continuous insult and vandalism in their neighbourhood and he was meeting much racist hostility at work. (Tas South American All)

'My boy, aged 11, cried and came home with a nasty knock on his face as a result of a physical attack by his classmate. My boy told me that he had been punched and told to go back Asia by his classmate because his classmate had hated Asians. I told the school master and a few days later the attacker, an Australian boy, apologised.' (Qld Chinese A138)

An Iranian father writes, 'In this regard, the matter I can point to is the treatment of my children by school students. They are often insulted and hit by other students. This situation has affected my children so much that they are not even prepared to go to school. One day I took the child to the class myself but when I wanted to leave the child started crying and hung on me. Eventually I convinced my child to stay in class. It is because my children do not speak English and their colour and race is different they are subjected to harassment.' (Qld A163)

'They call me names and won't let me join their group. They steal my things, put smoke in my bag and make trouble for me with parents and teachers, abuse me for something I didn't do and also quarrelling with me over silly things. I know it's racist because they told me that I should go back home and that they don't need black strangers in their country. The people who gave me a hard time was Aboriginal.' (Qld Iranian girl here since 1984 A169)

---

## Appendix 2

---

'A class mate threw paint over my uniform because they reckoned I wasn't Australian. My things are always missing. I'm afraid.' (Vic Filipino senior high school boy A23)

### Indirect reports of incidents

The questionnaire also gave those reporting incidents the opportunity to report incidents of racist violence and harassment known to them that had occurred to neighbours, friends or co-workers. Altogether sixty-three people (372% of returned questionnaires) reported such incidents. While some of the answers were brief and general - for example 'too many to relate' and 'yes, plenty' and 'all my friends have similar experiences to me' - forty-one incidents occurring to friends, relatives and co-workers or actually witnessed by the respondent were described. These incidents are significant in that they augment the migrants' impression of hostility and discrimination towards them in Australia and thus increase nervousness and undermine confidence in their new country. Some examples of replies to this question are:

'Several times my daughter was told to "go back where you come from" and my son was called a "brown germ" at school. Two Filipino friends parked their car at Castle Hill and heard two Australians guys saying "These Vietnamese have only just arrived and already they've got a new car". When they came back half an hour later they found beer had been spilled all over the car's upholstery.' (Qld Filipino)

'My friend's son was attacked by his classmate. The reason for this was that his classmate did not like Asians.' (Qld Thai)

'I was involved in a car accident with a Vietnamese gentleman. He was really given hell by the police who even ridiculed the way he dressed and talked.' (Qld Lebanese woman)

'They scratched my friend's car and caused damage. They wrote "foreigner go back to your own country" on it.' (Qld Turkish)

'They broke the windscreen wipers and scratched wog on my friend's car.' (Qld Turkish)

'Yes, I know a family from New Zealand. He is so upset regarding the prejudice he has seen from Australians. He has got almost a nervous breakdown. Please help him. He is still unemployed.' (Qld Iranian)

'My husband at work was hit and assaulted because of being married to me.' (Vic Filipino)

'One old man, a neighbour, was shot at because he was trying to talk the youngsters out of racist insolence.' (Vic Lebanese)

'One night we were coming home from a visit. It was about 12.30am. My friend was carrying his sleeping child. Suddenly a car U-turned and started swearing racist abuse at my friend and when my friend responded the driver got out and a fight started.' (Vic Turkish)

'Some of my friends are harassed at work or in pubs. Some friends were harassed by Federal Police at Robin Vale, when they picked up 14 illegal Tongans. The Police even pushed around women and some of their children were crying.' (Vic Tongan)

'A Vietnamese friend from English class told me that he has been verbally abused and had rubbish thrown in his front yard.' (Polish)

'My cousin was called "bloody Turk" in her school. My sister was told she was "Aboriginal" because she was dark.' (NSW Turkish schoolboy)

### Perpetrators of racist violence and harassment

Out of a total of 149 incidents where the ethnicity of perpetrators was described, 129 were described as Aussies, Anglo-Celtic, Whites or English. Other ethnic groups, mostly European, were cited in thirteen incidents and Aborigines in four incidents. Three incidents were perpetrated by an ethnically mixed group.

Information about the sex of perpetrators was given for 155 incidents. 101 perpetrators were male and 22 female and in 32 incidents were a mixed group. Ten of the mixed group were under 20.

142 responses estimated the age of perpetrators. Of these 45 were thought to be under 20, 44 between 20 and 29 or a mixed group under 30, 22 between 30 and 40 and 20 over 40. Eleven were mixed age groups with some persons 30 and over.

81 perpetrators were unknown to their victims. This includes incidents where it was not possible to identify perpetrators, as in the case of vandalism carried out in the victim's absence. 30 perpetrators were known neighbours, 24 were fellow workers, nine police personnel, and one person was an employer.

---

## Appendix 2

---

### Victim Response to Racist Violence

#### Impact upon victims

Victims' feelings about racist incidents varied. While Chinese, Laotian and Cambodian groups often attempted to discount or ignore sub-physical incidents, Europeans and Middle Eastern participants showed the insult they felt at acts of rudeness and discrimination and were more inclined to express their anger. People from Latin America were frankly surprised and disappointed at the treatment they received.

Victims of repeated neighbourhood harassment were often frightened and felt inhibited in their daily lives. Some became depressed and suffered nervous breakdowns as a result of situations they could not either remedy or remove themselves from. The facilitator for the Arabic speaking group in Queensland says in her report:

The incidents outlined above and the other similar incidents had a most profound effect on the people involved. They reported feeling like 'losers', unwelcome and different in a strange land. They also felt a very high level of frustration and helplessness. (Qld Regional Report)

Other facilitators reported:

For most of the group these incidents of racist violence made them angry and frustrated. Most agreed that these incidents made them feel inferior to the rest of the community. One Tongan woman said 'when I was verbally abused by the old lady, I wished I'd vanished because everyone was looking at me and I felt really bad'. (NSW Regional Report)

The overwhelming propensity is for the victims to take a philosophical position explaining such incidents away as the product of human nature, as something which should be expected, even as just plain bad luck. (NSW Regional Report)

One respondent said,

'Yes, I know some people who were harassed. No one does anything about it. I am very lonely in this country. No one talks to me in my neighbourhood. I am friendly but I don't get any such response from them. I am too scared to leave my kids alone in the front.' (SA Turkish woman)

Victim response to incidents

The NSW Regional Report saw the response of victims as modified by three factors:

Responses to incidents of racist violence are seen as affected by the seriousness with which the law deals with such acts, if at all, and by victims' confidence in the Police and organisations supposed to protect them. Another important modifying consideration is groups' lack of knowledge about recourse open to them under anti-discrimination acts and HREOC.

A Vietnamese facilitator, whose group did not report any actual incidents against group participants, comments thus:

... One reason for such a result can only be guessed as the fear of possible repercussions or that they do not want to appear to offend those people who had accepted them here. On the cultural side, it is a strong Vietnamese characteristic not to be too direct in conversation, as such action may result in confrontation. At the same time, Vietnamese people avoid to disclose their true feelings and emotions to others. Thus in an incident such as this, a complaint if any may not be publicly mentioned.

The Queensland report notes that Filipinos have reported incidents against them to HREOC and the CES office and are generally more inclined to take action to remove themselves from unwelcome situations. Iranians who had reported incidents to the Police, politicians, EAC and welfare bodies felt that little came out of their efforts and concluded they were a waste of time.

There was consensus that only acts of physical violence against people or property warranted an approach to authorities, generally the police ... would not report other forms of racist violence to anyone. (Qld Regional Report)

This was reiterated in other reports:

Many of the participants stated they would report cases of physical violence or violence against property whereas verbal abuse would either be dealt with on a person to person basis or ignored. (NT Regional Report)

All groups reported that the general feeling of participants was that they preferred to suffer in silence, rather than respond to individual attacks by reporting incidents to the authorities. On serious attacks ... were reported to the police usually with little or no satisfaction in dealing with the problem. (WA Regional Report)

There were ambivalent feelings as to what should be done about their experiences. Most of the cases reported in these consultations indicated the lack of response from the police, Equal Opportunity Commission and social workers attached to various organisations. Some took the matter into their own hands owing to

---

## Appendix 2

---

extreme frustration with the system ... (Vic Regional Report)

No participant had been subject to a racially motivated assault that they considered serious enough to report to the authorities ... (Tas Regional Report)

The Tasmanian German group facilitator reported that most people said their pride was injured but they had come to believe these people were not worth worrying about and it was best to ignore them. However, one participant had described how he had been involved in a few fist fights because he could no longer tolerate the abuse.

The Tasmanian Chinese group facilitator reported students felt too terrified to confront bigger kids and that one girl said she tries not to let name calling incidents affect her but that she did feel hurt as it felt like a personal attack. For more serious forms of abuse by adults they all said they would make appropriate reports especially if it occurred at work.

Most incidents have gone unreported due to acceptance that verbal abuse is a part of life, lack of knowledge of whom to report to, fear of retaliation or previous experience of schools or police not taking or trying to take effective action against perpetrators. (SA Regional Report)

Some mistrusted the police:

I phoned the police to complain about being harassed. They did not even ask who I was and they passed me on from one department to another. By the third time I waited so long that! hung up. I think they did not take me seriously because of my foreign accent. (Mt Isa Filipino)

The Queensland Thai community did not report threats of physical damage to their Temple — just relocated it.

Some discussions resulted in decisions about future responses:

Brisbane Filipino group proposed that the local Filipino-Australian Welfare Association form a sub-committee to consider the issue and deal with incidents of racist violence.

Turkish group in Bundaberg acknowledged need for better liaison between themselves and the Police and government departments.

Iranians thought they should strive to master English more and learn about Australia so that they could approach residents with friendliness.

Thais thought they should be more confident and assertive towards people who were offensive.

### **Actions Taken in Response to Reported Incidents**

Eighty-eight out of a total of 178 incidents were not reported to anyone other than relatives and friends. Action taken is shown in the following table:

<b>Reporting of Incidents</b>		
<b>Not reported</b>		<b>88</b>
<b>Reported</b>		<b>53</b>
— <b>Police</b>	<b>29</b>	
— <b>Other Government bodies</b>	<b>9</b>	
— <b>Employers</b>	<b>6</b>	
— <b>Teachers</b>	<b>4</b>	
— <b>Own community body</b>	<b>3</b>	
— <b>Unions, other</b>	<b>2</b>	
— <b>Politicians</b>	<b>0</b>	
<b>Not answered</b>		<b>35</b>

**Of** the twenty-nine cases involving physical attack, ten were reported to the police. However, the nine cases where medical attention was needed were all reported. Five out of thirteen cases of vehicle attack were reported to the police and six out of eight cases of attack upon the home.

Eighty of the eighty-eight persons who said they had only reported incidents to relatives and friends, gave as reasons for not reporting to the police or other authorities fear (15), no use (24), difficult or do not know how to (18) and other reasons such as not wanting to cause trouble (23).

### **Strategies Suggested to Combat Racist Violence**

Group discussion about appropriate strategies to deal with racist violence showed a marked preference for educational approaches, not only in schools but also of the adult population through the electronic media. It was widely felt that, if leading Australians were seen denouncing racism and supporting migrants on the television, racists would realise their attitudes were un-Australian. Groups differed in that while some called for legal action and harsher penalties, others, particularly Asian groups, saw that such

---

## Appendix 2

---

approaches might be counter productive and 'create martyrs'.

Suggestions were:

- Education in schools
- Education of public
- Government material to counter myths and give positive view of migrants
- More preparation of the Australian community on the scale of immigration
- Laws to deal with racist posters and violence
- Stronger penalties for racist violence
- Racist vandals should pay for damage to property
- Higher penalties for assault and vandalism generally
- Setting up of anti-racist organisations
- Strengthening community organisations to deal with racism
- Monitoring of racism in the media with organised protests can help in cases of racist attack
- Orientation centres for professionals to learn about Australian customs
- Federal Government should sign Article 4 of the UN Convention.

**International Convention on the Elimination of  
All Forms of Racial Discrimination**

*The States Parties to this Convention,*

*Considering* that the Charter of the United Nations is based on the principles of the dignity and equality inherent in all human beings, and that all Member States have pledged themselves to take joint and separate action, in co-operation with the Organisation, for the achievement of one of the purposes of the United Nations which is to promote and encourage universal respect for and observance of human rights and fundamental freedoms for all, without distinction as to race, sex, language or religion,

*Considering* that the Universal Declaration of Human Rights proclaims that all human beings are born free and equal in dignity and rights and that everyone is entitled to all the rights and freedoms set out therein, without distinction of any kind, in particular as to race, colour or national origin,

*Considering* that all human beings are equal before the law and are entitled to equal protection of the law against any discrimination and against any incitement to discrimination,

*Considering* that the United Nations has condemned colonialism and all practices of segregation and discrimination associated therewith, in whatever form and wherever they exist, and that the Declaration on the Granting of Independence to Colonial Countries and Peoples of 14 December 1960 (General Assembly resolution 1514 (XV)) has affirmed and solemnly proclaimed the necessity of bringing them to a speedy and unconditional end,

*Considering* that the United Nations Declaration on the Elimination of All Forms of Racial Discrimination of 20 November 1963 (General Assembly resolution 1904 (XVIII)) solemnly affirms the necessity of speedily eliminating racial discrimination throughout the world in all its forms and manifestations and of securing understanding of and respect for the dignity of the human person,

*Convinced* that any doctrine of superiority based on racial differentiation is scientifically false, morally condemnable, socially unjust and dangerous, and that there is no justification for racial discrimination, in theory or in practice, anywhere,

*Reaffirming* that discrimination between human beings on the grounds of race, colour or ethnic origin is an obstacle to friendly and peaceful relations among nations and is capable of disturbing peace and security among peoples and the harmony of persons living side by side even within one and the same State,

---

## Appendix 3

---

*Convinced* that the existence of racial barriers is repugnant to the ideals of any human society,

*Alarmed* by manifestations of racial discrimination still in evidence in some areas of the world and by governmental policies based on racial superiority or hatred, such as policies of *apartheid*, segregation or separation,

*Resolved* to adopt all necessary measures for speedily eliminating racial discrimination in all its forms and manifestations, and to prevent and combat racist doctrines and practices in order to promote understanding between races and to build an international community free from all forms of racial segregation and racial discrimination,

*Bearing in mind* the Convention concerning Discrimination in respect of Employment and Occupation adopted by the International Labour Organisation in 1958, and the Convention against Discrimination in Education adopted by the United Nations Educational, Scientific and Cultural Organization in 1960,

*Desiring* to implement the principles embodied in the United Nations Declaration on the Elimination of All Forms of Racial Discrimination and to secure the earliest adoption of practical measures to that end,

*Have agreed* as follows:

### PART 1

#### *Article I*

1. In this Convention, the term 'racial discrimination' shall mean any distinction, exclusion, restriction or preference based on race, colour, descent, or national or ethnic origin which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of human rights and fundamental freedoms in the political, economic, social, cultural or any other field of public life.

2. This Convention shall not apply to distinctions, exclusions, restrictions or preferences made by a State Party to this Convention between citizens and non-citizens.

3. Nothing in this Convention may be interpreted as affecting in any way the legal provisions of States Parties concerning nationality, citizenship or naturalization, provided that such provisions do not discriminate against any particular nationality.

4. Special measures taken for the sole purpose of securing adequate advancement

of certain racial or ethnic groups or individuals requiring such protection as may be necessary in order to ensure such groups or individuals equal enjoyment or exercise of human rights and fundamental freedoms shall not be deemed racial discrimination, provided, however, that such measures do not, as a consequence, lead to the maintenance of separate rights for different racial groups and that they shall not be continued after the objectives for which they were taken have been achieved.

### *Article 2*

1. States Parties condemn racial discrimination and undertake to pursue by all appropriate means and without delay a policy of eliminating racial discrimination in all its forms and promoting understanding among all races, and, to this end:

- (a) Each State Party undertakes to engage in no act or practice of racial discrimination against persons, groups of persons or institutions and to ensure that all public authorities and public institutions, national and local, shall act in conformity with this obligation;
- (b) Each State Party undertakes not to sponsor, defend or support racial discrimination by any persons or organizations;
- (c) Each State Party shall take effective measures to review governmental, national and local policies, and to amend, rescind or nullify any laws and regulations which have the effect of creating or perpetuating racial discrimination wherever it exists;
- (d) Each State Party shall prohibit and bring to an end, by all appropriate means, including legislation as required by circumstances, racial discrimination by any persons, group or organization;
- (e) Each State Party undertakes to encourage, where appropriate, integrationist multi-racial organizations and movements and other means of eliminating barriers between races, and to discourage anything which tends to strengthen racial division.

2. States Parties shall, when the circumstances so warrant, take, in the social, economic, cultural and other fields, special and concrete measures to ensure the adequate development and protection of certain racial groups or individuals belonging to them, for the purpose of guaranteeing them the full and equal enjoyment of human rights and fundamental freedoms. These measures shall in no case entail as a consequence the maintenance of unequal or separate rights for different racial groups after the objectives for which they were taken have been achieved.

---

## **Appendix 3**

---

### *Article 3*

State Parties particularly condemn racial segregation and *apartheid* and undertake to prevent, prohibit and eradicate all practices of this nature in territories under their jurisdiction.

### *Article 4*

States Parties condemn all propaganda and all organizations which are based on ideas or theories of superiority of one race or group of persons of one colour or ethnic origin, or which attempt to justify or promote racial hatred and discrimination in any form, and undertake to adopt immediate and positive measures designed to eradicate all incitement to, or acts of, such discrimination and, to this end, with due regard to the principles embodied in the Universal Declaration of Human Rights and the rights expressly set forth in article 5 of this Convention, *inter alia*:

- (a) Shall declare an offence punishable by law all dissemination of ideas based on racial superiority or hatred, incitement to racial discrimination, as well as all acts of violence or incitement to such acts against any race or group of persons of another colour or ethnic origin, and also the provision of any assistance to racist activities, including the financing thereof;
- (b) Shall declare illegal and prohibit organizations, and also organized and all other propaganda activities, which promote and incite racial discrimination, and shall recognize participation in such organizations or activities as an offence punishable by law;
- (c) Shall not permit public authorities or public institutions, national or local, to promote or incite racial discrimination.

### *Article 5*

In compliance with the fundamental obligations laid down in article 2 of this Convention, States Parties undertake to prohibit and to eliminate racial discrimination in all its forms and to guarantee the right of everyone, without distinction as to race, colour or national or ethnic origin, to equality before the law, notably in the enjoyment of the following rights:

- (a) The right to equal treatment before the tribunals and all other organs administering justice;
- (b) The right to security of person and protection by the State against violence or

bodily harm, whether inflicted by government officials or by any individual, group or institution;

(c) Political rights, in particular the rights to participate in elections - to vote and to stand for election - on the basis of universal and equal suffrage, to take part in the Government as well as in the conduct of public affairs at any level and to have equal access to public service;

(d) Other civil rights, in particular:

- (i) The right to freedom of movement and residence within the border of the State;
- (ii) The right to leave any country, including one's own, and to return to one's country;
- (iii) the right to nationality;
- (iv) The right to marriage and choice of spouse;
- (v) The right to own property alone as well as in association with others;
- (vi) The right to inherit;
- (vii) The right to freedom of thought, conscience and religion;
- (viii) The right to freedom of opinion and expression;
- (ix) The right to freedom of peaceful assembly and association;

(e) Economic, social and cultural rights, in particular:

- (i) The rights to work, to free choice of employment, to just and favourable conditions of work, to protection against unemployment, to equal pay for equal work, to just and favourable remuneration;
- (ii) The right to form and join trade unions;
- (iii) The right to housing;
- (iv) The right to public health, medical care, social security and social services;
- (v) The right to education and training;
- (vi) The right to equal participation in cultural activities;

(f) The right of access to any place or service intended for use by the general public such as transport, hotels, restaurants, cafes, theatres and parks.

### *Article 6*

States Parties shall assure to everyone within their jurisdiction effective protection and

---

## Appendix 3

---

remedies, through the competent national tribunals and other State institutions, against any acts of racial discrimination which violate his human rights and fundamental freedoms contrary to this Convention, as well as the right to seek from such tribunals just and adequate reparation or satisfaction for any damage suffered as a result of such discrimination.

### *Article 7*

States Parties undertake to adopt immediate and effective measures, particularly in the fields of teaching, education, culture and information, with a view to combating prejudices which lead to racial discrimination and to promoting understanding, tolerance and friendship among nations and racial or ethnic groups, as well as to propagating the purposes and principles of the Charter of the United Nations, the Universal Declaration of Human Rights, the United Nations Declaration on the Elimination of All Forms of Racial Discrimination, and this Convention.

## **PART II**

### *Article 8*

1. There shall be established a Committee on the Elimination of Racial Discrimination (hereinafter referred to as the Committee) consisting of eighteen experts of high moral standing and acknowledged impartially elected by States Parties from amongst their nationals who shall serve in their personal capacity, consideration being given to equitable geographical distribution and to the representation of the different forms of civilization as well as of the principal legal systems.

2. The members of the Committee shall be elected by secret ballot from a list of persons nominated by the States Parties. Each State Party may nominate one person from among its own nationals.

3. The initial election shall be held six months after the date of the entry into force of this Convention. At least three months before the date of each election the Secretary-General of the United Nations shall address a letter to the States Parties inviting them to submit their nominations within two months. The Secretary-General shall prepare a list in alphabetical order of all persons thus nominated, indicating the States Parties which have nominated them, and shall submit it to the States Parties.

4. Elections of the members of the Committee shall be held at a meeting of States Parties convened by the Secretary-General at United Nations Headquarters. At that meeting, for which two-thirds of the States Parties shall constitute a quorum, the persons

elected to the Committee shall be those nominees who obtain the largest number of votes and an absolute majority of the votes of the representatives of States Parties present and voting.

5. (a) The members of the Committee shall be elected for a term of four years. However, the terms of nine of the members elected at the first election shall expire at the end of two years; immediately after the first election the names of these nine members shall be chosen by lot by the Chairman of the Committee.

(b) For the filling of casual vacancies, the State Party whose expert has ceased to function as a member of the Committee shall appoint another expert from among its nationals, subject to the approval of the Committee.

6. States Parties shall be responsible for the expenses of the members of the Committee while they are in performance of Committee duties.

### *Article 9*

1. States Parties undertake to submit to the Secretary-General of the United Nations, for consideration by the Committee, a report on the legislative, judicial, administrative or other measures which they have adopted and which give effect to the provisions of this Convention: (a) within one year after the entry into force of the Convention for the State concerned; and (b) thereafter every two years and whenever the Committee so requests. The Committee may request further information from the States Parties.

2. The Committee shall report annually, through the Secretary-General, to the General Assembly of the United Nations on its activities and may make suggestions and general recommendations based on the examination of the reports and information received from the State Parties. Such suggestions and general recommendations shall be reported to the General Assembly together with comments, if any, from States Parties.

### *Article 10*

1. The Committee shall adopt its own rules of procedure.

2. The Committee shall elect its officers for a term of two years.

3. The secretariat of the Committee shall be provided by the Secretary-General of the United Nations.

4. The meetings of the Committee shall normally be held at United Nations

---

## Appendix 3

---

Headquarters.

### *Article 11*

1. If a State Party considers that another State Party is not giving effect to the provisions of this Convention, it may bring the matter to the attention of the Committee. The Committee shall then transmit the communication to the State Party concerned. Within three months, the receiving State shall submit to the Committee written explanations or statements clarifying the matter and the remedy, if any, that may have been taken by that State.

2. If the matter is not adjusted to the satisfaction of both parties, either by bilateral negotiations or by any other procedure open to them, within six months after the receipt by the receiving State of the initial communication, either State shall have the right to refer the matter again to the Committee by notifying the Committee and also the other State.

3. The Committee shall deal with a matter referred to it in accordance with paragraph 2 of this article after it has ascertained that all available domestic remedies have been invoked and exhausted in the case, in conformity with the generally recognized principles of international law. This shall not be the rule where the application of the remedies is unreasonably prolonged.

4. In any matter referred to it, the Committee may call upon the States Parties concerned to supply any other relevant information.

5. When any matter arising out of this article is being considered by the Committee, the States Parties concerned shall be entitled to send a representative to take part in the proceedings of the Committee, without voting rights, while the matter is under consideration.

### *Article 12*

1. (a) After the Committee has obtained and collated all the information it deems necessary, the Chairman shall appoint an *ad hoc* Conciliation Commission (hereafter referred to as the Commission) comprising five persons who may or may not be members of the Committee. The members of the Commission shall be appointed with the unanimous consent of the parties to the dispute, and its good offices shall be made available to the States concerned with a view to an amicable solution of the matter on the basis of respect for this Convention.

(b) If the States Parties to the dispute fail to reach agreement within three

months on all or part of the composition of the Commission, the members of the Commission not agreed upon by the States Parties to the dispute shall be elected by secret ballot by a two-thirds majority vote of the Committee from among its own members.

2. The members of the Commission shall serve in their personal capacity. They shall not be nationals of the States Parties to the dispute or of a State not Party to this Convention.

3. The Commission shall elect its own Chairman and adopt its own rules of procedure.

4. The meetings of the Commission shall normally be held at United Nations Headquarters or at any other convenient place as determined by the Commission.

5. The secretariat provided in accordance with article 10, paragraph 3, of this Convention shall also service the Commission whenever a dispute among States Parties brings the Commission into being.

6. The States Parties to the dispute shall share equally all the expenses of the members of the Commission in accordance with estimates to be provided by the Secretary-General of the United Nations.

7. The Secretary-General shall be empowered to pay the expenses of the members of the Commission, if necessary, before reimbursement by the States Parties to the dispute in accordance with paragraph 6 of this article.

8. The information obtained and collated by the Committee shall be made available to the Commission, and the Commission may call upon the States concerned to supply any other relevant information.

### *Article 13*

1. When the Commission has fully considered the matter, it shall prepare and submit to the Chairman of the Committee a report embodying its findings on all questions of fact relevant to the issue between the parties and containing such recommendations as it may think proper for the amicable solution of the dispute.

2. The Chairman of the Committee shall communicate the report of the Commission to each of the States Parties to the dispute. These States shall, within three months, inform the Chairman of the Committee whether or not they accept the recommendations contained in the report of the Commission.

---

## Appendix 3

---

3. After the period provided for in paragraph 2 of this article, the Chairman of the Committee shall communicate the report of the Commission and the declarations of the States Parties concerned to the other States Parties to this Convention.

### *Article 14*

1. A State Party may at any time declare that it recognizes the competence of the Committee to receive and consider communications from individuals or groups of individuals within its jurisdiction claiming to be victims of a violation by that State Party of any of the rights set forth in this Convention. No communication shall be received by the Committee if it concerns a State Party which has not made such a declaration.

2. Any State Party which makes a declaration as provided for in paragraph 1 of this article may establish or indicate a body within its national legal order which shall be competent to receive and consider petitions from individuals and groups of individuals within its jurisdiction who claim to be victims of a violation of any of the rights set forth in this Convention and who have exhausted other available local remedies.

3. A declaration made in accordance with paragraph 1 of this article and the name of any body established or indicated in accordance with paragraph 2 of this article shall be deposited by the State Party concerned with the Secretary-General of the United Nations, who shall transmit copies thereof to the other States Parties. A declaration may be withdrawn at any time by notification to the Secretary-General, but such a withdrawal shall not affect communications pending before the Committee.

4. A register of petitions shall be kept by the body established or indicated in accordance with paragraph 2 of this article, and certified copies of the register shall be filed annually through appropriate channels with the Secretary-General on the understanding that the contents shall not be publicly disclosed.

5. In the event of failure to obtain satisfaction from the body established or indicated in accordance with paragraph 2 of this article, the petitioner shall have the right to communicate the matter to the Committee within six months.

6. (a) The Committee shall confidentially bring any communication referred to it to the attention of the State Party alleged to be violating any provision of this Convention, but the identity of the individual or groups of individuals concerned shall not be revealed without his or their express consent. The Committee shall not receive anonymous communications.

(b) Within three months, the receiving State shall submit to the Committee

written explanations or statements clarifying the matter and the remedy, if any, that may have been taken by that State.

7. (a) The Committee shall consider communications in the light of all information made available to it by the State Party concerned and by the petitioner. The Committee shall not consider any communication from a petitioner unless it has ascertained that the petitioner has exhausted all available domestic remedies. However, this shall not be the rule where the application of the remedies is unreasonably prolonged.

(b) The Committee shall forward its suggestions and recommendations, if any, to the State Party concerned and to the petitioner.

8. The Committee shall include in its annual report a summary of such communications and, where appropriate, a summary of the explanations and statements of the States Parties concerned and of its own suggestions and recommendations.

9. The Committee shall be competent to exercise the functions provided for in this article only when at least ten States Parties to this Convention are bound by declarations in accordance with paragraph 1 of this article.

### *Article 15*

1. Pending the achievement of the objectives of the Declaration on the Granting of Independence to Colonial Countries and Peoples, contained in General Assembly resolution 1514 (XV) of 14 December 1960, the provisions of the Convention shall in no way limit the right of petition granted to these peoples by other international instruments or by the United Nations and its specialized agencies.

2. (a) The Committee established under article 8, paragraph 1, of this Convention shall receive copies of the petitions from, and submit expressions of opinion and recommendations on these petitions to, the bodies of the United Nations which deal with matters directly related to the principles and objectives of this Convention in their consideration of petitions from the inhabitants of Trust and Non-Self-Governing Territories and all other territories to which General Assembly resolution 1514 (XV) applies, relating to matters covered by this Convention which are before these bodies.

(b) The Committee shall receive from the component bodies of the United Nations copies of the reports concerning the legislative, judicial, administrative or other measures directly related to the principles and objectives of this Convention applied by the administering Powers within the Territories mentioned in sub-paragraph (a) of this paragraph, and shall express opinions and make recommendations to these bodies.

---

## Appendix 3

---

3. The Committee shall include in its report to the General Assembly a summary of the petitions and reports it has received from United Nations bodies, and the expressions of opinion and recommendations of the Committee relating to the said petitions and reports.

4. The Committee shall request from the Secretary-General of the United Nations all information relevant to the objectives of this Convention and available to him regarding the Territories mentioned in paragraph 2(a) of this article.

### *Article 16*

The provisions of this Convention concerning the settlement of disputes or complaints shall be applied without prejudice to other procedures for settling disputes or complaints in the field of discrimination laid down in the constituent instruments of, or in conventions adopted by, the United Nations and its specialized agencies, and shall not prevent the States Parties from having recourse to other procedures for settling a dispute in accordance with general or special international agreements in force between them.

## **PART III**

### *Article 17*

1. This Convention is open for signature by any State Member of the United Nations or member of any of its specialized agencies, by any State Party to the Statute of the International Court of Justice, and by any other State which has been invited by the General Assembly of the United Nations to become a Party to this Convention.

2. This Convention is subject to ratification. Instruments of ratification shall be deposited with the Secretary-General of the United Nations.

### *Article 18*

1. This Convention shall be open to accession by any State referred to in article 17, paragraph 1, of the Convention.

2. Accession shall be effected by the deposit of an instrument of accession with the Secretary-General of the United Nations.

### *Article 19*

1. This Convention shall enter into force on the thirtieth day after the date of the deposit with the Secretary-General of the United Nations of the twenty-seventh instrument of ratification or instrument of accession.

2. For each State ratifying this Convention or acceding to it after the deposit of the twenty-seventh instrument of ratification or instrument of accession, the Convention shall enter into force on the thirtieth day after the date of the deposit of its own instrument of ratification or instrument of accession.

### *Article 20*

1. The Secretary-General of the United Nations shall receive and circulate to all States which are or may become Parties to this Convention reservations made by States at the time of ratification or accession. Any State which objects to the reservation shall, within a period of ninety days from the date of the said communication, notify the Secretary-General that it does not accept it.

2. A reservation incompatible with the object and purpose **a** this Convention shall not be permitted, nor shall a reservation the effect of which would inhibit the operation of any of the bodies established by this Convention be allowed. A reservation shall be considered incompatible or inhibitive if at least two-thirds of the States Parties to this Convention object to it.

3. Reservations may be withdrawn at any time by notification to this effect addressed to the Secretary-General. Such notification shall take effect on the date on which it is received.

### *Article 21*

A State Party may denounce this Convention by written notification to the Secretary-General of the United Nations. Denunciation shall take effect one year after the date of receipt of the notification by the Secretary-General.

### *Article 22*

Any dispute between two or more States Parties with respect to the interpretation or application of this Convention, which is not settled by negotiation or by the procedures expressly provided for in this Convention, shall, at the request of any of the parties to the dispute, be referred to the International Court of Justice for decision, unless the disputants agree to another mode of settlement.

---

## Appendix 3

---

### *Article 23*

1. A request for the revision of this Convention may be made at any time by any State Party by means of a notification in writing addressed to the Secretary-General of the United Nations.

2. The General Assembly of the United Nations shall decide upon the steps, if any, to be taken in respect of such a request.

### *Article 24*

The Secretary-General of the United Nations shall inform all States referred to in article 17, paragraph 1, of this Convention of the following particulars:

- (a) Signatures, ratifications and accessions under articles 17 and 18;
- (b) The date of entry into force of this Convention under article 19;
- (c) Communications and declarations received under articles 14,20 and 23;
- (d) Denunciations under article 21.

### *Article 25*

1. This Convention, of which the Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited in the archives of the United Nations.

2. The Secretary-General of the United Nations shall transmit certified copies of this Convention to all States belonging to any of the categories mentioned in article 17, paragraph 1, of the Convention.

## Anti-Discrimination Legislation in Australian States

	South Australian <i>Equal Opportunity Act, 1984</i>	New South Wales <i>Anti-Discrimination Act, 1977</i>	Victorian <i>Equal Opportunity Act, 1984</i>	Western Australian <i>Equal Opportunity Act, 1984</i>
<b>Grounds For Discrimination</b>	Sex, marital status, pregnancy, sexual harassment, race, sexuality, impairment (physical and intellectual), age.	Sex (includes sexual harassment and pregnancy), marital status, race, racial vilification, impairment (physical and intellectual), homosexuality (actual or presumed).	Sex, marital status, pregnancy, sexual harassment, race, impairment (physical, intellectual and psychological disorders), religious or political convictions, being a parent or childless.	Sex, marital status, pregnancy, sexual harassment, race, impairment (physical, intellectual and psychological disorders), religious and political convictions.
<b>Areas Covered</b>	Employment, education, goods and services, accommodation, clubs and associations, advertising, sale of land, qualifying bodies.	Employment, education, goods and services, access to places and vehicles, advertising, accommodation, qualifying bodies.	Employment, education, goods and services, accommodation, clubs or community service organisations, members of municipal or shire councils.	Employment, education, access to places and vehicles, goods and services, facilities, accommodation, clubs, application forms.



### ***UK Race Relations Act(1976)***

#### Section 70. Incitement to racial hatred

- (1) The Public Order Act 1936 shall be amended in accordance with the following provisions of this section.
- (2) After section 5 there shall be inserted the following section:

#### 5A. Incitement to racial hatred

- (1) A person commits an offence if -

- (a) he publishes or distributes written matter which is threatening, abusive or insulting, or
- (b) he uses in any public place or at any public meeting words which are threatening, abusive or insulting,

in a case where, having regard to all the circumstances, hatred is likely to be stirred up against any racial group in Great Britain by the matter or words in question

- (2) Subsection (1) above does not apply to the publication or distribution of written matter consisting of or contained in -

- (a) a fair and accurate report of proceedings publicly heard before any court or tribunal exercising judicial authority, being a report which is published contemporaneously with those proceedings or, if it is not reasonably practicable or would be unlawful to publish a report of them contemporaneously, is published as soon as publication is reasonably practicable and (if previously unlawful) lawful; or
- (b) a fair and accurate report of proceedings in Parliament.

- (<sup>3</sup>) In any proceedings for an offence under this section alleged to have been committed by the publication or distribution of any written matter, it shall be a defence for the accused to prove that he was not aware of the content of the written matter in question and neither suspected nor had reason to suspect it of being threatening, abusive or insulting.

- (4) Subsection (3) above shall not prejudice any defence which it is open to a

---

## Appendix 5

---

person charged with an offence under this section to raise apart from that subsection.

(5) A person guilty of an offence under this section shall be liable -

- (a) on summary conviction, to imprisonment for a term not exceeding six months or to a fine not exceeding 400 pounds, or both;
- (b) on conviction on indictment, to imprisonment for a term not exceeding two years or to a fine or both;

but no prosecution for such an offence shall be instituted in England and Wales except by or with the consent of the Attorney-General.

(6) In this section -

'publish' and 'distribute' mean publish or distribute to the public at large or to any section of the public not consisting exclusively of members of an association of which the person publishing or distributing is a member;

'racial group' means a group of persons defined by reference to colour, race, nationality or ethnic or national origins, and in this definition 'nationality' includes citizenship;

'written matter' includes any writing, sign or visible representation.

**Canadian Human Rights Act (1977)**

## Hate messages

13 (1) It is a discriminatory practice for a person or a group of persons acting in concert to communicate telephonically or to cause to be so communicated, repeatedly, in whole or in part by means of the facilities of a telecommunication undertaking within the legislative authority of Parliament, any matter that is likely to expose a person or persons to hatred or contempt by reason of the fact that that person or those persons are identifiable on the basis of a prohibited ground of discrimination.

## Exception

13 (2) Subsection (1) does not apply in respect of any matter that is communicated in whole or in part by means of the facilities of a broadcasting undertaking.

## Interpretation

13 (3) For the purposes of this section, no owner or operator of a telecommunication undertaking communicates or causes to be communicated any matter described in subsection (1) by reason only that the facilities of a telecommunication undertaking owned or operated by that person are used by other persons for the transmission of such matter.



**Canadian Criminal Code (1970)**

## Hate Propaganda

- 281.1 (1) Every one who advocates or promotes genocide is guilty of an indictable offence and is liable to imprisonment for five years.
- (2) In this section 'genocide' means any of the following acts committed with intent to destroy in whole or in part any identifiable group, namely:
- (a) killing members of the group, or
  - (b) deliberately inflicting on the group conditions of life calculated to bring about its physical destruction.
- (3) No proceeding for an offence under this section shall be instituted without the consent of the Attorney-General.
- (4) In this section 'identifiable group' means any section of the public distinguished by colour, race, religion or ethnic origin.
- 281.2 (1) Every one who, by communicating statements in any public place, incites hatred against any identifiable group where such incitement is likely to lead to a breach of the peace is guilty of
- (a) an indictable offence and is liable to imprisonment for two years; or
  - (b) an offence punishable on summary conviction.
- (2) Every one who, by communicating statements, other than in private conversation, wilfully promotes hatred against any identifiable group is guilty of
- (a) an indictable offence and is liable to imprisonment for two years; or
  - (b) an offence punishable on summary conviction.
- (3) No person shall be convicted of an offence under subsection (2)

---

## Appendix 7

---

- (a) if he establishes that the statements communicated were true;
  - (b) if, in good faith, he expressed or attempted to establish by argument an opinion upon a religious subject;
  - (c) if the statements were relevant to any subject of public interest, the discussion of which was for the public benefit, and if on reasonable grounds he believed them to be true; or
  - (d) if, in good faith, he intended to point out, for the purpose of removal, matters producing or tending to produce feelings of hatred towards an identifiable group in Canada.
- (4) Where a person is convicted of an offence under section 281.1 or sub-section (1) or (2) of this section, anything by means of or in relation to which the offence was committed, upon such conviction, may, in addition to any other punishment imposed, be ordered by the presiding magistrate or judge to be forfeited to Her Majesty in right of the province in which that person is convicted, for disposal as the Attorney-General may direct.
- (5) Subsections 181 (6) and (7) apply *mutatis mutandis* to section 281.1 or subsection (1) or (2) of this section.
- (6) No proceeding for an offence under subsection (2) shall be instituted without the consent of the Attorney-General.
- (7) In this section

'communicating' includes communicating by telephone, broadcasting or other audible or visible means;

'identifiable group' has the same meaning as it has in section 281.1;

'public place' includes any place to which the public have access as of right or by invitation, express or implied;

'statements' includes words spoken or written or recorded electronically or electromagnetically or otherwise, and gestures, signs or other visible representations.

- 281.3 (1) A judge who is satisfied by information upon oath that there are

reasonable grounds for believing that any publication, copies of which are kept for sale or distribution in premises within the jurisdiction of the court, is hate propaganda, shall issue a warrant under his hand authorising seizure of the copies.

(2) Within seven days of the issue of the warrant, the judge shall issue a summons to the occupier of the premises requiring him to appear before the court and show cause why the matter seized should not be forfeited to Her Majesty.

o The owner and the author of the matter seized and alleged to be hate propaganda may appear and be represented in the proceedings in order to oppose the making of an order for the forfeiture of the said matter.

(4) If the court is satisfied that the publication is hate propaganda, it shall make an order declaring the matter forfeited to Her Majesty in right of the province in which the proceedings take place, for disposal as the Attorney-General may direct.

(5) If the court is not satisfied that the publication is hate propaganda, it shall order that the matter be restored to the person from whom it was seized forthwith after the time for final appeal has expired.

(6) An appeal lies from an order made under subsection (4) or (5) by any person who appeared in the proceedings

- (a) on any ground of appeal that involves a question of law alone,
- (b) on any ground of appeal that involves a question of fact alone, or
- (c) on any ground of appeal that involves a question of mixed law and fact,

as if it were an appeal against conviction or against a judgment or verdict of acquittal, as the case maybe, on a question of law alone under Part XVIII, and sections 601 to 624 apply *mutatis mutandis*.

(<sup>7</sup>) No proceeding under this section shall be instituted without the consent of the Attorney-General ...



**Council of Europe Consultative Assembly:  
Draft Model Law (1966)**

*Article 1*

A person shall be guilty of an offence:

- (a) if he publicly calls for or incites to hatred, intolerance, discrimination or violence against persons or groups of persons distinguished by colour, race, ethnic or national origin, or religion;
- (b) if he insults persons or groups of persons, holds them up to contempt or slanders them on account of the distinguishing particularities mentioned in paragraph (a).

*Article 2*

- (a) A person shall be guilty of an offence if he publishes or distributes written matter which is aimed at achieving the effects referred to in Article 1.
- (b) 'Written matter' includes any writing, sign or visible representation.

*Article 4*

Organisations whose aims or activities fall within the scope of Articles 1 and 2 shall be prosecuted and/or prohibited.

*Article 5*

- (a) A person shall be guilty of an offence if he publicly uses insignia of organisations prohibited under Article 4.
- (b) Insignia` are, in particular, flags, badges, uniforms, slogans and forms of salutes.



**NZ Race Relations Act (1971)**

25. Inciting racial disharmony - (1) Every person commits an offence and is liable on summary conviction to imprisonment for a term not exceeding three months or to a fine not exceeding (\$1,000) who with intent to excite hostility or against, or bring into contempt or ridicule, any group of persons in New Zealand on the ground of the colour, race, or ethnic or national origins of that group of persons -

- (a) Publishes or distributes written matter which is threatening, abusive, or insulting, or broadcasts by means of radio or television words which are threatening, abusive, or insulting, or
- (b) Uses in any public place (as defined in section 40 of the *Police Offences Act 1927*), or within the hearing of persons in any such public place, or at any meeting to which the public are invited or have access, words which are threatening, abusive or insulting,

being matter or words likely to excite hostility or against, or bring into contempt or ridicule, any such group of persons in New Zealand on the ground of the colour, race or ethnic or national origins of that group of persons.

(2) For the purposes of this section -

'Publishes' or 'distributes' means publishes or distributes to the public at large or to any member or members of the public:

'Written matter' includes any writing, sign, visible representation, or sound recording.

26. No prosecution without Attorney-General's consent - No prosecution for an offence against section 24 or section 25 of this Act shall be instituted without the consent of the Attorney-General.



***NZ Race Relations Act (1977 Amendment)***

Section 9A. Racial disharmony - (1) It shall be unlawful for any person -

- (a) To publish or distribute written matter which is threatening, abusive, or insulting, or to broadcast by means of radio or television words which have threatening, abusive or insulting, or
  
- (b) To use in any public place (as defined in section 40 of the *Police Offences Act 1927*), or within the hearing of persons in any such public place, or at any meeting to which the public are invited or have access, words which are threatening, abusive, or insulting, -

being matter or words likely to excite hostility or                      against, or bring into contempt or ridicule, any group of persons in New Zealand on the ground of the colour, race or ethnic or national origins of that group of persons.

(2) For the purposes of this section, the terms 'publishes', 'distributes', and 'written matter' have the respective meanings given to them by section 25(2) of this Act.

This section and heading were inserted by s.86 of the *Human Rights Commission Act 1977*.



**NSW Anti-Discrimination (Racial Vilification)  
Amendment Act 1989**

Section 20B Definition of 'Public Act'

20B In this Division, 'public act' includes -

- (a) any form of communication to the public, including speaking, writing, printing, displaying notices, broadcasting, telecasting, screening and playing of tapes or other recorded material; and
- (b) any conduct (not being a form of communication referred to in paragraph (a)) observable by the public, including actions and gestures and the wearing or display of clothing, signs, flags, emblems and insignia; and
- (c) the distribution or dissemination of any matter to the public with knowledge that the matter promotes or expresses hatred towards, serious contempt for, or severe ridicule of, a person or group of persons on the ground of the race of the person or members of the group.

Section 20C Racial Vilification Unlawful

20C (1) [Inciting racial hatred] It is unlawful for a person, by a public act, to incite hatred towards, serious contempt for, or severe ridicule of, a person or group of persons on the ground of the race of the person or members of the group.

20C (2) [Exceptions] Nothing in this section renders unlawful -

- (a) a fair report of a public act referred to in subsection (1); or
- (b) a communication or the distribution or dissemination of any matter comprising a publication referred to in Division 3 of Part 3 of the Defamation Act 1974 or which is otherwise subject to a defence of absolute privilege in proceedings for defamation; or
- (c) a public act, done reasonably and in good faith, for academic, artistic, scientific or research purposes or for other purposes in the public interest, including discussion or debate about and exposition of any act or matter.

---

## Appendix 11

---

### Section 20D Offence of Serious Racial Vilification

**20D (1) [Threat of physical harm]** A person shall not, by a public act, incite hatred towards, serious contempt for, or severe ridicule of, a person or group of persons on the ground of the race of the person or members of the group by means which include -

- (a) threatening physical harm towards, or towards any property of, the person or group of persons; or
- (b) inciting others to threaten physical harm towards, or towards any property of, the person or group of persons.

Maximum penalty:

In the case of an individual -10 penalty units or imprisonment for six months, or both.

In the case of a corporation - 100 penalty units.

**20D (2) [Consent of Attorney-General]** A person shall not be prosecuted for an offence under this section unless the Attorney-General has consented to the prosecution.

### **Guidelines for Developing an Anti-Racist Policy in Agencies and Institutions**

- 1 Work out operational definitions for racism and racist violence.
- 2 Put racist violence onto the agenda.
- 3 Develop arguments to delegitimise racism /racist violence and to support anti-racist action; contest language that offends and blames the victim; correct misinformation that encourages resentment against others.
- 4 Work out how racism /racist violence manifests itself in the particular institution/ agency/workplace.
- 5 Gather information about who experiences racist violence. (In what forms? Where? Who are the perpetrators?)
- 6 Gather information about forms of institutional racism or discrimination which prevent people from access to employment or services, or deny them culturally appropriate services and support.
- 7 Learn to listen to those who experience racism /racist violence, both to learn more about the problem and to identify strategies and networks of support developed by community and anti-racist groups.
- 8 Identify those individuals who can speak for 'the community and facilitate community participation. Find out which organisations and networks provide links to communities and to individuals and families which may not have 'a community' (e.g., youth workers and women's centres).
- 9 Recognise the problematic relationship that Aboriginal and Islanders and some non-English speaking background people may have with government agencies, especially (but not only) the police. The history of different groups' contact with or exclusion from a particular agency or service needs to be taken into account.
- 10 Employ specially designated staff (e.g., Aboriginal or ethnic liaison officers) or units. However, combating racism and providing culturally appropriate services has to be seen as everyone's responsibility.
- 11 Recruiting more representative staff, and especially those from groups which experience racism/racist violence, means scrutinising the criteria for the job, rethinking relevant qualifications and experience, and providing effective

---

## Appendix 12

---

induction and support programs for new staff. It also means dealing with the political and industrial issues that arise when some other employees feel threatened by the changes.

- 12 Examine how minority staff are treated within the department or agency. Do not expect them to deal with all problems to do with racism or cultural difference, or deny their expertise outside those areas.
- 13 Develop training programs for all employees to examine their own views, language and practices and to develop anti-racist strategies appropriate to their working areas. Work with both management and unions to make anti-racism part of everyday industrial relations. Ensure that dealing with racism /racist violence becomes part of everyday practice and is addressed in all mission statements, corporate plans, annual reports and work programs.
- 14 Develop a code of good practice and guidelines for anti-racist action. Racism /racist violence can be declared non-negotiable and unprofessional. Good work relations and fair delivery of services should be the norm, and managers should be asked to demonstrate what steps have been taken to eliminate racism /racist violence in their areas of responsibility.
- 15 Develop action or management plans, spelling out objectives, strategies, time-lines and ways of evaluating progress, and including a regular reporting process and dissemination of information to all involved.
- 16 Establish a racist violence /racist harassment grievance procedure. Procedures should be open, and involve victims and complainants at all stages.
- 17 Gather information on incidents and complaints through use of incident report sheets which record what happened, who was involved and what was done. In addition, collect ideas for dealing with common situations or arguments, and compile a file of available resources, policy documents and guidelines from other agencies.
- 18 Include monitoring and evaluation in any anti-racist strategy or policy, as declarations alone change nothing and evaluation in turn provides more information for further planning and action.
- 19 Develop links with others working in similar areas. Effective anti-racist action will often involve a number of agencies. Ensuring coherent policies across-the-board requires co-operation with other departments, agencies, community and non-government organisations. Inter-agency committees and local community relations committees are important here.

## **South Australian Antiracism Education Policy**

### Policy Statement

The Education Department of South Australia rejects racism in all its forms, and is committed to the elimination of racist discrimination and harassment in its structures and in the learning and working environments for which it is responsible.

In fulfilling this commitment, the Education Department will implement programs to counteract the causes and redress the effects of racism in the educational context. It will actively protect the right of both students and employees to achieve their full potential in an environment which affirms their cultural identity.

The Education Department rejects racist behaviour, and the attitudes which cause it, and asserts the right of those who experience racism to protest against it. In so doing, the Department is taking steps to break the silence and challenge the denial which are at the heart of racism.

Programs will be introduced to promote, amongst students and employees, an understanding of racism, including its causes and effects in the educational context, so that those who witness it will come to acknowledge and reject it.

We shall uphold and protect the right of those who experience racist discrimination to be free of such behaviour in places of work and learning.

Students and employees will *be* provided with avenues of complaint and redress at every school and worksite within the Education Department.

Appropriate measures (including disciplinary action if necessary) will be taken against those who practise racist behaviour.

Action will be taken to ensure that all employees understand and fulfil their responsibilities with respect to the implementation of this policy.

All departmental policies, practices and structures will be monitored and reviewed to ensure they are congruent with and supportive of the Antiracism Policy.



### **Tabulation of Alleged Incidents Reported to the Inquiry**

This table represents the alleged incidents of racist violence and harassment that were reported to the Inquiry by individuals and organisations in their submissions or in oral evidence at public hearings. The incidents included are those that come within the Inquiry's definition of racist violence. The definition includes verbal and non-verbal intimidation, harassment and incitement to racial hatred as well as physical violence against people and property. For the purposes of the Inquiry, racist violence was defined as:

a specific act of violence, intimidation or harassment carried out against an individual, group or organisation (or their property) on the basis of race, colour, descent, or national or ethnic origin; and/or support for non-racist policies.

There are 295 incidents of racist violence represented in the table. This figure does not represent the total number of alleged incidents reported to the Inquiry. The reasons for this will be detailed below.

The Inquiry recognises that the incidents reported to it constitute allegations which in most cases have not and cannot be verified. However, the quantity of incidents reported to the Inquiry throughout Australia and the substance of the submissions is so consistent as to suggest a high validity. In any event, whether or not a particular allegation is shown to be justified, the fact that an allegation is made is useful as a reflection of the belief or perception of the maker. Awareness of the existence of such perceptions may encourage a greater effort to change them. A list of submissions and witnesses to the Inquiry can be found at Appendix 1.

The table provides a quantitative representation of incidents of racist violence against individuals and organisations or their property. Alleged attacks on houses or religious buildings are accounted for in the table. However, attacks on entire communities or ethnic groups in the form of general racist graffiti campaigns, racist comment in the media or published racist literature are not included.

#### **Categories Used in the Table**

**Location:** Where the alleged incident took place. This is broadly described so as not to enable identification of specific victims.

**Victim/Subject of Attack:** Individual, organisation or, in the case of property damage, the building involved. Ethnicity or Aboriginality is identified where possible.

---

## **Appendix 14**

---

**Alleged Perpetrator:** Allegations only. Details given where they have been provided in the submission/evidence.

**Nature of the Alleged Incident as Reported to the Inquiry:** Relies on facts reported to the Inquiry.

**Time Period:** The Inquiry did not include any incidents that took place prior to 1984.

**Action Taken:** Details of whether the incident was reported to any authorities. No information in the table indicates that there was no information on action taken given by the victim.

**Result of Action Taken:** Result of report if there was one. No information indicates that no information on the result of the action taken was given by the victim.

### **What is Not Included in the Table**

The total number of alleged incidents reported to the Inquiry was 1,447. As pointed out above, only 294 of that 1,447 have been represented in this table. There are several reasons for this. A large number of people (399) who alleged they had experienced racist violence requested that their personal details and the details of the incident(s) they experienced remain confidential. Given the sensitivity of much of the information provided, the Inquiry has been careful to respect these requests. Of the 399 confidential incidents reported to the Inquiry 225 were provided by people who participated in the group discussions convened by the Office of Multicultural Affairs. This material was collected on a confidential basis and was to be used for statistical purposes only.

Five hundred and eighty individuals took part in the OMA group discussions, with 169 filling in questionnaires which alleged incidents. Some individuals reported more than one incident or reported incidents against their children, thus resulting in a figure of 225 incidents reported on 169 questionnaires.

Of the alleged 1,447 incidents, 753 are not represented in this table. These incidents are contained in the various consultants reports commissioned by the Inquiry. In many cases the consultants avoided personalising the details so as not to identify the individuals who had given them information. Information relating to the categories supplied in the table was usually withheld.

Of the 753 incidents documented by consultants which are not included in the table, 485 were allegedly perpetrated by police against Aboriginal juveniles being held in custody. These incidents were reported to Mr Chris Cunneen who undertook a specific study on

relations between Aboriginal juveniles and police. Interviews were conducted with 171 Aboriginal juveniles who were held in custody in New South Wales, Queensland and Western Australia. One hundred and forty five juveniles made allegations about incidents of racist violence perpetrated by police. Some individuals reported more than one incident.

A further 268 alleged incidents of racist violence were obtained as part of the data collected for the study on Migrant Experiences of Racist Violence by Dr Pauline Newell.

4a.

## No. 1 Alleged Incidents of Racist Violence against Aboriginal People, as Reported to the Inquiry

#	Location	Victim/Subject of Attack	Perpetrator	Nature of Alleged Incident as Reported to the Inquiry	Time Period	Action Taken	Result
1	Sydney, Inner-city	Aboriginal woman	--	<b>Threatening</b> and abusive phone calls, several incidents of car windows being smashed and missiles thrown in to her home narrowly missing her young child	1988 - 1989	--	--
2	Sydney, Inner-city	Aboriginal man	Member of organised extremist group	Subjected to death threats against his family and children, as a result of his activities in the Aboriginal community	1984	--	---
3	Sydney, Inner-city	Aboriginal political activist	—	People with guns came to his house to harass his family and to try to obtain the addresses of family members	1989	Reported to the police	---
4	Sydney, Inner-city	Aboriginal political group	Organised extremist group	Telephone threats, vandalism of office and attempted arson. The venue for a fund raising event for the organisation was besieged by members of the organised extremist group, resulting in a brawl	1989	Reported to the police	
5	NSW, South coast town	Aboriginal Land Council building	--	Bricks thrown through plate glass doors and graffiti painted on remaining glass panels	May 1988	---	
6	NSW, South coast town	Aboriginal community	---	Defacement of a sacred site with graffiti	Dec 1987	—	---

#	Location	Victim/Subject of Attack	Perpetrator	Nature of Alleged Incident as Reported to the Inquiry	Time Period	Action Taken	Result
7	NSW, South coast town	Aboriginal children and adults	Various	Verbal attacks as a result of an Aboriginal land claim	1986-1989	—	---
8	NSW, South coast town	Aboriginal patrons of a hotel	Publican	Verbal abuse and unprovoked fights with Aboriginal patrons	1989	—	--
9	NSW, South-West regional centre	Anglo parents with adopted Aboriginal children	Neighbours	Verbal abuse and death threats against children after the family moved into an all white neighbourhood. At one point the tension resulted in a neighbourhood brawl	Jan 1989	---	--
10	NSW, South-West regional centre	Members of Aboriginal Land Council	--	Threatening and abusive letters sent to members. This followed the distribution of leaflets amongst a group of local whites advocating vigilante groups and violence against Aboriginals	Feb 1989	—	--
11	NSW, Far South-Western town	Aboriginal man	Local resident Anglo	Attempted murder of the Aboriginal male by shooting at him and running him over with a car	1989	Reported to police	--
12	NSW, Far Western regional centre	Aboriginal man	Publican	Unprovoked shooting	1987	Reported to police	The man was charged, but later acquitted

#	Location	Victim/Subject of Attack	Perpetrator	Nature of Alleged Incident as Reported to the Inquiry	Time Period	Action Taken	Result
13	NSW, Far West regional centre	Aboriginal youth, male	Anglo man	As a result of a dispute over a stolen gun, the perpetrator reversed his car over the youth, causing severe head injuries	Aug 1986	The man had to face court	Acquitted
14	Adelaide	Aboriginal man	--	Offensive and threatening note sent as the man was about to give evidence to the Royal Commission into Aboriginal Deaths in Custody	Jan 1990	Reported to State and Federal police and Aboriginal Deaths in Custody Watch Committee	--
14	Adelaide, Outer-suburbs	Aboriginal camp	Group of Anglo men	Drove through the campsite harassing and assaulting people with baseball bats. Returned later in the night with guns and shot a young boy in the knee and a pregnant woman in the stomach, killing the baby	1989	Reported to the police	—
15	Adelaide, suburbs	Aboriginal family	Anglo Neighbours	Constant physical and verbal harassment	1989	—	--
16	Perth	Aboriginal people	—	Various missiles thrown, including beer bottles, beer jugs and stones, during a protest over a development on an Aboriginal sacred site	1989	--	--

#	Location	Victim/Subject of Attack	Perpetrator	Nature of Alleged Incident as Reported to the Inquiry	Time Period	Action Taken	Result
17	Perth	Aboriginal families and an Anglo woman	Four Anglo men	Verbally abuse and assaulted with a shovel	Jan 1988	Investigated by the police  Further investigated by the Police Internal Investigations Branch following a complaint by one of the Anglo men	Police found that there was insufficient evidence to charge any of the Anglo men  --
18	Perth, Northern suburbs	Aboriginal juvenile, girl	Other school children	Constant physical and verbal harassment	1989	—	---
19	WA, Far North regional centre	Aboriginal man	Two Anglo men	Bashed, hit with a piece of concrete and stabbed outside a hotel during a fight with the Anglo men. The Aboriginal man died from the injuries	1988	Charged and taken to court	Two men found guilty of manslaughter
20	Darwin	Aboriginal political organisation	—	Front windows of office blasted with a shotgun	Dec 1989	—	--
21	Katherine	Aboriginal school children	Teachers, other school children	Verbal harassment in the school grounds	1989	—	

#	Location	Victim/Subject of Attack	Perpetrator	Nature of Alleged Incident as Reported to the Inquiry	Time Period	Action Taken	Result
22	Katherine	Aboriginal youths, men and women	Hotel bouncer	Unprovoked assault	1989	—	—
23	Katherine	Aboriginal community	Local Anglo youths	Verbal abuse	1989	--	—
24	Alice Springs	Aboriginal woman	Hotel bouncer and police officers	Assaulted by a bouncer, who dragged the woman out of the hotel by the hair and threw her on the pavement. She was picked up from the pavement by the police and again thrown roughly into the back of the paddy wagon	1989	—	--
25	Alice Springs	Aboriginal people	Group of Anglo men	Poisoning. The Aboriginal people were drinking together and were joined by a group of white men. When the white men departed they left behind a flagon of alcohol which was laced with a poisonous substance. Five Aboriginal people died	1989	—	—
26	Alice Springs	Aboriginal men	Group of Anglo men	Doused with motor oil while walking home	—	Reported to police	Perpetrator not found
27	Alice Springs	Aboriginal men	Group of Anglo men	Painted white from chest down causing injuries needing hospitalisation for a number of days	1989	Reported to police, pursued through the court as a criminal compensation case	Perpetrator not found

#	Location	Victim/Subject of Attack	Perpetrator	Nature of Alleged Incident as Reported to the Inquiry	Time Period	Action Taken	Result
28	Alice Springs, outskirts	Aboriginal community	Group of Aneo locals	Regular harassment of the Aboriginal community	1989	Unable to identify the perpetrators	—
29	Alice Springs	Aboriginal school children	Teachers and other school children	Harassment and intimidation at school	1989	—	—
30	Qld, Far North town	Aboriginal community	Groups of Anglo youths	Several incidents of groups of white people driving around the Aboriginal settlement late at night yelling abuse, throwing bottles and intimidating the community	1989	—	--
31	Qld, Far North town	Aboriginal man	Anglo man	Bashed with an iron bar in an unprovoked attack	1989	--	--
32	Qld, Far North regional centre	Aboriginal youth, male	Hotel bouncer	When walking past a hotel the Aboriginal man was grabbed by the shirt collar and pushed around and ordered off the streets	1989	—	—
33	Qld, Far North regional centre	Group of Aboriginal males	Hotel patrons	Constant harassment	1989	—	--
34	Qld, Northern regional centre	Aboriginal family	Anglo Neighbours	Verbal abuse, physical hostility and receipt of abusive letters over a four month period	1989	Reported to the police who attended many times, at one stage four times in two weeks	Harassment did not cease

#	Location	Victim/Subject of Attack	Perpetrator	Nature of Alleged Incident as Reported to the Inquiry	Time Period	Action Taken	Result
35	Qld Far North-West town	Aboriginal man	Barman	The barman threw the Aboriginal man down the stairs of the hotel in an unprovoked attack	June 1989	—	--
36	Qld Island off North coast	Aboriginal community	Anglo persons	Violence and harassment against Aborigines protesting against a tourist development which would damage significant Aboriginal sites. Incidents included telephone death threats	Mid 1989	—	—
37	Qld North-West town	Aboriginal man and woman	Hotel bouncers	Forcefully evicted from bar	Feb 1988	Reported to Aboriginal and Islander Legal Service	--
38	Qld, Far North regional centre	Aboriginal man	Five Anglo men	Bashed outside a nightclub with a crowd of about 100 people watching	1984	—	—

#	Location	Victim/Subject of Attack	Perpetrator	Nature of Alleged Incident as Reported to the Inquiry	Time Period	Action Taken	Result
39	Sydney, Inner-city	Aboriginal community	Five police officers	<p>Plain clothes police officers entered an Aboriginal children's sporting carnival with their guns drawn seeking an Aboriginal man wanted on two warrants and for questioning. None of the officers immediately identified himself as a police officer. The carnival was being held for the Aboriginal community and was attended by between 500 and 1 000 Aboriginal people of which 60% were children.</p> <p>Two of the officers discharged their pistols firing four or five bullets. There were a number of other people including children in the immediate vicinity. One person in the park wrestled a police officer to the ground in order to stop him further firing the pistol. When the person being sought by police drove away in a truck parked at the carnival, a police officer fired further shots although there were children on the back of the truck</p>	July 1989	<p>The following week 150 people marched to Police Headquarters and called for an inquiry into the incident.</p> <p>The matter was referred to the NSW Ombudsman for investigation</p>	By March 1991 report not released

#	Location	Victim/Subject of Attack	Perpetrator	Nature of Alleged Incident as Reported to the Inquiry	Time Period	Action Taken	Result
40	Sydney, Inner-city	Aboriginal community	135 Police officers from the Tactical Response Group, Anti Theft Squad, Police Rescue Squad and other officers including local police	<p>At approximately 4:00am the police conducted raids on at least eight houses in the one block executing at least eight search warrants. At least eight people were arrested.</p> <p>The raids were led by 70 officers from the TRG while the remainder provided back-up support and sealed-off the area. The police carried firearms and batons and wore riot gear (shields, helmets and vests). During the raid iron bars and sledge hammers were used to gain entry into houses.</p>	Feb 1990	<p>The NSW Ombudsman is currently conducting an investigation of the administrative and decision-making procedures involved in the raid</p> <p>A community meeting called on the Royal Commission into Aboriginal Deaths in Custody to investigate the raid as part of its inquiry into Aboriginal/ police relations. It also called for a review of the system of issuing search warrants to ensure greater acceptability</p>	<p>Report not yet released</p> <p>The Royal Commissioner convened a conference to hear submissions on the subject of Aboriginal/ police relations, aspects of the raid were raised. Report not yet released</p>

#	Location	Victim/Subject of Attack	Perpetrator	Nature of Alleged Incident as Reported to the Inquiry	Time Period	Action Taken	Result
40 con't				'Redfern raid' continued		This Inquiry commissioned a report into Aboriginal and police relations in Redfern with particular reference to the 'police raid'.  Search warrants were challenged in the Court	Released report concluding that the 'Redfern raid' constituted an act of racist violence  Four of the seven warrants were struck down and the police severely criticised for the improper basis of the raid
41	Sydney, Inner-city	Aboriginal juvenile, male	10 police officers in 8 vehicles	Brutality in the arrest of the Aboriginal juvenile who was on crutches at the time. Approximately 10 officers in 8 police cars were used to arrest the juvenile. Other youths who were present threw bottles at the police. An Aboriginal man tried to diffuse the situation and was allegedly elbowed by the police and verbally abused	Oct 1989	--	—
42	Sydney, Inner-city	Aboriginal man	Police officer	When detaining the man the police officer threatened that he would be the net death in custody	1989	—	--
43	Sydney, Inner-city	Aboriginal youth, male	Police officer	Verbal abuse yelled from a police wagon saying that he would be the next David Gundy (an Aboriginal man shot dead by police during a raid on his house)	Aug 1989	—	---

#	Location	Victim/Subject of Attack	Perpetrator	Nature of Alleged Incident as Reported to the Inquiry	Time Period	Action Taken	Result
44	Sydney, Inner-city	Aboriginal juvenile, male	Police officers	Picked-up for no stated reason, thrown into the back of the paddy wagon, taken to a near-by suburb then bashed and abandoned. No charges were laid by the police officers	June 1989	—	--
45	Sydney, Inner-city	Aboriginal youth, male	Three police officers	Detained for being a passenger in a stolen car, taken to a park, stripped and bashed	May 1989	—	--
46	Sydney, Inner-city	Aboriginal youth, male	Police officer	Arrested for throwing a missile. At the police station the officer attempted to throw the youth down the stairs He then put the youth in a cell and threw rocks at him	Early 1989	--	--
47	Sydney, Inner-city	Aboriginal youth, male	Two transit police officers	Spat in the youth's face and verbally abused him	Aug 1989	—	--
48	Sydney, Inner-city	Aboriginal community	Large number of police officers and the police helicopter	Harassment and intimidation by police officers who converged upon an inner-city Aboriginal community in the late afternoon	Aug 1989	--	--

#	Location	Victim/Subject of Attack	Perpetrator	Nature of Alleged Incident as Reported to the Inquiry	Time Period	Action Taken	Result
49	Sydney, Inner-city	Aboriginal youth, male	Police officers, some off-duty	Grabbed the youth while he was at a night-club, bashed him, took him to the local police station and threw him into a cell. There they bashed him with batons and left him unconscious. After two hours he was taken to hospital	May 1989	Investigated by the Police Internal Affairs Bureau  Investigated by the NSW Ombudsman	Found that allegations not sustained  Determined that, due to conflicting evidence, the complaint was deemed not to be sustained
50	Sydney, Inner-city	30 Aboriginal youths	Fifty police officers including members of the Tactical Response Group	A riot resulted from police with batons and riot shields responding to a disturbance by a group of Aboriginal youths	Aug 1988	—	—
51	Sydney, Inner-city	Aboriginal youths	Police officers	Repeated violent assault by police officers patrolling a busy residential and entertainment area on Friday and Saturday nights	Early 1990	Reported to Minister for Police by a residents' action group	---
52	NSW, Far South-West town	Aboriginal man	Police officers	Assault	1989	--	—
53	NSW Far South-West town	Aboriginal man	Seven police officers	Held down and assaulted while in custody	1989	—	—

#	Location	Victim/Subject of Attack	Perpetrator	Nature of Alleged Incident as Reported to the Inquiry	Time Period	Action Taken	Result
54	NSW, Far South-West town	Aboriginal children	Police officers	Verbal harassment and intimidation	1989	—	--
55	NSW, North Coast town	Two Aboriginal youths	Police officers	Violent arrests. One was held in a head lock until he collapsed, the other was thrown into a police wagon	Early 1989	—	—
56	NSW, North-West town	Aboriginal community	Police officers	Violence between police and Aboriginals after the funeral of a man who died in custody. Sixteen Aboriginal people were arrested on thirty charges. The Aboriginal community believes over-policing was the cause of the riot.	Aug 1987	—	--
57	NSW, Far West regional centre	Aboriginal man	Police officers	The Aboriginal man, who was a teacher, was harassed by the police three or four times a week for the five years that he was in the town	1984 - 1989		
58	NSW, Far West regional centre	Aboriginal juvenile, male	Police officers	Assaulted by three police officers while in custody	Mar 1987	Reported to the Aboriginal Legal Service, but not pursued because of difficulty in proving the case	

I	Location	Victim/Subject of Attack	Perpetrator	Nature of Alleged Incident as Reported to the Inquiry	Time Period	Action Taken	Result
59	NSW, Far West regional centre	Aboriginal youth, male	Police officers	Slapped across the head while in custody	Jan 1990	Not reported	--
60	NSW, Far West regional centre	Group of Aboriginal men and women	Police officers	Nine incidents of verbal abuse and threats of extreme violence, eight in custody and one on the streets	1989	—	—
61	Melbourne	Aboriginal men	Prison officers	Three incidents of assault or threatened assault of prisoners following some prisoners and prison officers wearing Ku Klux Klan robes and burning a cross to terrify Aboriginal and Maori prisoners	1986 - 1988	Office of Corrections Inquiry and Administrative Appeals Tribunal hearing	Two chief prison officers reprimanded, actions of other officers found to be improper
62	Melbourne, Inner-city	Aboriginal youths	Police officers, off duty	Several assaults of Aboriginal youths	1984 - 1986	Reported to Police Complaints Tribunal	One police officer charged and convicted
63	Melbourne, Inner-city	Aboriginal youths	Police officers	Several incidents of police harassment and intimidation	1984 - 1986	Reported to police	—
64	Adelaide	Aboriginal youth	Police officers	Verbally abused stripped and bashed while in custody	1989	Not reported	—

#	Location	Victim/Subject of Attack	Perpetrator	Nature of Alleged Incident as Reported to the Inquiry	Time Period	Action Taken	Result
65	Adelaide	Aboriginal/ Vietnamese male, youth	Police officers	Harassment, physical assault and laying of false charges	1988	Reported to Minister for Aboriginal Affairs and Police Complaints Tribunal	--
66	Adelaide	Aboriginal juvenile, female	Police officer	Picked up for being drunk, taken to the watch-house and raped by a police officer	Dec 1989	Not reported because of the trauma involved	--
67	Adelaide	Aboriginal young woman	Police officer	Told to move on when she observed the officers bashing another person. She was arrested, brutally bashed and later suffered a miscarriage	1987	Reported to Police Complaints Tribunal, did not proceed with the complaint because of the trauma involved	--
68	Adelaide, Inner-city	Aboriginal men and women	Police officers	Use of excessive force when detaining drunks	1989	Not reported	--
69	Adelaide, Inner-city	Aboriginal youth, male	Two police officers	Excessive force used to pick-up an Aboriginal who had mimicked the police officers. The youth was allegedly assaulted, thrown into a police wagon, and beaten in the cells after being taken into custody. Serious charges were laid against the youth including resisting arrest and assaulting police	Mid 1986	Complaint to the Police Internal Investigation Unit	--

#	Location	Victim/Subject of Attack	Perpetrator	Nature of Alleged Incident as Reported to the Inquiry	Time Period	Action Taken	Result
70	Adelaide, Inner-city	Young Aboriginal girl	Four police officers, men and women	The police were called to a fight between Aboriginal people, however the fight ended before the police arrived. One Aboriginal girl was arrested for giving a false name and address (she claimed she could not remember her actual address because she had recently moved). On the way to the station she was allegedly assaulted by the police. The attack involved holding her head in a head lock; banging her head against the car body and kneading her with a baton and fists. Charges changed from giving false name and address to fighting in a public place once she was positively identified by a police officer at the station. She was held for one hour and released.	Late 1986	Formal complaint made to police	--
71	Adelaide, Inner-city	Four Aboriginal juveniles, male	Three police officers	The police questioned the boys in relation to a reported fight, in which they were not involved. One officer then allegedly grabbed one of the boys and threw him across a lane, slamming his head against a wall. He was then kicked and choked by the police officer before being handcuffed and physically assaulted again. Another boy called out for the police to leave the boy alone and was arrested. They were held in custody for about two hours then released.	Late 1986	Complaint lodged with the Police Internal Investigation Unit. The matter was dealt with in court	The Judge found that the two youths should be fined for the charges laid

#	Location	Victim/Subject of Attack	Perpetrator	Nature of Alleged Incident as Reported to the Inquiry	Time Period	Action Taken	Result
72	Adelaide, Inner-city	Aboriginal man	Six police officers	The police officers allegedly spoke in a loud and threatening manner to the Aboriginal man. When he tried to move away, his arm was twisted behind his back and he was pushed and taunted by one of the officers. He reacted angrily, and was then wrestled to the ground, carried to the police wagon, and thrown into it with extreme force	Sept 1988	Reported to Police Complaints Tribunal	Dismissed by Police Complaints Tribunal
73	Adelaide, Inner-city	Aboriginal man	Police officers	The man was arrested by the police while sleeping in a park. The police kicked and bashed him while he was still on the ground. He was later bashed again in the police cells	1989	—	--
74	Adelaide, Inner-city	Aboriginal man	Police officers	Arrested and charged with assault for no apparent reason. The police used excessive force while making the arrest	Dec 1989	--	—
75	Adelaide, Inner-city	Aboriginal man	Police officers	Harassment, intimidation and false arrest for assault. On another occasion the officers used excessive force when taking the man to a detoxification centre	1989	—	—
76	Adelaide, Outer suburbs	Aboriginal community	Thirty police officers, twelve paddy wagons and police dogs	Intimidation of Aboriginal people drinking at a hotel after a sporting carnival	1985	--	--

	Location	Victim/Subject of Attack	Perpetrator	Nature of Alleged Incident as Reported to the Inquiry	Time Period	Action Taken	Result
77	Perth	Aboriginal woman	Police officer	Raped while in custody	1984	Pursued as a civil case by the Aboriginal Legal Service	After several years the Aboriginal Legal Service dropped the case
78	Perth	Aboriginal young people	Police officers	Several incidents of intimidation, verbal abuse and assault while in custody. The youths reacted and were charged with a variety of offences when they retaliated	1988 - 1989	---	—
79	Perth	Aboriginal protesters	Police officers	Harassment and intimidation by driving around the protesters camp late at night with sirens blaring	1989	Reported to the police department	---
80	Perth, Inner-city	Group of Aboriginals - six women, two men	Group of six police officers	Physically and verbally assaulted on the street and at the lock-up. The police were responding to a fight between four women. The assault by the police allegedly included: baton blows; pushing; throwing kicks; punches; hair-pulling dragging by the hair; verbal threats and jokes about deaths in custody. One of the women assaulted was 8 months pregnant	Early 1989	—	—

#	Location	Victim/Subject of Attack	Perpetrator	Nature of Alleged Incident as Reported to the Inquiry	Time Period	Action Taken	Result
81	Perth, Aboriginal camp	Aboriginal community	Thirty police officers from the Tactical Response Group	The police officers entered the camp with hand guns and rifles drawn. They proceeded to round people up and held them in a courtyard for thirty minutes. Incidents allegedly included: a rifle held at the head of a young man; a woman made to kneel with a gun pointed at her; police went through the women's showers with guns drawn and 'herded' them while they were naked; police went into the children's showers and held a gun at an eight year old girl's head; and an old crippled man was made to walk. The reason given for the raid was that the police had information that there were guns at the campsite. No guns were found.	Late 1989	Reported to State and Federal Ministers for Aboriginal Affairs, State Shadow Minister for Aboriginal Affairs, Minister for Police and Officer in Charge of Tactical Response Group  Complaint made to Police Internal Investigations Branch  Commenced civil litigation against the State	--  Complaint withdrawn by complainant
82	Perth, Eastern region	Aboriginal woman	Police officers	Verbal abuse and strip searched while in custody	Aug 1989	—	--  —

#	Location	Victim/Subject of Attack	Perpetrator	Nature of Alleged Incident as Reported to the Inquiry	Time Period	Action Taken	Result
83	WA, Northern town	Aboriginal man	Two police officers	Arrested by police for charges which <i>he</i> did not commit after just coming out of jail. Physically abused by police officers once in custody. Charged with resisting arrest when he tried to move his neck so he could breathe while the two officers held him down on the ground	Dec 1987	--	—
84	WA, Northern town	Aboriginal community	Police officers	Nineteen Aboriginal people arrested for various offences as a result of a "riot" in the main street which occurred on the same day as the funeral of an Aboriginal man who died in custody. It is believed by the Aboriginal community that the riot was incited by a publican who made racist and offensive comments about Aboriginal deaths in custody, saying that all blacks should be given a pair of boot laces so that they can hang themselves	July 1988	--	--
85	NT, Arnhem Land remote island community	Aboriginal elderly man	Police Tactical Response Force Officers	The elderly man who was mentally ill and armed with only a pen knife was shot in the head after being pursued for a number of hours. He did not receive adequate medical treatment and he died three hours later. His body was left for a day before it was taken away	May 1990	Reported to Minister for Police.  Investigated by Coronial Inquiry	Report not released by Jan 1991

#	Location	Victim/Subject of Attack	Perpetrator	Nature of Alleged Incident as Reported to the Inquiry	Time Period	Action Taken	Result
86	Alice Springs	Many Aboriginal people	Police officers	Many incidents of assault of Aborigines by arresting officers before detainees are placed in the paddy wagon	1989	Investigated	Some charges have been laid against police
87	Alice Springs and surrounding camps	Aboriginal teenage girls	Anglo men and police officers	Many incidents of assault and rape. The girls were usually picked up from the camps or by the road, driven away, assaulted and raped, then abandoned	1988 - 1989	Rarely reported to police for fear of reprisals and because of the age and vulnerability of the girls	—
88	Alice Springs	Two Aboriginal youths, male	Police officers	Wrongful arrest after an argument with a hotel bouncer, physical and verbal assault once in custody. Charged with resisting arrest and assaulting a police officer	1989	No action taken for fear of reprisals	---

#	Location	Victim/Subject of Attack	Perpetrator	Nature of Alleged Incident as Reported to the Inquiry	Time Period	Action Taken	Result
89	Qld, North-West regional centre	Aboriginal family	Three security guards and one police officer	The security guards and police officer chased an Aboriginal man and woman into their house, late at night, giving the reason that they wanted to talk to the man. The security guards and police officers were armed with a gun, a pick handel and a baton. Inside the house they intimidated the family, pushing over an elderly woman and allowing the dog to threaten a young child	Early 1986	Complaint made to Police Complaints Tribunal by the Aboriginal Legal Service. Police Department replied that they have no record of a complaint being made to Police Complaints Tribunal but that a complaint in respect of this matter was made to the Police Minister and Commissioner of Police	No action taken
90	Qld, North-West regional centre	Aboriginal family	Four security guards	The security guards entered the camp with an German Shepherd dog to question a woman who was not there that night. They then set fire to a man's clothing which was hanging on a line. This spread to some bedding threatening a woman who was sleeping. The security guards then smashed some belongings and	Jan 1986	Reported to Aboriginal and Islander Legal Service	--

#	Location	Victim/Subject of Attack	Perpetrator	Nature of Alleged Incident as Reported to the Inquiry	Time Period	Action Taken	Result
91	Qld, North-West regional centre	Aboriginal youth, male	Two security guards	The security guards chased and caught the Aboriginal youth who had been drinking with some friends. He was kicked and punched, put into a panel van and taken to a deserted area. There he was verbally and physically assaulted and then they made him strip before being abandoned	Mar 1986	Reported to Aboriginal and Islander Legal Service	—
92	Qld, Island off Far North coast	Aboriginal woman	Three police officers	The woman went to the police station to make a complaint against her brother. The police forced her into a police van and took her to a watchhouse, where she was stripped and physically assaulted. She was eventually released with a broken rib and bruising	Dec 1988	Reported to Aboriginal and Islander Legal Service	—
93	Qld, Far North, Aboriginal community	Aboriginal man	Police officer	Violent physical assault included: being choked; being thrown against the wall of the police station a number of times while handcuffed and being thrown on the floor and jumped on. The attack stopped when another officer restrained the attacking officer	May 1986	Reported to the Aboriginal Legal Service and to the Police Complaints Tribunal. The victim later committed suicide, the causes of which were related to the police attack	The Tribunal was of the opinion that there was not enough admissible evidence from the deceased's complaint to support a recommendation of criminal charges against the officer

#	Location	Victim/Subject of Attack	Perpetrator	Nature of Alleged Incident as Reported to the Inquiry	Time Period	Action Taken	Result
94	Qld, Far North regional centre	Group of elderly Aboriginal people	Police officers	Two separate incidents of elderly Aboriginal people being beaten by police with batons in their own home	1988 - 1989	Reported to Police Complaints Tribunal	---
95	Qld, Far North-West town	Aboriginal women	Police officer and local residents	The police officer regularly made all the Aboriginal people present line up outside the hotel late on Friday nights. The young women were detained while the others were told to leave or be locked up. Then the white men drinking at the bar were called out to select a girl for the night	Early 1988	Reported to Minister for Police, formally investigated; criminal charges laid against the officer, assault occasioning bodily harm	Found guilty and convicted, suspended from the police force. Referred to the Official Misconduct Division, Criminal Justice Commission.
96	Qld, Far North Aboriginal community	Aboriginal man	Police officer	Gun pointed to the Aboriginal man's head by a police officer	--	--	—
97	Qld, Far North Aboriginal community	Aboriginal men	Police officer	Bashed with batons while held in custody, two separate incidents	Jan 1989	—	--
98	Qld, Far North regional centre	Aboriginal man	Police officers	Serious physical and verbal assault including being dragged down a set of stairs. The Aboriginal was then charged with assaulting and hindering police	May 1989	—	—

#	Location	Victim/Subject of Attack	Perpetrator	Nature of Alleged Incident as Reported to the Inquiry	Time Period	Action Taken	Result
99	Qld, Far North town	Aboriginal woman	Police officer	While in custody the police officer taunted the woman about Aboriginal deaths in custody and about her being a potential victim	1989	—	--
100	Qld, Far North town	Aboriginal man	Police officers	Stripped and hosed down with a high pressure hose in the police watchhouse after being arrested for being drunk	1989	—	—
101	Qld, Far North town	Aboriginal people	Police officer	Under the guise of suspecting a person was carrying drugs the officer would regularly carry out internal searches of Aboriginal people picked up by the roadside	--	Not reported for fear of retaliation	—
102	Qld, Far North town	Aboriginal woman	Police officer	Raped by a police officer while in police custody for being drunk	Early 89	Reported to the Aboriginal Legal Service	—
103	Qld, Far North town	Aboriginal elderly man	Four Anglo males dressed in white Ku Klux Klan robes	Abducted from an Aboriginal camp and abandoned a few hundred metres from the camp, he was found by relatives	1989	Reported to the police twice. Investigated after the matter was brought before this Inquiry	—
104	Qld, Far North regional centre	Aboriginal community	Police officers	General intimidation from the police by driving around the Aboriginal camp shining their torches in house windows and talking over a loudspeaker	1989	--	--

#	Location	Victim/Subject of Attack	Perpetrator	Nature of Alleged Incident as Reported to the Inquiry	Time Period	Action Taken	Result
105	Qld, Far North regional centre	Aboriginal man	Anglo men and police officers	Physically assaulted twice by white local residents for no apparent reason while walking through town. Reported this to the police who wrongfully took him into custody for being drunk. He was released after five hours and when he asked why he had been detained the police officer stated that it was because he was black	1989		--
106	Qld, Far North regional centre	Aboriginal youths	Police officers	The youths were drinking on a river bank When the police arrived to moved them on, one youth was assaulted and thrown to the ground	1989	--	--
107	Qld, Far North regional centre	Aboriginal community	Off-duty police officer and Anglo men	Harrassment and intimidation of the community and their children by wearing Ku Klux Klan robes and driving around the area in an intimidating manner	Jan 1988	Reported to the police. An Aboriginal community leader also confronted the police officer who was involved	The intimidation ceased
108	Qld, Far North regional centre	Aboriginal man	Police officers	The police entered his home when he was drinking with some friends and arrested him on a charge of being drunk and abusive in a public place. He was assaulted while being taken into custody resulting in two broken ribs, chipped teeth and bruising	Mar 1989	Reported to police, contacted a solicitor and took the matter to court	Charges against the police were not upheld

#	Location	Victim/Subject of Attack	Perpetrator	Nature of Alleged Incident as Reported to the Inquiry	Time Period	Action Taken	Result
109	Qld, Far North regional centre	Aboriginal woman	Police officers	Arrested at a hotel when she objected to the arrest of a friend. She was charged with hindering police and thrown into the police wagon with unnecessary force. While in the watch house she was threatened and intimidated for three hours. Threats included, "Should we rape her, or hang her, or take her out the back and shoot her?"	Sept 1986	Matter taken to court	Charges against the woman dropped
110	Qld, Ear North regional centre	Aboriginal man	Police officers	Arrested at a bar for no apparent reason and bashed by the police while in custody	Sept 1986	Not reported	--
111	Qld, Far North regional centre	Aboriginal woman	Police officer	Raped while in custody	1987	—	—
112	Qld, Far North regional centre	Aboriginal man	Police officers	Intimidated while in custody. He was deliberately placed in the cell where his brother had died two weeks previously	1989	--	--
113	Qld, Far North regional centre	Aboriginal young woman	Police officers	Intimidated her by making her strip in front of police officers and male prisoners	1989	Official complaint lodged with the police department	—

	Location	Victim/Subject of Attack	Perpetrator	Nature of Alleged Incident as Reported to the Inquiry	Time Period	Action Taken	Result
114	Qld, Cape York, Aboriginal community	Many Aboriginal men and women	Police officer	Assaulted large numbers of Aboriginal people in a small community	1985	Complaint lodged with the Police Complaints Tribunal	The second of two investigations carried out by the Tribunal found substance to the complaint but it could not be pursued because the time limit for prosecution had elapsed
115	Qld, Far North regional centre	Large group of Aboriginal people at a community disco	Police officers	Harrassment by carloads of police officers who arrived at an Aboriginal disco with the dog squad to break up a non-existent fight. Similar incidents occurred six times	1985-1989	—	--

## No. 2 Alleged Incidents of Racist Violence against Asian People, as Reported to the Inquiry

#	Location	Victim/Subject of Attack	Alleged perpetrator	Nature of Alleged Incident as Reported to the Inquiry	Time Period	Action Taken	Result
1	Sydney	Asian woman		Car defaced with racist slogans and eggs splattered on windscreen	1989	Reported to the police	—
2	Sydney, Outer-Western suburbs	Vietnamese man	Two Anglo men	Stones were thrown and the man was chased around a railway station late at night	1985	—	--
3	Sydney	Asian man, active in overseas student organisations	—	Threatening phone calls and abusive and threatening letters	1988 - 1989	—	--
4	Sydney, Inner-city	Asian youths	Police officers	Unnecessary force used when arresting the youths at a demonstration about education	1987	—	--
5	Sydney, Inner-city	Asian youth	—	Threatening and abusive phone calls as a result of his involvement in overseas student politics	1988	Reported to the police	--
6	Sydney, Lower-North Shore	Chinese family	—	Rotten fruit thrown on garage door and driveway, mail box frequently broken and posters of an organised extremist group pasted all around front of house	Early 1989 - End 1990	Reported to local police	—
7	Sydney	Chinese man	Two Anglo men	Seriously assaulted while waiting for a train. Racist verbal abuse from other passengers	1990	--	—

#	Location	Victim/Subject of Attack	Alleged perpetrator	Nature of Alleged Incident as Reported to the Inquiry	Time Period	Action Taken	Result
8	NSW, South West regional centre	Chinese youth, male	Local police	Racist comments and alleged assault by police officers	Feb 1989	Complaint made to police department	--
9	Melbourne, Inner-city	Indo-Chinese youths, male	Four Anglo youths	Racist verbal abuse and harassment at a cinema	Early 1989	—	--
10	Melbourne, Outer-suburbs	Chinese father and daughter	Group of men and women Anglos aged 18 - 25	Racist verbal abuse	Early 1989	--	--
11	Melbourne, Outer-suburbs	Vietnamese family with three children and elderly grandparents	—	Rocks thrown through house windows, graffiti attack on house and garbage dumped in front garden	Early 1989	Reported to police and housing authority	Housing authority erected a fence around the house
12	Melbourne, Inner-suburbs	Vietnamese family	Group of local teenagers	Verbal abuse, name calling, rocks thrown through windows of flat at night	Early 1989	—	—
13	Melbourne, Inner-suburbs	Vietnamese elderly woman	Neighbours various	Verbal abuse, mail box broken into regularly, mail stolen	Early 1989	—	--
14	Melbourne Inner-city	Turkish family	Anglo neighbours	Verbal abuse when sharing laundry facilities	Early 1989	—	—
15	Melbourne, Suburbs	Vietnamese elderl men	Anglo men	Frequent abusive phone calls telling them to leave Australia	Early 1989	Obtained a silent hone number	—

#	Location	Victim/Subject of Attack	Alleged perpetrator	Nature of Alleged Incident as Reported to the Inquiry	Time Period	Action Taken	Result
16	Melbourne, Inner-city	Vietnamese youth	—	Murdered (seen as an act of racist violence by Vietnamese community)	Feb 1989	—	---
17	Melbourne, Outer-suburbs	Vietnamese youth, male	Group of Anglo youths	Assault	Early 1989	—	—
18	Melbourne, Outer-suburbs	Three Vietnamese youths	Two police officers	When responding to a noise complaint at a house the police officers allegedly verbally abused and assaulted the young men, took them to the police station, further assaulted them, then charged them with resisting arrest and made them sign a false confession	Early 1989	—	---
19	Melbourne, Outer-suburbs	Indonesian youth, male	Group of Anglo youths	The victim's car was ran off the road by the car filled with the Anglo youths	1987	—	--
20	Melbourne	Vietnamese male, youth	Group of four Anglo youths	Stopped and verbally abused while walking home late at night. He was kicked as he tried to get away, fell, and broke his arm	1989	Not reported to police	---
21	Melbourne	Vietnamese youth, male	Anglo neighbours	Car broken into regularly over a three month period, tyres slashed, body work scratched, windows broken and a racist and threatening note left behind	1989	—	—
22	Melbourne	Vietnamese woman and two young children	Door-to-door canvasser, male	Racist verbal abuse and slammed her own door in her face resulting in severe bruising on her forehead	1989	Not reported to police	—

#	Location	Victim/Subject of Attack	Alleged perpetrator	Nature of Alleged Incident as Reported to the Inquiry	Time Period	Action Taken	Result
23	Melbourne	Vietnamese youth, male	Supervisor and other factory workers	Verbal abuse and physical assault following objections to unfair work practices	1989	—	—
24	Melbourne	Vietnamese woman and a child	Anglo elderly man	The elderly man vacated his seat on a crowded tram but obstructed the Vietnamese woman and her child from taking the seat verbally abusing and pushing her out of the way	1989	—	—
25	Melbourne	Vietnamese men	Supervisor and other factory workers	Racist verbal abuse about Vietnamese eating habits. Pushed down a set of stairs	1989	—	—
26	Melbourne	Vietnamese woman and her two children	Anglo neighbour	Three years of harassment included racist verbal abuse, destruction of clothing, smashing of windows, death threats and fuses cut at all hours of the day	1986-1989	Reported to police, tenant worker, housing authority	Woman moved out of her home
27	Melbourne	Vietnamese youths, brother and sister	Group of non-Vietnamese youths	Harassed and abused when returning home by car at night. As they drove off, the group of youths threw a brick through the rear windscreen	1989	--	--
28	Melbourne, Western suburbs	Group of Vietnamese youths	Police officers	The police allegedly abused the Vietnamese youths while they were walking down the street. They were later arrested for offences they did not commit and were allegedly assaulted before being released	1989	—	--
29	Melbourne, Western suburbs	Chinese family	—	Graffiti was carved into their door and rocks thrown on to their roof at night	1988	—	—

#	Location	Victim/Subject of Attack	Alleged perpetrator	Nature of Alleged Incident as Reported to the Inquiry	Time Period	Action Taken	Result
30	Melbourne, Western suburbs	Two Chinese youths, male	Group of youths in a car	A carton of milk was thrown over the Chinese youths	1989	--	—
31	Melbourne, Western suburbs	Vietnamese youth, male	Police officers	Threats and intimidation during questioning about the whereabouts of his brother	1988	—	--
32	Melbourne	Cambodian family	--	Letterbox vandalised and an attempt was made to throw it through a house window, oil poured over front porch, rock thrown through front window and front door smashed. These incidents over a period of a number of months.	1988	Reported to the police and housing authority	—
33	Melbourne	Two Cambodian youths, male	Group of Anglo men	Severe bashing requiring hospitalisation	1989	Reported to the police. The Cambodian youths physically identified the perpetrators to the police directly after the incident, but they were not arrested	—
34	Melbourne	Cambodian woman	Various	Many incidents of verbal abuse while walking down the street	1988 - 1989	--	--
35	Melbourne	Asian school children	Other school children	Verbally abused, jostled, spat at and occasionally bashed by the other school children	1989	—	—

#	Location	Victim/Subject of Attack	Alleged perpetrator	Nature of Alleged Incident as Reported to the Inquiry	Time Period	Action Taken	Result
36	Melbourne	Asian woman	—	Physical and verbal abuse while shopping	1989	--	—
37	Melbourne	Asian man	Group of Anglo men and women	Physical assault while walking into a milk bar	1989	--	--
38	Adelaide, Western suburbs	Indo-Chinese community organisation	--	Windows smashed three times	1986 - 1989	--	--
39	Perth	Chinese restaurants	Organised extremist group	Nine Chinese restaurants firebombed and at one stage two were firebombed in the same night	Sept 1988 - Aug 1989	Reported to the police	--
40	Perth	Asian school children	Teachers and other school children	A large number of incidents of racist verbal abuse from teachers and other school children. Some physical abuse from other children	1989	--	---
41	Perth, Inner-suburbs	Filipino woman	Group of young Anglo males	House partially burnt, racist verbal abuse and harassment	Late 1989	Reported to police	Two males arrested
42	Perth, Suburbs	Filipino woman	Anglo man	Woman verbally abused and insulted by bus driver in front of the other passengers	Late 1989	Reported to community worker and the bus company	--
43	Perth	Asian man, community leader	Organised extremist group	Intimidating phone calls for several years, warning him to stay out of political activities	1987 - 1989	Reported to the police	--

	Location	Victim/Subject of Attack	Alleged perpetrator	Nature of Alleged Incident as Reported to the Inquiry	Time Period	Action Taken	Result
44	Perth	Sri Lankan man and woman	Neighbours	Repeated verbal harassment when walking around the local area	1989	No longer walk around the local area	--
45	Perth	Vietnamese family	—	Bricks regularly thrown through their window	1989	Reported to the police	—
46	Perth, Outer suburbs	Chinese man	Anglo youth, male	Asian taxi driver was beaten to death by the youth after his taxi broke down on the outskirts of Perth.	1988	Taken to court	Youth convicted of manslaughter
47	Perth, suburbs	Vietnamese woman and her child	Anglo youths	House partially burnt in an arson attack and furniture covered in water, sand and soil	Oct- No v 198	Youths arrested	—
48	Perth	Vietnamese men	Police officers	The police responded to a call from the Vietnamese men who had caught a vandal in their wrecking yard. The police arrived and took Vietnamese men down to the police station where they were bashed. The police charged them with assault	1986	Contacted a solicitor	Charges dropped
49	Perth	Vietnamese woman	Work supervisor	The woman had her head pushed into a toilet bowl by her supervisor following a work-related dispute	1988	Not reported	—
50	Perth, Inner-city	Vietnamese man	Anglo man	The Vietnamese man stopped his car following repeated verbal abuse and was punched in the face by the other driver. He then produced an iron bar and attacked his assailant	1986	The police intervened and both were charged	—

#	Location	Victim/Subject of Attack	Alleged perpetrator	Nature of Alleged Incident as Reported to the Inquiry	Time Period	Action Taken	Result
51	Perth, Suburbs	Chinese restaurant owner, male		Two bricks thrown through the window of his restaurant, and two attempted arson attacks	1989	Only incidents of vandalism were reported to the police	--
52	Perth	Chinese family	Anglo neighbour	Garbage was dumped in backyard	1989	Reported to an anti-racist community organisation who spoke to the neighbour	No further incidents
53	Qld, Far North regional centre	Asian male	—	Dead cat placed on the car of a Chinese chef outside his restaurant	1988	—	--

## No. 3 Alleged Incidents of Racist Violence against People of Middle Eastern and/or Islamic Background, as reported to the Inquiry

#	Location	Victim/Subject of Attack	Alleged Perpetrator	Nature of Alleged Incident as Reported to the Inquiry	Time Period	Action Taken	Result
1	Sydney, Western-suburbs	Two Muslim women and their three children	Anglo man	The perpetrator continually and intentionally hit the victims' car while they were parking, threatening the lives of the women and their children in the car. He then assaulted one of the women and indecently exposed himself	Mar 1989	Reported to police	The victims were not satisfied with the adequacy of the police investigation and the matter was reported to the NSW Ombudsman
2	Sydney, Outer suburbs	Two Muslim school children, a boy and a girl	Other school children	Physically attacked by other students	1989	—	---
3	Sydney, South-west suburbs	Muslim community organisation	--	Bomb threat to offices	Nov 1990	Reported to police	---
4	Sydney, South-west suburbs	Arabic man, community representative	—	Received abusive mail and phone calls. Family members intimidated while shopping	Oct 1990	--	—
5	Sydney, South-west suburbs	Large number of Arabic families	—	Offensive and threatening letter sent to Arabic families	Oct 1990	Reported to local police and Special Branch	---
6	Sydney, Outer South-West suburbs	Muslim family	Youths from the local area	Electricity and water supply cut off on a number of occasions. Their home was broken into and a dead snake left inside the meter box	Jan 1991	--	—

#	Location	Victim/Subject of Attack	Alleged Perpetrator	Nature of Incident	Time Period	Action Taken	Result
7	Sydney, Western suburbs	Mosque/cultural centre	—	Fire bombing	Feb 1991	Reported to police	Police surveillance of property
8	Sydney	Arab taxi drivers	Various	Verbal abuse, threats and assault	Jan 1991	--	—
9	Sydney	Muslim women	Various	Many incidents of Muslim women having their hijabs (head scarfs) pulled off in the street	1990	--	---
10	Melbourne, Northern suburbs	Mosque	--	Vandalised and electronic equipment stolen	Oct 1990	--	—
11	Melbourne, Northern suburbs	Mosque	—	Windows smashed in two incidents	Oct 1990	--	--
12	Melbourne, Northern suburbs	Arab woman	Elderly Anglo woman	Verbally abused while her hijab (head scarf) was ripped off	1990	—	—
13	Melbourne, Northern suburbs	Islamic school	--	The school was partially destroyed in an arson attack	Sept 1990	--	—
14	Melbourne, Northern suburbs	Mosque		Broken into and vandalised	Sept 1990	—	--
15	Melbourne	Offices of an Islamic organisation	—	Broken into on two successive nights, a substantial amount of property stolen including mailing lists.	Sept 1990	--	—

#	Location	Victim/Subject of Attack	Alleged Perpetrator	Nature of Incident	Time Period	Action Taken	Result
16	Melbourne	Muslim woman	Anglo woman	Deliberately drove into the vehicle driven by the Muslim woman wearing traditional Islamic dress, and then verbally abused her, accusing her of being an Iraqi terrorist	Jan 1991	--	—
17	Perth	Muslim primary school	—	Threatening phone calls and arson attack	Dec 1990	—	—
18	Perth	Jordanian restaurant	—	Vandalised before being set alight, causing extensive damage	Dec 1990	—	--

## No. 4 Alleged Incidents of Racist Violence against Jewish People, as reported to the Inquiry

#	Location	Victim/Subject of Attack	Alleged Perpetrator	Nature of Alleged Incident as Reported to the Inquiry	Time Period	Action Taken	Result
	Sydney, Inner-city	Jewish male	—	Abusive and threatening phone calls as a result of speaking at a seminar on racial equality	1989	—	--
2	Sydney, Eastern-suburbs	Jewish business people	--	Bricks thrown through windows of three Jewish businesses	Dec 1988	—	--
3	Sydney, Eastern-suburbs	Jewish community	Organised extremist group	Offensive anti-Semitic literature letterboxed throughout neighbourhood	Feb 1989	—	—
4	Sydney, Eastern-suburbs	Jewish school	—	Firebombs thrown into Jewish girls school. A teacher had swastika painted on the gate of her house and received threatening phone calls to her home	Mar 1989	—	—
5	Sydney, Eastern-suburbs	Jewish sports club	—	Firebombs thrown at a club	April 1989	--	—
6	Sydney, Eastern-suburbs	Two Jewish shops	—	Bricks thrown through shop windows	Aug 1989	Reported to police	—
7	Sydney, Eastern-suburbs	Jewish kindergarden	--	Arson attack	Feb 1991	Report to police	—

#	Location	Victim/Subject of Attack	Alleged Perpetrator	Nature of Alleged Incident as Reported to the Inquiry	Time Period	Action Taken	Result
8	Sydney, Eastern suburbs	Synagogue	--	Arson attack	Feb 1991	Reported to police	Police surveillance of property
9	Sydney	Jewish community worker, male	Organised extremist group	Threatening and harassing phone calls at home and at work. Name, address and phone number published in the extremist group's magazine	1986 - 1987	--	—
10	Melbourne, Inner-suburbs	Jewish community	—	Anti-Semitic graffiti in an area where there is a strong Jewish community	Early 1989	—	—
11	Adelaide	Synagogue	—	Swastikas painted on walls	1986	—	--
12	Adelaide	Editor of a Jewish newspaper	—	Brick thrown through house window	1986	—	--
13	Adelaide	Jewish school	--	Swastikas painted on walls, vandalism of school property	1987	—	--
14	Adelaide	Synagogue	--	Rocks thrown through a window and graffiti on walls on two occasions	1988	--	—
15	Adelaide	Jewish community leader	—	Harassing phone calls	1988	--	—
16	Adelaide	Travel agency	—	Swastikas painted on travel agency which had advertised in a Jewish newspaper	1989	—	—

#	Location	Victim/Subject of Attack	Alleged Perpetrator	Nature of Alleged Incident as Reported to the Inquiry	Time Period	Action Taken	Result
17	Adelaide	Synagogue	--	Posters on fence outside a synagogue. The security guard was harassed by two men while removing the posters	1989	—	--

## No. 5 Alleged Incidents of Racist Violence against People of Other Non-English Speaking Backgrounds, as reported to the Inquiry

#	Location	Victim/Subject of Attack	Alleged perpetrator	Nature of Alleged Incident as Reported to the Inquiry	Time Period	Action Taken	Result
1	Sydney	German man	Colleagues at work	Racist verbal abuse and harassing phone calls	Mid 1987	Reported to Anti-Discrimination Board and local MP	race was not pursued
2	Sydney, Inner-city	Students, various ethnic backgrounds	—	Racist graffiti and posters around university campus	1989	—	—
3	Sydney, Inner-city	Students various ethnic backgrounds	Academics, administrative staff and other students	Verbal harassment of individuals and groups of students in and out of class	1989	—	—
4	Sydney, Inner-city	Lebanese youth, male	Police officers	Picked up by the police for no apparent reason, strip searched and bashed. He was not charged	1989	Reported to the Ombudsman	Officers reprimanded and apologised
5	NSW, Central regional centre	Czech elderly woman	Anglo neighbour	Racially offensive hate mail, verbal abuse, filth thrown around door, mail stolen and general harassment	1988 - 1989	Reported to police, Community Justice Centre and housing authority	--
6	NSW, South West regional centre	Yugoslavian man, middle aged	Various	Racist verbal abuse from school students. Abuse and assault from local residents	Mid 1988	Reported to police	—

#	Location	Victim/Subject of Attack	Alleged perpetrator	Nature of Alleged Incident as Reported to the Inquiry	Time Period	Action Taken	Result
7	Melbourne	El Salvadorian family	Anglo neighbours	Continual harassment and intimidation	1989	Reported to police and housing authority	—
8	Melbourne	El Salvadorian woman	Anglo woman	Verbal abuse and minor assault	1989	--	--
9	Melbourne	German woman	Anglo neighbours	Intimidation and harassment including general damage to her garden, throwing dirt on her property and verbal abuse	1984 - 1989	Reported to police and community legal centre	--
10	Melbourne, South-east suburbs	Group of Pakistani families	Group of Anglo men	The group taunted the Pakistanis families who were having a BBQ in the same park. Because of the strength of the insults the Pakistani families moved elsewhere in the park. Later in the day the group assaulted two young Pakistani boys. When some of the parents returned to investigate they were attacked for about fifteen minutes and received serious injuries	Dec 1989	Reported to the police, the Minister for Police, local MP, Ethnic Affairs Commission, Ethnic Communities Council and the Mayor of the municipality	—
11	Vic, Geelong	University staff, various ethnic backgrounds	--	Series of anonymous racist and threatening notes sent to individual staff members	Early 1989	Internal and police investigation	—
12	Perth	Ethnic patients at multicultural health centre	Organised extremist group	Pasting of racist posters outside clinic	Dec 1987	—	—

U	Location	Victim/Subject of Attack	Alleged perpetrator	Nature of Alleged Incident as Reported to the Inquiry	Time Period	Action Taken	Result
13	Perth	Ethnic school children and elderly people	Various	Many incidents including: verbal abuse in public places, especially on buses and when shopping	1989	--	—
14	Perth	School children, various ethnic backgrounds	Various	Verbal abuse, intimidation, pushing and shoving from Anglo adults in public places, abuse shouted from cars, racist remarks from teachers and name calling from other children	1989	—	---
15	Perth, Suburbs	Kenyan man candidate in State Parliamentary elections	Various, including organised extremist group	Threatening phone calls	Feb 1988	--	—
16	Perth, Suburbs	Young Indian girl	Youths in a car	Racist verbal abuse	1989	Reported to local police	Police questioned and cautioned the owner of the car
17	Perth, Suburbs	Italian man	—	Car covered in graffiti, racist posters pasted on property	Dec 1987	--	--
18	Brisbane, Suburbs	Maori male	Anglo neighbour, female elderly	Sustained racist verbal abuse	Early - mid 1989	Contacted a solicitor who wrote a letter to the neighbour	—

#	Location	Victim/Subject of Attack	Alleged perpetrator	Nature of Alleged Incident as Reported to the Inquiry	Time Period	Action Taken	Result
19	Brisbane, Inner-suburbs	American Negro male	Five Anglo police officers	Asked by hotel staff to leave premises for no apparent reason, police were called and took him to a watchhouse where he was physically assaulted by four officers, stripped and left unconscious in a padded cell. Later released	Mid 1989	Contacted a solicitor, reported to Police Complaints Tribunal and reported to Human Rights and Equal Opportunity Commission	Dismissed by Police Complaints Tribunal on grounds of lack of evidence
20	Qld, Gold Coast	Spanish family	Anglo neighbours	Racist verbal abuse directed at the children	Mid 1989	Contacted police, contacted a solicitor who wrote a letter to the neighbour	--
21	Qld, Far North regional centre and Brisbane	Black South African woman and her three children	Various	Children continually harassed and abused on the way to school and at school, frequent beatings from the school headmaster, stones thrown on roof of house at night, verbally abused and threatened in the local neighbourhood, one child assaulted by railway station guard	1989	—	--
22	Qld, Far North regional centre	Polish community club	—	Graffiti attacks on several occasions	1987 - 1989	—	--

## No. 6 Alleged Incidents of Racist Violence against People who Support Anti-Racist Policies/Beliefs, as Reported to the Inquiry

#	Location	Victim/Subject of Attack	Alleged Perpetrator	Nature of Alleged Incident as Reported to the Inquiry	Time Period	Action Taken	Result
1	Sydney, Inner-city	Church congregation and member of clergy	Organised extremist group	<p>Disruption to church service, distribution of obscene and defamatory material.</p> <p>Assault of church caretaker when he challenged a man sorting through the church's rubbish; sustained threatening and abusive phone calls to a member of clergy and members of the parish; offensive material sent to members of the parish; graffiti and dumping of offensive material at the house of the member of clergy.</p> <p>Several incidences of offensive material being dumped on the steps of church and defacing of posters.</p> <p>Mock "necklacing", involving five men, outside home of member of clergy.</p> <p>Fraudulent letter, including pornographic material, sent to members of the congregation.</p>	June 1987-July 1988	<p>All reported to local police, Special Branch</p> <p>Reported to media</p> <p>Reported to media</p>	<p>Man arrested</p> <p>Man arrested</p> <p>Man arrested</p>

#	Location	Victim/Subject of Attack	Alleged Perpetrator	Nature of Alleged Incident as Reported to the Inquiry	Time Period	Action Taken	Result
2	Sydney, Inner-city	Members of church congregation	—	Parishioners on stolen church mailing list received abusive and threatening phone calls. In one case excrement pushed under front door, in others car and house windows broken	Mid 1988 - Jan 1989	Reported to police	--
3	Sydney, Inner-city	Members of church congregation	Organised extremist group	Parishioners on stolen church mailing list were placed under surveillance. Their house was vandalised and broken into and their car was damaged	Nov 1988 - Jan 1989	Reported to police	—
4	Sydney	Member of clergy	Organised extremist group	Received abusive and threatening phone calls for period of six months as a result of name, address and telephone number being published in the magazine of an organised extremist group	1987	—	—
5	Sydney, Inner-west	Church congregation	--	Graffiti on church	Oct 1988	Reported to local police, Special Branch, local MPs, local media	--
6	Sydney, West	Church congregation	Organised extremist group	Graffiti on church	Late 1988	—	—
7	Sydney	Church congregation	Organised extremist group	Graffiti on church	Mid 1988	—	---
8	Sydney, Western suburbs	Church congregation	Organised extremist group	Graffiti on church	Jan 1989	Reported to local police, Special Branch	—

#	Location	Victim/Subject of Attack	Alleged Perpetrator	Nature of Alleged Incident as Reported to the Inquiry	Time Period	Action Taken	Result
9	Sydney, Inner-city	Church congregation	—	Graffiti and posters on church, 24 incidents of vandalism, break and enters, numerous car tyres slashed	1986-1988	Reported to police	---
10	Adelaide	Church organiser	—	Rocks thrown through the house windows, graffiti attacks and death threats as a result of her involvement in church activities for migrants and refugees	Oct 1986	--	
11	Adelaide	Member of clergy	—	Bricks and bottles thrown through house windows, graffiti attacks and abusive and threatening phone calls as a result of anti-apartheid activities	April 1987	—	—
12	Adelaide	Church member	--	House vandalised as a result of peace activism within the church	April 1988	--	—
13	Adelaide	Church congregations	Organised extremist group	Church services disrupted, distribution of obscene and defamatory material, abusive and obscene phone calls to the member of clergy, graffiti attacks	June 1987	—	--
14	Perth, Western suburbs	Member of clergy	Organised extremist group	Threatening phone calls as a result of objecting to the posters of extremist groups	Feb 1989	--	—
15	Melbourne, Inner-suburbs	Officials of community overseas aid organisation	--	Property vandalised and set on fire, tyre and bricks thrown through windows, graffiti attacks	1985 - 1988	—	--

#	Location	Victim/Subject of Attack	Alleged Perpetrator	Nature of Alleged Incident as Reported to the Inquiry	Time Period	Action Taken	Result
16	Melbourne	Members of community overseas aid organisation	--	Huts constructed for a community education project were burnt and graffiti on property	Oct 1988	--	—
17	Sydney, Inner-city	Community aid group premises	--	Graffiti on notice board, pasting of racist stickers, car tyres slashed	1986 - 1988	--	--
18	Adelaide	Members of community aid organisation	—	Vandalism of cars where identifiable by stickers, brick through member's window	1986-1988	—	--
19	Perth	Community aid organisation	--	Abusive phone calls as a result of the organisation's involvement in Aboriginal and overseas aid issues	1989	--	--

#	Location	Victim/Subject of Attack	Alleged Perpetrator	Nature of Alleged Incident as Reported to the Inquiry	Time Period	Action Taken	Result
20	Sydney, Inner-city	Members and workers - community overseas aid organisation	Four men	Harassment and attempted assault of workers in shop on six occasions, assault on one occasion.	Sept 1989	Reported to: local police; Special Branch; State Premier; local MPs; NSW Senator and anti-racist violence group. Full description, names and addresses of alleged perpetrators given to police. Letter sent to Minister of Defence as three of the alleged perpetrators were said to be in the army	—

#	Location	Victim/Subject of Attack	Alleged Perpetrator	Nature of Alleged Incident as Reported to the Inquiry	Time Period	Action Taken	Result
21	Sydney	Official in an anti-apartheid organisation	Organised extremist group	Shotgun fired at house	Jan 1989	Reported to the police. Arrests made	---
22	Adelaide	Official in overseas anti-apartheid organisation	Members of organised extremist group	Disrupted the meeting where the official was speaking	1987	Reported to the police	---
23	Sydney, Inner-city	Anti-apartheid activist, female	Organised extremist group	Brick through window, death threats, literature left on doorstep	1985 - late 1988	Reported to police	—
24	Adelaide	Members of anti-racist community group	--	Constant harassment, up to 30 threatening phone calls in any weekend	1984 - 1988	—	—
25	Sydney	Members of anti-racist union organisation	Organised extremist group	Abusive telephone calls, graffiti on walls of workplace, brick through window, car set on fire, systematic phone harassment, car tyres slashed	Mid 1985	Reported to local police, Special Branch, media	Police protection for one year (for one member), two extremists charged
26	Adelaide	Community organisations, shopfront bookshops	Organised extremist groups	One bookshop firebombed, another had its window smashed and a third was heavily graffitied as a result of anti-racist views/policies	Mar 1987	—	—
27	Sydney, Northern suburbs	Journalist	--	Graffiti on house and car as a result of writing on immigration issues	Sept 1988	—	--

#	Location	Victim/Subject of Attack	Alleged Perpetrator	Nature of Alleged Incident as Reported to the Inquiry	Time Period	Action Taken	Result
28	Sydney	Journalist	Various, including organised extremist groups	Abusive and threatening phone calls, threatening anonymous letters, family dog killed, as a result of writing on the racist background of a public identity	Feb 1989	—	—
29	Sydney, Inner-city	Newspaper sellers	Group of males	Harassed and assaulted, received threatening phone calls as a result of the anti-racist views of the newspaper	Feb 1989	--	--
30	Adelaide	Police officer	Organised extremist group	Poster campaign naming the officer as a threat to the organised extremist group, as a result of his investigations against the group	Nov 1987	—	---
31	Adelaide, Western suburbs	People at citizenship ceremony	Four males	Chanted racist slogans disturbing a citizenship ceremony	Jan 1989	Police present following a tip off	Four men arrested
32	Adelaide, Western suburbs	Primary school community	Organised extremist group	Extremist posters pasted around the school, graffiti attacks, nuisance phone calls	June 1987 - Aug 1988	Police investigation	—
33	Adelaide, Western suburbs	Federal MP	Organised extremist group	Damage to office, attempted break in, bomb threat, office shot at, threatening phone calls as a result of involvement in immigration issues	July - Oct 1988	—	--

#	Location	Victim/Subject of Attack	Alleged Perpetrator	Nature of Alleged Incident as Reported to the Inquiry	Time Period	Action Taken	Result
34	Perth	State Minister for Multicultural and Ethnic Affairs	Organised extremist group	Posters stuck on property, physical violence towards individuals/groups found trying to remove posters, harassing phone calls and personal harassment as a result of the Minister's involvement in ethnic issues	Early 1989	--	---
35	Adelaide	Federal Minister for Immigration	—	Various forms of harassment as a result of immigration policies	1986-1988	--	—
36	Adelaide	Federal Senator	—	Office shot at, abusive phone calls, local church graffitied as a result of commenting on immigration issues	1986-1988	—	--
37	Sydney, Inner-city	Member of State Legislative Council	Organised extremist group	Disruption of political party dinner, verbal abuse and distribution of anti-immigration pamphlet by a group of ten men	Dec 1988	Reported to police, media	One man charged with creating violent disorder and was placed on a good behaviour bond
38	Adelaide, Inner-suburbs	Candidate in Federal parliamentary elections and local council elections	--	Car windscreens smashed as a result of supporting anti-racist policies	Early 1989	--	--
39	Sydney	Official in government multicultural organisation	Various	Threatening and abusive phone calls over 6 months as a result of public comments on ethnic issues	Early 1989	Reported to police	—

#	Location	Victim/Subject of Attack	Alleged Perpetrator	Nature of Alleged Incident as Reported to the Inquiry	Time Period	Action Taken	Result
40	Sydney	Government anti-discrimination organisation	Organised extremist group	Graffiti attack, occupation of offices by members of the extremist group and telephone death threats, as result of advocating racial vilification legislation	1989	—	--
41	Perth	Government multicultural and ethnic affairs organisation	Organised extremist group	Graffiti attack, occupation of offices by members of the extremist group and telephone death threats	July - Aug 1988	—	—
42	Sydney, Inner-city	Employee of government anti-discrimination organisation	Organised extremist group	Car fouled	1985	--	—
43	Adelaide	Government multicultural organisation	--	Abusive phone calls	1986-1988	—	—
44	Adelaide	Academic	--	Tyre thrown through front window, telephone death threats, as result of displaying anti-apartheid poster	April 1987	—	—
45	Melbourne	Academic	—	Hate mail, threatening phone calls, death threats, bomb threats, brick through window as a result of writing on Asian immigration issues	Early 1985	—	—

#	Location	Victim/Subject of Attack	Alleged Perpetrator	Nature of Alleged Incident as Reported to the Inquiry	Time Period	Action Taken	Result
46	Melbourne	Human rights activist	Organised racist group	Verbally harassed and threatened, abusive phone calls, graffiti on car, racist stickers on property, threat to publish personal contact details in extremist magazine as a result of public comments, especially on overseas adoption	Mid 1989	Informed police	None
47	Sydney, Inner-city	Anti-racism activist	—	Abusive phone calls, brick through home window, graffiti attack as a result of putting name and phone no. on a leaflet about racism in the media	Dec 1988	--	—
48	Perth	Anti-racism activist, Anglo man	Members of organised extremist groups	Bashed by eight men wearing balaclavas as a result of organising a group to remove racist posters. Also threatening phone calls	Late 1988	--	—
49	Adelaide	Anti-racism activist woman	Members of extremist group	Threatening phone calls and written death threats	1987-1989	Reported to the police	--
50	Adelaide	Human rights activist	Various, including organised extremist group	Hate mail and threats of further harassment as a result of public comments on multiculturalism and racial defamation	Mar 1987	Contacted by police Special Branch	—
51-63	Sydney, Inner-city	Aboriginal supporters	Organised extremist group	Cars with Aboriginal Land Rights or anti-apartheid stickers were targets for a series of attacks including 52 tyres slashed, 15 windscreens broken, one car firebombed, one attempted firebombing and one car body destroyed by solvent	Mar 1988 - Mar 1989	Most incidents reported to the police	--

#	Location	Victim/Subject of Attack	Alleged Perpetrator	Nature of Alleged Incident as Reported to the Inquiry	Time Period	Action Taken	Result
64	Sydney, Inner-city	Correspondent	--	As a result of writing a letter to a newspaper about South Africa, a brick was thrown through a window, harassing phone calls, four tyres slashed	Early 1986	Reported to: local police; Special Branch; local MPs and anti-racist violence group	---
65	Perth, Western suburbs	Correspondent	Various, including organised extremist groups	Abusive and threatening phone calls as a result of writing a letter to a newspaper about extremist organisations	Dec 1988	Reported to police, Telecom, Federal and State Offices of Multicultural Affairs	Police provided extra security
66	Sydney, Inner-city	Correspondent	—	Threatening phone calls received after writing a letter to newspaper in support of a member of clergy who supported gay and anti-racism issues	Dec 1988	Not reported to police or Telecom	—
67	Sydney	Correspondent	Organised extremist group	Harassing mail received after writing a letter to an anti-racist member of clergy, her address was found and harassing mail sent	Sept 1988	—	—
68	Sydney, Inner-city	Correspondent	--	Threatening and abusive phone calls, following writing a letter to a newspaper commenting on immigration issues	Feb 1989	Reported to Telecom, police and local MP	Telecom intercepted phone calls, police only interviewed a witness of the attack as a result of representation from the local MP

#	Location	Victim/Subject of Attack	Alleged Perpetrator	Nature of Alleged Incident as Reported to the Inquiry	Time Period	Action Taken	Result
69	Adelaide	Correspondent	--	Garage burned and car tyres slashed as a result of writing a letter to a newspaper commenting on immigration issues and previous involvement in the church	1988	Reported to police, media	—



