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THE FUTURE OF COMMUNITY RELATIONS

by

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Commissioner for Community Relations

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Australia took an historic step on October 31, 1975, when by unanimous decision of the National Parliament racial discrimination was abolished for the first time in the history of Australia.

The enactment of the *Racial Discrimination Act* of 1975, which prohibits discrimination on the grounds of race, colour, descent or national or ethnic origin, opened a new chapter in the history of Australia and firmly rejected a bloody past.

The discrimination of the National Parliament arose from a decision which was taken ten years before on October 13, 1966, when the then Foreign Minister of Australia, Mr Paul Hasluck, signed the United Nations Convention on the Elimination of All Forms of Racial Discrimination. Australia signed that Convention but was unable to ratify it because we had no prohibition of racial discrimination and no machinery to deal with it.

During the subsequent ten years efforts were made to achieve a consensus within the State framework. Following these efforts the Racial Discrimination Bill of 1975 was presented to the National Parliament, debated in the House of Representatives and the Senate, which came to a final resolution and its proclamation on October 31 of that year.

By that time 87 countries had already ratified the Convention and Australia now stands with 145 countries around the world who have not only pledged and entered into legal commitments to outlaw racial discrimination, but have also undertaken a number of other commitments to prohibit racial discrimination and to carry out programs of education, information, and cultural activities to combat racism and to build unity and amity among all sections of the community.

The key to all those decisions was the enactment of the *Racial Discrimination Act* of 1975 under which I was appointed Commissioner for Community Relations and my Office was established.

The background in Australia to the establishment of the Office is that on September 2, 1974, I was appointed as a Special Adviser to the Australian Government in Community Relations and was specially charged by the Government to work on a draft of legislation which became the *Racial Discrimination Act* of 1975. I suppose it is a unique privilege in the nations of the world to have an opportunity to help draft a law which I was then given the challenge of implementing.

Up until October 31, 1975, the only initiative taken in Australia at the legislative level to combat racial discrimination was taken by the Government of South Australia, led by Mr Don Dunstan. They enacted into law the Prohibition of Discrimination Act in 1966. This was a pace-setting Act but it must now be recognised in hindsight that it was in fact little more than a gesture because there was no machinery to enable the law to be properly implemented. It meant that if someone was discriminated against he had recourse under the law to seek his rights but he had to present himself to a Police Station and go through the entire drill from that point. Obviously this was not adequate and the experience in South Australia in the first eight years of the Act was that the Attorney-General had given his certificate authorising prosecution on only four occasions. (1)

No other State at that time had attempted any such legislation and so in 1975 the National Anti-Discrimination legislation was presented with a virgin field of activity.

The *Racial Discrimination Act* was actually proclaimed at a ceremony held in the Administrative Building, Canberra, on October 31, 1975, where the Prime Minister of Australia, Mr Gough Whitlam, and the then Attorney-General, Mr Kep Enderby, launched the Act and the key to its implementation at that time was sounded by Mr Whitlam when he said:

"It shouldn't be forgotten that Australia is a multiracial society, a remarkably diverse and successful one. A quarter of the Australian workforce was born overseas. More than three million people have come to Australia from 60 different countries and locations around the world during the past quarter-century of mass migration. We all know the changes they have made to our great cities. Melbourne, to give one example, is said to be the third largest Greek-speaking city in the world after Athens and Thessalonika.

"Australia has a unique opportunity to show the world what one of the youngest of all nations can do in prompting peace, tolerance and unity among all sections of the people.

"It should not be thought that by enacting this law we imply any low opinion of the tolerance and good nature of Australians. We are on the whole an exceptionally generous and understanding people. When we look at the history of our immigration program, a program begun by another, earlier, Labor Government, and compare our record with that of any other multiracial society, it is remarkable how smooth and harmonious this great experiment has been.

"The purpose of the *Racial Discrimination Act* is not so much to correct present abuse — certainly it will do that where necessary — but to set standards for the future and to build to a point of maturity, of goodwill, of co-operation and understanding at all levels of society. The Act defines a number of fields in which racial discrimination will be outlawed and equality of opportunity upheld by law and access to places and public facilities, in land and housing, in the provision of goods and services, in the rights to Trade Unions, in employment, in advertising.

"Mr Commissioner, this is an historic and important piece of legislation. It will further enhance our country's reputation and in Al Grassby's own well-remembered phrase, 'bring the family of the nation closer together in trust and comradeship'.

"The main sufferers in Australian society, the main victims of social deprivation and restricted opportunity, have been the oldest Australians, on the one hand, the Aboriginal Australians, and the newest Australians, the migrants, on the other. We stand in their debt."⁽²⁾

It was then my responsibility when my appointment took effect as Commissioner to organise the ways and means for the implementation of the law.

Following exhaustive discussions for many months previously with the Public Service Board and community representatives from all over Australia it was agreed that there should be a complement of 31 which provided for the following organisational establishment:

A.C.T.	3 Assistant Commissioners, Level 1, Second Division 2 Clerks, Class 10 1 Clerk, Class 9 1 Clerk, Class 8 1 Clerk, Class 6 1 Clerk, Class 5 1 Clerical Assistant, Grade 6 1 Clerical Assistant, Grade 3 2 Steno-Secretaries, Grade 1
N.S.W.	1 Director, Class 11 1 Clerk, Class 9 1 Clerk, Class 6 1 Clerical Assistant, Grade 6
Victoria	1 Director, Class 11 1 Clerk, Class 9 1 Clerk, Class 6 1 Clerical Assistant, Grade 6
Queensland	1 Director, Class 10 1 Clerk, Class 8 1 Clerical Assistant, Grade 6
South Australia	1 Director, Class 10 1 Clerk, Class 8 1 Clerical Assistant, Grade 6
West ern Australia	1 Director, Class 10 1 Clerk, Class 8 1 Clerical Assistant, Grade 6

The whole concept was that there would be a small, dedicated team, properly distributed throughout Australia, who would be sensitive and active and above all, be imbued with a sense of mission.

The advertisements for the staff went out throughout the whole of Australia on December 20, 1975. The response to those advertisements was to bring offers from many Australians outstanding in the field of human rights.

This establishment, approved by the then Attorney-General, Mr Enderby, and by the Public Service Board, was subject to further scrutiny during the period of the caretaker Government when Senator Ivor Greenwood was Attorney-General of Australia. He examined the establishment and the proposals and approved them and so we went ahead with plans to put flesh on the skeleton of a law which had just been passed.

A further development took place when Senator Greenwood was replaced and his successor, The Hon. now Mr Justice Robert Ellicott, was in fact to become the Minister responsible for the *Racial Discrimination Act*.

By a change in administrative arrangements on December 22, 1975, The Hon. Michael Mackellar, the then Minister for Immigration and Ethnic Affairs, was made the Minister responsible.

In relation to staffing, the situation was disastrous. The staff consisted of a small team of four or five operatives. As time went on the staff was built up and was eventually to number 12 and has never exceeded that number. The build-up of staff, however, was purely temporary. Not one single officer at any level was in fact a member of the Office but simply on loan temporarily and there was no establishment.

The control of the Office went back to the Attorney-General in the person of Senator Peter Durack, who continues to have the responsibility, and the Office remains suspended in limbo as far as establishment, staff, and continuity are concerned. This has been the position for six years while for most of that time there have been announcements made of the intention to establish a Human Rights Commission which would absorb the Office and therefore make it superfluous.

It was my decision as Commissioner to take the decision of the Parliament, the expressed wish of the Parliament, and my own responsibilities as set out under the *Racial Discrimination Act* and the United Nations Convention, and to tackle the problems as I saw them.

Despite the staffing situation, despite the lack of commitment to the Office of even providing an establishment, I determined that we had a job to do and would do it to the best of our ability, and we would report to the National Parliament to which I was responsible as Commissioner.

For each year of the six years we have used the small resources available to us to receive complaints, to conciliate upon them and to concurrently carry out educational programs which get to the root of the prejudices which cause discrimination. The entire operation for the past six years has been geared to investigation, conciliation and education. Each act of investigation was

education; each act of conciliation was education; and education for better community relations was done in a general way concurrently with specific case-oriented efforts.

It is important to recall that the past six years have been the only six years in the history of Australia where there has been protection for those who would be victimised because of their race, colour, ethnic background or descent. For all the years of our history up until now racial discrimination has not only been permitted but in many aspects actively encouraged by Governments and community organisations at every level.

It should be remembered that when the Australian Commonwealth came into being and the founding fathers were writing the present Constitution, it was actually suggested that there should be a prohibition of discrimination in the Constitution, but it was pointed out that this was impossible because each and every State not only practised racial discrimination but enshrined it in the laws of the States.

The highlight of racism in Australia in fact coincided with the proclamation of the Federation in 1901. The official dictum as far as Aboriginal people were concerned was that they were dying out and the only need was to smooth the pillow of the dying race.

As far as our neighbours were concerned they were consigned to everlasting damnation by the law which said that no Asian could ever be an Australian citizen.

We rejected this shortly after Federation but the new law came in 1975 against a background in which the founding nations of Aboriginal people, who amounted to at least half a million people, had been reduced by constant war, disease and dispossession, to 50,000.

We were faced with the 19th century demolition of the Chinese from the third largest ethnic input after the English and the Irish to one or two streets in the various cities.

During the years up until World War II there were constant outbreaks of racism with the lexicon of hate being led by the Aborigines, followed by the Jews, the Irish, Italians, Greeks, Maltese, Asians, and anyone it seemed whose background was east of Calais.

One quote will suffice to dispose of the Aboriginal people in the eyes of the racists of the 19th century:

"If the Aboriginal lacks one thing more than another it is virtue. Moral laws they have none; their festive dances and corrobories [*sic*] are of the most lewd and disgusting character, their songs, rites and ceremonies, utterly revolting and fiendish . . . if we add a few of the white men's vices, and then ask the question as to the possibility . . . of chastity among their women, the idea at once becomes preposterous . . . preposterous, therefore, is the idea of the black woman being outraged, unless it is by stopping their supply of tobacco."⁽³⁾

Yet another will dispose of the Chinese and Asians:

"The Patriot is sure the beautifully dressed ladies who attend . . . Church must be pleased to think that perhaps a big fat buck nigger, reeking with the germs of all sorts of diseases carried from the necessary Yokohama, has warmed the seat on which she sits."⁽⁴⁾

When it comes to all of those people from the Mediterranean basin, who today amount to ²¹² million people in Australia by background, the following is perhaps a mild expression of the racism of the time:

"The Royal Commission in 1925 to enquire into and Report on the Social and Economic Effect of Increase in Number of Aliens in North Queensland is a document memorable for its deep rooted racism.

"After stating that 'British' workers are the most efficient of all, the report states that southern Italian and Mediterranean races generally have a low standard of living and 'jostle women and children in over-crowded carriages'.

"The report disposed of the Greeks as generally of an undesirable type and not making good settlers. They were described as living in filthy conditions and being a menace to the community.

"Sicilians, Greeks, Maltese, Yugoslays, Albanians and Russians, but particularly Italians, were all lumped together and the report stated there was great animosity against all foreigners due to the inferior types arriving.

"About the only good word that was given to any of the migrants in the report was a description of the Maltese as being 'docile workers'."⁽⁵⁾

On becoming Minister for Immigration in 1972 I discovered that racism dominated every single act in relation to migration to Australia. Junior clerks were making decisions as to who was 'substantially European', whatever that meant, and who were not. Even visas were stamped subtly differently if someone on the counter came to the conclusion that a little girl betrayed signs of not being 100% 'white' (again, whatever that meant to the officer at the time).

We now know what it meant. It meant that an officer who had been given racist guidelines was in fact required to make arbitrary racist determinations about individuals, and upon his determination their future, their hopes, their happiness depended.

Even in the Australian archives people were divided up in a primitive racist way which bore no relation to reality. It was based in primitive prejudices. The categories read like a page of *'Mein Kampf'* and included 'British European', 'British part-European', 'Non-British European', 'Non-British part-European', 'Non-British non-European' — and in the latter category all were consigned to limbo.

It is true that at the turn of the century there was a new spirit abroad in relation to our Asian neighbours and some easing of restrictions. Within four years of Federation the complete banning of all our Asian neighbours from becoming citizens had been repealed. Each year had seen some progress but the policy nevertheless remained totally discriminatory in every aspect of its operations.

A new series of initiatives which finally consigned the White Australia

policy to the grave was taken between 1972 and 1974. For the first time in Australia's history the statute books of the nation were to be wiped clean of racial discrimination. Racism in migration criteria was abolished, the law which prevented Aboriginal people leaving their own country without the permission of the Government of the day, was consigned to the waste paper basket of history.

Australian citizenship, which had been given away like lollies on the basis of one, three or five years, depending on your colour and your race, was made available on a uniform basis.

These measures removed the grossest examples of racism from the statute books but it was important to do more than that. It was important to proclaim, as was done in 1973, that the old policy of assimilation, under which everyone must pretend to be the same in language, speech and heritage, was changed for the first time. It was acknowledged that half the world was in Australia and half the world's cultures and languages were part of our treasure and our inheritance.

But it is not enough to change the laws, to clean up the statute books. It is important that disadvantaged people have clearly somewhere to go with their problems. There must be somebody who is independent, who cannot be bought, bribed or beaten, and although of course he is always neutral, he must clearly stand for the protection of the disadvantaged and those discriminated against.

In the six years of our operations the staffing problem remains the same, the facilities are still inadequate, the whole Office is subject to a whimsical decision to close it in the morning, and of course there have been recent developments in relation to my survival as an independent Commissioner.

It fell to me in 1975 to make some priorities because it was obvious we had a very small, inadequate team, and a huge job to do, and it was necessary to fix the way ahead for us all. So it came about that six years ago I set three priorities. The first was education, the second communication, and the third, individual casework. But these were not to be three separate activities. They were to be interwoven in everything that we have undertaken.

In six years we have handled 5,074 complaints of racial discrimination. This represents cases which have been measures against the Act and have been accepted as valid cases of racial discrimination. I must stress that in accepting a case as a contravention of the law of the land it does not mean I make the decision as to whether it is justified or not, but simply the decision that the case is based on the law and must be examined under the law of the land because it is relevant to it.

Quite apart from these validated cases there have been thousands of others which have not been accepted as valid cases of racial discrimination but have been raised with me because in the minds of the people concerned they have had a racist basis to them.

In the Sydney office for example, over six years there would have been

something like 15,000 matters raised by telephone or by visits or letter and only a small proportion were actually valid cases of racial discrimination. We have tried to relate to all who felt oppressed as soon as they told us about their problems. It may well be that we have had to investigate and to point out that the felt discrimination was not real under the law, but it is vital to recognise that when it is a hurt to an individual it must be taken into account whether it meets precise legal criteria or not.

"Australia is a racist country." That statement has been made many times and equally as often has been refuted by me. I do not accept that Australians in the great majority are racist at all. Recent polls have indicated that 80% have rejected any form of racism in migration and settlement and this from polls conducted in 1980 is the best result for nearly 200 years.

At the same time there is a great deal of racism in Australia and much of this is due to our colonial background and the institutions which have been created against that particular backdrop. We have in fact established in the last six years that the greatest single problem confronting Australia is not blatant racism of the South African variety with notices that only this group or that group is acceptable, but the greatest challenge lies in attitudinal discrimination.

At its most primitive level this was illustrated by a man who attended a meeting which I addressed at a little town in northern Victoria. After my address he rose to ask a question but asked leave to make a statement beforehand. Leave was granted and he proceeded to tell us — "I only hate two things. Racial discrimination and blacks."

In six years this is the most blatant example of attitudinal discrimination which I have encountered. But it can be matched in many areas. Nevertheless, it must be said that overwhelmingly Australians have rejected the 30 extremist organisations which have been active in Australia from time to time and they have also rejected that public programs should be based on primitive racism. There is something of a paradox here but it is created by the great Australian apathy, so the majority may believe one thing but the small groups of fanatics, because they find the field vacant, attack with vigour with all the fanaticism that can be conjured up by groups that have been successively over the history of Australia anti-Jewish, anti-Irish, anti-Mediterranean, anti-Asian — in fact, when their lexicon of hate is completed it will leave no room for the Lord to make his second coming in Australia. If they were in control He would not even get a visa.

What have been the achievements of the past six years? There have been some very significant achievements and progress made. It is my appreciation that we have clearly established that attitudinal discrimination is the number one menace facing Australia and the number one barrier to building a society which must take into account that it comprises people of 140 different ethnic backgrounds, speaking 90 different languages at home, and practising 80 different religions.

During the past six years I have actively encouraged State Governments

to enact anti-discrimination legislation and I have also supported, wherever it was possible, similar initiatives at Local Government level. I have also worked through the A.C.T.U. and individual Trade Unions to have recognised again the need to have active anti-discrimination campaigns.

The response has been encouraging. South Australia recognised that its original legislation was not adequate and there was a strengthening of the State Act in the *Racial Discrimination Act 1976* (S.A.) which reduced the burden of proof for an offence under the Act.

The State of New South Wales undertook the most comprehensive initiatives of all in 1977 when the State established the Anti-Discrimination Board, the Counsellor for Equal Opportunity, and the New South Wales Ethnic Affairs Commission. These are statutory authorities which between them have responsibilities in the educational sphere, the reform of institutions to ensure that they service all sections of the community, the receipt of complaints and conciliation where this is possible, and where it proves impossible, to refer the case to the Anti-Discrimination Board for resolution.

The State has gone further in its total examination of State public services to ensure that there is adequate representation of all the people and not just the old elite. Typical of the initiatives has been the establishment of the Health Care Interpreter Service, which is the most outstanding in the world in providing a range of interpreter services in hospitals, clinics and other health care institutions throughout the State.

The New South Wales initiatives included the establishment of a Select Committee of the Legislative Assembly on Aborigines. The Second Report printed in April, 1981, made a list of recommendations spanning housing needs, health care problems, education at kindergarten, primary and secondary and also adult education level, employment skills, public and private development, welfare, Aboriginal advisers and Aboriginal culture and research. It was the most comprehensive report ever produced in the State of New South Wales in relation to Aboriginal needs.

The First Report dealt with Aboriginal land rights and sacred sites and the Government has now adopted the principle of granting land rights. The Chairman of the Select Committee, Mr Maurice Francis Keane, M.P., declared in the Second Report:

"The Aboriginal citizens of this State mainly exist in conditions of abject poverty. Their housing is substandard and overcrowded. Their health and education, abysmal. Their employment, negligible. Their welfare and culture, ignored or deprecated.

"In the wealthiest State of one of the world's most affluent countries, there is no excuse for these deplorable conditions to continue to blight the lives of the descendants of the original Australians — the Aborigines.

"The white citizens of this State founded their present affluence on the seizure of land that belonged for 40,000 years to the Aborigines. In less than 200 years whilst waxing fat ourselves, we have reduced our unwilling benefactors to penury.

"Blatant discrimination based on race and the colour of skin is one of the reasons for the present intolerable situation in which Aborigines find themselves today. Apathy, indifference and ignorance by those who have the power to change the situation, are the others."⁽⁶⁾

Victoria in the past six years has also moved into the area of combating discrimination through the Commissioner for Equal Opportunity and the Directorate of Community Relations of the State Department of Immigration and Ethnic Affairs. Victoria has also followed New South Wales in the establishment of an initial group of health care interpreters.

My Office was able to give practical assistance to the Government of Tasmania in developing anti-discrimination legislation which unfortunately has been held up by the Opposition in the Legislative Council of Tasmania but the will to tackle head on discrimination of all kinds is as strong as ever in that State.

No legislative back-up in the combat of discrimination exists in Queensland, Western Australia or the Northern Territory and the only recourse for victims of racial discrimination remains the *Racial Discrimination Act 1975* enacted by the National Parliament.

At the same time throughout Australia and in all States and Territories of Australia there have been significant advances in education to combat bigotry and racism. All State and Catholic education systems throughout the country have agreed that there is an urgent need to root out racism in school textbooks which very often taught Australian children racism with their three R's.

At the Local Government level, particularly in Sydney and Melbourne, there have been initiatives by Municipal Councils and by some Shire Councils also to actively promote equal services on the basis of community languages to people in the various Local Government areas.

I have also encouraged the formulation of Consultative Committees on Community Relations which have operated in 30 towns and cities throughout Australia and have involved more than 300 men and women of goodwill of all backgrounds to act on my behalf in receiving, pursuing and conciliating on cases of racial discrimination on the spot.

This initiative is a completely new style approach to race relations and there has been significant international interest in the approach. What has happened is that in locations of confrontation in many instances citizens have come together, sometimes of equal proportions of black and white, to sit down, perhaps for the first time in 200 years, to examine attitudes, problems, and see if improvements can be made in community relations. I would estimate that the help of this army of tolerance has been instrumental in assisting in the resolution of nearly 20% of all the complaints that we have received.

The resolution of each complaint has meant another step forward in education. It has pointed out to those people in positions of power, influence and authority, that they have a responsibility to obey the law of the land and

not to discriminate on racial grounds. It also educates some of the most oppressed and under-privileged Australians to the fact that they have fundamental human rights guaranteed by the *Racial Discrimination Act*.

The existence of the Consultative Committees and the help of other people of goodwill throughout the community has made it possible for the Office to tackle a growing workload which would have been otherwise impossible.

The field teams are often in the field up to six weeks at a time, working seven days a week with great dedication, but there is just so much that can be done with inadequate resources.

In reviewing the past six years we should record that 5,074 complaints of racial discrimination have been accepted as valid complaints under the Act, have been investigated and conciliated upon, excepting ten cases where certificates were issued to enable the complainants to take the matter to court.

The whole basis of the Act has been conciliation and this has been successfully carried out in the overwhelming majority of cases, but where there are areas and individuals who continue to defy the law time after time conciliation becomes more difficult. The under-privileged Aborigine, who six years ago was satisfied to receive an apology after he had been refused service and a promise that he would not be discriminated against again, is less likely to be as easily pleased when it has happened a score of times later in the same town. And so now the basis of settlement can be much tougher and in one recent case involving what was seen as a studied racial insult publicly carried out, \$20,000 damages were sought.

In the cases where certificates have been issued at least one at this stage has also been the subject of an action in the Supreme Court of Queensland against individuals of the Queensland Government. It is expected that two more similar cases against the Queensland Government authorities will follow.

In at least one other case involving a hotel proprietor it is also expected that there will be a Supreme Court action.

These actions will be historic as they will test for the first time the power and validity or otherwise of the *Racial Discrimination Act* of 1975 in the courts of the land.

Against all this activity at Federal, State and local level, what is the situation with racial discrimination in Australia today? The caseload increases. This does not necessarily indicate there is more racism but it does indicate that there is a greater awareness and that people who formerly accepted bigotry and oppression as a way of life now know that they no longer have to do so. They have basic human rights, there is machinery to deal with complaints, and the majority are on the side of tolerance.

Yet there is still a long way to go in changing the attitudes which produce cases of racial discrimination. Again, the greatest volume of discrimination continues to be practised against Aboriginal Australians. In many communities de facto apartheid exists, not because of any Government policy at

their Federal, State or local level, but simply because in the minds and hearts of the people there is not a gap but a chasm in understanding.

One of the sad features which remains in our society is the racist underground. While the 30 racist organisations which operate in Australia have failed to attract widespread support in the community in terms of numbers, those racist bodies which contested seats in the last Federal election attracted an average of 1% of the vote, although in one location they attracted 2.4% which, if they could repeat it across the country, would perhaps determine who would govern Australia today.

Certainly the more powerful and affluent of the racist bodies, which now claim a membership of 100,000 people across the country, have intensified their propaganda campaigns in the last 36 months. Using pamphlets, exploiting talkback radio programs, round robin letters to the editor, and addressing letters to schools and schoolchildren they have attempted to turn back the clock to the days of what was called White Australia.

This would put the Aboriginal people back to where they were a generation ago. It would reintroduce victimisation for all those whose origins are east of the Bosphorus and presumably deny Christ His second coming in Australia, and they would go further and exacerbate old divisions, create new tensions and lead us down the long, tragic road to Belfast or Beirut.

Despite the fact that recent surveys have shown that 80% of Australian people of all backgrounds have firmly rejected racism in migration and settlement policies, these racist bodies have still had an influence far beyond what their numbers and community support would warrant. They have done it by their constant approach of leafleting and propaganda which people very often quite unconsciously absorb and adopt.

Addressing an entire course of Police Cadets I discovered to my horror that a significant number were repeating almost word for word ethnic slanders and the racist propaganda being peddled by those organisations. Again it was a case of attitudinal discrimination. "I am not a racist but aren't all these people terrible?"

One of the greatest successes of the racist and extremist organisations in Australia, which they have reported to me with great enthusiasm, was the adoption of a resolution by the R.S.L. of Victoria wishing to turn back the clock to White Australia. Despite the fact that this is entirely contrary to the national policy of the R.S.L., the resolution received widespread publicity and the various racist groups hastened to write and telegraph their congratulations to the State President, Mr Bruce Ruxton, who then went on, fortified and strengthened by the support, to call for the formation in Australia of what he described as a homogeneous race.

If this policy was adopted he would have to make the decision as to which race was to be adopted as the only permitted and official one. If he elected the Anglo-Saxons, then 60% of Australians would have to go. If he chose the Greeks and Italians, then 85% would have to go; and of course if only

Aboriginal people were to be validly Australian, then 98% of us would have to go.

We have neither the ships nor the coffins to carry out this policy.

I saw this as a mere aberration against the continuing advancement of tolerance and thinking in the R.S.L. for the last 20 years. The National President, Sir William Keys, has pointed out that the following is the national policy and can only be changed by national decision:

- "1. Because of our small population in relation to the size of our country and because of our declining birth rate, there must be a continued vigorous and selective Immigration policy.
2. Selection must be based on the migrant's ability to integrate and on the other benefits to Australia — in skills, experience and personal qualities. *It must not be based on racial or cultural backgrounds.*
3. Stringent screening procedures including health tests must be maintained.
4. The family reunion programme should be implemented with understanding and humanity.
5. The numbers of migrants being admitted should be related to the ability to absorb them into our society and to our birth rate.
6. There should be an adequate and attractive education programme for all migrants who need it.
7. The R.S.L. should assist in any way possible the settlement of migrants into the Australian community.

"On Refugees, the Policy provides that — For humanitarian reasons, moral considerations, and the fact that this country is a signatory to the United Nations Convention on the Status of Refugees, Australia must continue to accept refugees, subject to adequate screening and selection procedures.' "(7)

Against this background there are still judges and magistrates who are displaying racial prejudice on the bench, lawyers who have failed their clients because of their ethnocentrism, doctors who have attributed to their non-Anglo-Saxon patients entirely new diseases which some of them seem to imply are due to ethnic variations rather than sickness and hurt.

Public Services are still not geared to serve the community adequately. It was recently pointed out that some people have been jailed or sent to mental institutions simply because language communication was inadequate.

Discrimination in schools has persisted with teachers often unconsciously underpinning the prejudice in the school-yard against blacks, wogs, and boaties. It is a sad commentary that the old lexicon of hate names, such as pommies, wogs, dagos and refos has been expanded to include names such as dirties and boaties which refer in the main to Indo-Chinese refugees.

The racist underground in Australia when it surfaces generally provokes revulsion but also some real fear. Fanatics can be frightening. Two Melbourne radio stations experienced the full force of a racist onslaught, in one case involving a discussion on refugees and in another case, following a discussion by me of racial discrimination generally in the community and particularly against Aboriginal people.

One station was considering undertaking a regular community relations broadcast, but faced with a switchboard jammed by racists who had organised well, they lost their courage and the initiative died.

In another case, after listening to extremists calling for the sinking of boats with men, women and children aboard, to preserve racial purity, whatever that means, they resolved not to examine the subject again.

The well-known radio announcer, John Laws, in a Sunday newspaper column, attacked the bigots and the racists, and was horrified by the onslaught on his mailbox, so he took the only effective course and published again his exposure of the tactics and the kinds of attitude.

In another case of an Australian edition of a large international magazine which reviewed racist organisations in Australia, the editor, an Australian veteran writer, was horrified and amazed. He has not ventured into the subject again.

Just recently in a stepped-up campaign of verbal violence, the following are some of the cleaned up extracts from correspondence of hate:

"If the foreign 'wogs' will stay in their own country — climb their own coconut trees etc. — and mind their own business, and NOT bludge on the 'serfs' here — no complaints.

"Bless all White men big and small, for paying out to keep us all. We think Australia damn good place, too damn good for White men race. If they no like the coloured man, THERE'S PLENTY OF ROOM IN PAKISTAN.

"It is foreigners, mainly Italians, that this country don't like in large numbers, they don't have us in large numbers in their racist countries and we don't want them, that is if we want this country to stay Australia or is it Migralia?

". .. people like you who would apparently condone the efforts of ratbags like Grassby, Mackeliar, Ross McLean etc. in doing their damndest to Asianise, Indianise and any other damned boong nigger races who would like to come to my country and dirty it up with their smells, filth, slums, ghettos, disease and of course steal jobs off decent white Australians."

In addition to that one of my female staff who had the task on one particular morning of opening the mail found herself with an envelope of excrement. It has not been the last such incident.

The whole theme of the litany of hate is basically racist, with the Aborigines, Jews, Irish, Italians, Greeks, Lebanese and Asians all coming in for a cut of calumny and denigration. It is all the more disturbing when these attitudes are reinforced by some public figures in public offices.

The Churches in the Australian community have played a leading role as the keepers of the nation's conscience in the last ten years and the visit by a team from the World Council of Churches rendered a great public service in turning the searchlight on the position as it is in Australia today particularly relating to Aboriginal people.

It should be stressed that almost all the facts and figures in the report of the World Council of Churches showing such terrible inadequacies in health and

education, in work, and in fact in every department of life came from the Australian Government itself and some State Governments also. What they did was to put together the picture and say to Australians in challenge, "This is not good enough."

One statement in the Report was to the effect that the Racial Discrimination legislation that exists in Australia has proved ineffective.⁽⁸⁾

It is important to establish exactly what they meant by this statement. They had recognised the need for strengthening existing legislation and the existing facilities available to implement it. They recommended in fact:

"That the Churches in those States without a Racial Discrimination Act urge their Government to enact such legislation and to effectively enforce it.

"That the Australian Government more effectively enforce the *Racial Discrimination Act* 1975. We express deep regret at the recent downgrading of the Commissioner of Community Relations Office, so that no longer will it directly report to Parliament or have a role in public education."⁽⁹⁾

It is important at the end of six years of operation of the *Racial Discrimination Act* to look at the future of community relations in Australia, particularly in relation to this one national enactment against racial discrimination.

I would submit that the historic law of 1975 has in fact had a very dramatic effect on Australia. For the first time in our history racial discrimination has been outlawed, for the first time in our history the oppressed have somewhere to go with their complaints, for the first time in our history some of the poorest of our people have actually had an apology for insult and in some cases damages.

The law has also served notice to all those who would like to discriminate and those who are inclined to discriminate that they should not do so, and those who have discriminated and have been caught out know very well that their conduct is unacceptable.

At the same time because of inadequate resources, it is true that perhaps we have only scratched the surface of complaints of racial discrimination in Australia. We have perhaps been able to receive and handle only 25% of those that would be lodged with us if there was an adequate presence and sufficient staff to follow up the complaints.

The Act itself has some notable deficiencies and I have recommended to the Attorney-General that the following aspects be changed and it be strengthened by those changes:

Power of prosecution should be vested in an authority to pursue matters of racial discrimination which cannot be dealt with effectively by other means.

The prohibition of racial discrimination should include the dissemination of ideas based upon racial superiority or racial hatred, as required by Article 4 of the International Convention on the Elimination of All Forms of Racial Discrimination.

Powers of delegation should be vested in the Commissioner for Community Relations to enable him to give legislative protection to persons in the community who assist him in his work.

- The Commissioner should be empowered to direct the production of documents, files, etc. related to his enquiries.
- The concept of the establishment of conciliation committees, as presently provided for in the legislation, should be extended and the establishment of such committees should rest with the Commissioner. (10)

With continuing unemployment and with the spectacle before us of what unemployment can do in the US and the UK, there is a need for more work to be done as a matter of urgency if one Australian is not to be pitted against another in the scramble for economic survival, particularly at the bottom levels of society.

Any Trade Union delegate on the job will tell you how necessary it is to keep racism out of disputes that would divide the whole fabric of society. At the same time it must be recognised that as Aboriginal people have come to a realisation that they are also citizens and have rights, they inevitably questioned a common attitude with many Australians for 200 years of believing not only that they did not have equal rights but that they should not have them.

Only recently in Canberra a man of influence and affluence described racial disturbances in Alice Springs as due to the fact that people of those great Aboriginal nations such as the Aruntas, Pintupis, Warumungus, Pitjantjatjaras and Warlpiris are lesser human beings with lesser intelligence.

It is my careful assessment that this decade will see more tensions than ever before as rising expectations run into the realities of attitudinal discrimination. It is necessary, therefore, to increase the resources available and to take advantage of the determination of the majority of Australians to banish racism from our country.

This year will see the proclamation of the Human Rights Commission which will absorb my Office and have responsibility for the administration of the *Racial Discrimination Act*. The Human Rights Commission has stated that its main functions are:

"Anyone in Australia will be able to complain to the Commission that Commonwealth laws, or practices under those laws, are in some way inconsistent with the provisions of the International Convention on Civil and Political Rights, and that accordingly his or her rights have been infringed. People will also be able to lodge complaints based on the Declaration of the Rights of the Child, the Declaration on the Rights of the Mentally Retarded and the Declaration on the Rights of the Disabled.

"The Commission's job will be to investigate these complaints and try to achieve a conciliated outcome or else to report to the Attorney-General and Parliament whether changes should be made in relevant law or practice.

"In the A.C.T., where all law is Commonwealth law, the Commission's charter will extend to all law, including Commonwealth laws generally applicable throughout Australia. In addition, the Commission will be responsible for administering the *Racial Discrimination Act* as indicated in the note in the March/April issue of Community Relations News."⁽¹¹⁾

The differences as far as my Office are concerned is that I as Commissioner can no longer report direct to the Parliament but will report to the Human Rights Commission. I am also no longer independent in judgement and operation but subject to the Human Rights Commission. It is also given to the Commission, if it so determines, to give the responsibility for case handling to the States.

If all aspects of the law were taken into account in a negative way this would mean that the Office of the Commissioner for Community Relations would cease to exist, the Commissioner would become a servant of the Commission, undertaking only such work as they might decide to refer to him, and that in fact the effective work of racial discrimination would be left to the States.

Against this is the firm assurance of the Attorney-General of the Commonwealth, Senator Peter Durack, who said in Parliament:

"My hope and expectation in fact is quite the opposite. Let me emphasise, as I did when the previous Bill was before the Senate, that the Commissioner for Community Relations will continue to carry out the complaint-handling and conciliation functions associated with administration of the *Racial Discrimination Act*. Further, the added resources of the Commission will be available to assist as required in the important task of combating racial discrimination, and there will be a recourse, as there was previously, to the Meeting of Ministers on Human Rights on racial discrimination matters.

"The Government is confident, therefore, that establishing the Commission will not make less effective the role of the Commissioner for Community Relations in dealing with complaints of racial discrimination."⁽¹²⁾

I would hope that this would mean that the Human Rights Commission would be able to support my staff which is the only national body of expertise in race relations in Australia and, small as it is, is in a position to carry forward new programs with additional help. I would hope that there would be additional help for the team remaining intact, drawing on the expertise and experience of the last six years, and that there would be a strengthening of the Act in the light of our experience.

Around the world at the present time there is considerable interest in the pioneering work we have undertaken, particularly in the field of investigation, conciliation and education, a three-way process it is impossible to divide up like a sausage.

The first priority in community relations must be education and everything should be bent towards that objective. It would be absurd to suggest the three things should be done quite separately and by different people at different times.

It is important also that there is complete independence from outside pressure, otherwise the great and the powerful will simply lift their little fingers and complaints will be set aside and investigations in what are regarded as sensitive areas will not be done.

With the proclamation of new legislation this year, with the rising tensions and greater expectations, the year ahead presents one of the most dramatic challenges in the history of Australia. For the good health and advancement of all Australians of the nation we must go ahead. If we fail then we can only slip back, with all that means in terms of internal divisions, tensions, and a real prospect of violence.

The world sees our problems in stark terms. A recent report, 'World Perceptions on Racism in Australia', summed up the position of how others see us in the following words:

"We searched in vain for overseas comments which praise Australia's treatment of its Aboriginal population, which patted us on the back and told us what a good job we were doing. The world perception of Aboriginal-white relations and the present-day situation of Aborigines varies from the mildly admonitory to the virulently critical.

"It is likely that in the very near future Australia will receive the same pressures from her international friends and enemies, particularly in the field of sport and in the realm of the United Nations, as does South Africa now. It is not too late to ward off such ignominy. Strong support for all those Aboriginal and governmental bodies which are fighting prejudice and discrimination and endeavouring to bring about a more just situation will assist our country to hold up its head in the international arena and say with confidence, 'We are not a racist country'." (13)

It is up to all Australians of goodwill to meet the challenges of the 80s in building unity and amity out of diversity and cleaning old injustices and bigotries off the face of the nation.

REFERENCES

1. Collett, Andrew: *The South Australian Prohibition of Discrimination Act*. Paper presented at Monash University Centre for Research into Aboriginal Affairs Research Seminar: Aborigines and the Law. July 1974.

Whitlam, Gough: Extract from speech given at ceremony at Administrative Building, Canberra, on declaration of *Racial Discrimination Act*, 1975. October 31, 1975.
3. Rowley, C.D.: *The Destruction of Aboriginal *Society*. The Australian National University Press 1970. pp. 214.
4. Andrew Markus: *Fear and Hatred*. Southwood Press, Sydney, 1979. pp. 201.
5. Grassby, A.J.: "Australian Prejudice". Unpublished.
6. Keane, M.F.: Second Report from the Select Committee of the Legislative Assembly Upon Aborigines — Parliament of New South Wales. April 15, 1981. pp. x, xi.
7. Keys, Sir William: Extract from letter to editors of all Metropolitan Dailies on R.S.L. Immigration & Refugee Policy. July 6, 1981, Canberra.
8. *Justice for Aboriginal Australians*. Report of the World Council of Churches team visit to the Aborigines. June 15 to July 3, 1981. pp. 29.
9. *Justice for Aboriginal Australians*. Report of the World Council of Churches team visit to the Aborigines. June 15 to July 3, 1981. pp. 29.
10. 5th Annual Report of the Commissioner for Community Relations, Canberra, 1979.
11. *Human Rights Commission*. Pamphlet written by Mr P.H. Bailey, Special Adviser on Human Rights, Human Rights Bureau, Attorney-General's Department, Canberra. May 1981.
12. Extract from *Community Relations News*. Commissioner for Community Relations, Canberra. March/April 1981.
13. *World Perceptions on Racism in Australia*. Community Relations Paper No. 12, April 1981. Commissioner for Community Relations. pp. 23.

