

**DISCRIMINATION AGAINST
ABORIGINALS IN
WESTERN AUSTRALIA**

**A Report by
the Commissioner for Community Relations
on complaints of racial discrimination and enquiries
under the Racial Discrimination Act 1975 for the period
31 October 1975 to 9 October 1981.**

**Community Relations Paper No. 18
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DISCRIMINATION AGAINST ABORIGINALS IN WESTERN AUSTRALIA

The *Racial Discrimination Act 1975* came into operation on 31 October 1975 and since then the Commissioner for Community Relations has received 109 complaints of racial discrimination against Aboriginal people in Western Australia. This paper details those complaints and the outcome of the Commissioner's actions.

Of the 109 complaints received 87 have been concluded. They involve 118 complainants, 194 specifically mentioned aggrieved parties and 112 respondents. These figures exclude numbers involved when entire Aboriginal communities joined as aggrieved parties in various complaints. In these cases, several hundred people were involved. Complaints came from 35 towns from all over Western Australia. Of these 35 towns, 11 were visited by officers on field trips to investigate and settle complaints.

The complaints demonstrate that racial discrimination is widespread throughout Western Australia and that the rights of Aboriginal people are infringed in practically all aspects of their daily lives. Public facilities and public services are often denied Aboriginal people.

The purpose of this paper is to present the factual picture of racial discrimination against Aboriginals in Western Australia as shown in complaints I have received. From this, a general picture of the position of Aborigines can be drawn. My officers and myself have travelled to a number of centres and have dealt with complaints in many of these. We have observed at first hand, discrimination in the community and have been confronted with racial prejudice and racial discrimination.

Overall experience has shown that wherever there is a significant Aboriginal presence then racial discrimination is almost inevitable.

METHODS

- The following methods were employed in dealing with complaints: —
- by telephone from Canberra
 - were referred to and handled by Consultative Committees on Community Relations
 - by other organisations and individuals assisting the Commissioner
 - by correspondence from the Commissioner
 - were handled on the spot by officers during field trips.

Consultative Committees on Community Relations and people of goodwill have greatly assisted and always participated in cases within their town and district. The Committees achieved settlement in 20 cases referred to them by the Commissioner. Many matters have been received and dealt with directly by Consultative Committees themselves.

In 50 cases correspondence was sufficient to effect a resolution of the complaints following contact with complainants, respondents and people in the community.

Field work is essential to combat racial prejudice and racial discrimination. It is the most effective single means of educating the community and for settling complaints of racial discrimination. Field work is undertaken whenever possible. Inadequate resources available to Commissioner for Community Relations has limited the amount of field work undertaken in the past six years in Western Australia.

Of the complaints dealt with by officers on field trips, 7 were resolved by compulsory conferences between the parties involved.

In all, 77 complaints were brought to conclusion by the direct intervention of the Office.

A further 10 cases were pursued by the Office but it was found at some stage in the proceedings that the complainants did not desire to pursue the matter further or had solved the problem by other means.

THE NATURE OF COMPLAINTS

Complaints of racial discrimination received against Aboriginal people can be divided into several main areas. They are:

- Western Australian Government
- Elections
- Land
- Police
- Law
- Government Departments
- Hotels
- Media
- Recreation
- Accommodation
- Transport and Services
- Health
- Employment
- Community

BASIS OF SETTLEMENT

Complaints set out four main bases of settlement:

- cash damages
- written apology
- oral apology
- visits by officers to validate complaints and to demonstrate that racial discrimination is unacceptable.

Of these four groups, by far the most common was the desire of complainants to have investigations carried out to validate the complaints and demonstrate that such conduct is unacceptable under the law.

SETTLEMENT ACHIEVED

As the schedule of complaints shows, apologies and assurances were obtained on behalf of aggrieved parties. In one case respondents paid cash damages of \$1,000 to an entire Aboriginal community which sought some tangible form of apology.

Many Aboriginals find even the conciliation process unsatisfactory as a form of redress for the humiliation and loss of dignity suffered as a result of racial discrimination.

There is resentment that under the *Racial Discrimination Act 1975* the burden of seeking relief from discrimination and oppression always lies ultimately with the victim who is often the least equipped to face his oppressors or to cope with courts if conciliation fails.

I have recommended that consideration be given to strengthen the Act by making it possible for a designated authority to carry the complaint if in the Commissioner's view the complainant is not able to pursue the matter on his or her own behalf.

REALITIES OF SETTLEMENT

The settlement in many cases reflects the lack of vindictiveness of Aboriginal complainants and their modest demands.

There is no doubt that these attitudes arise from the lowly position of Aboriginals in our society. When the *Racial Discrimination Act 1975* came into operation in 1975 it was the first time an avenue was available to the oppressed.

Aboriginal complainants had little expectation of justice and the respondents, confronted with Aboriginals seeking even modest apologies and undertakings not to discriminate again, found it difficult in some cases to take the proceedings seriously and in other cases demonstrated arrogance, anger and resentment.

Until the present time, Aboriginals, in association with the Commissioner for Community Relations, have been pioneering the recognition of basic rights. This has to be kept in mind in recognising that the settlements sought by Aboriginals often seem inadequate for the grave offence which they have suffered and which in the courts of law relating to whites would attract punitive remedies and monetary damages in many instances.

Six years ago it was a revolutionary act to get a white man of power and affluence to say 'I'm sorry' to an Aboriginal even when he knew he had broken the law by discriminating against him.

Today there is a more widespread awareness among Aboriginal people of their rights and an inclination not to accept less than full measure of justice.

It should be added that the success of conciliation in an individual case does not necessarily reflect success in improving race relations in the town, district or suburb. It is merely the first step of a necessary education program designed to create tolerance and understanding.

COMPULSORY CONFERENCES

Compulsory conferences under the *Racial Discrimination Act 1975* have been convened throughout Western Australia. Compulsory conferences bring complainants and respondents together and afford each a measure of protection not available in informal conferences. They are an effective means for resolving complaints and bringing respondents, often for the first time, to the table with Aboriginal people. They are also a means of educating those with power that they are not above the law and that Aboriginal people have rights under the law for the first time in 200 years.

CERTIFICATES

If conciliation through compulsory conferences fails to settle a complaint, the aggrieved parties may take their complaints to court. This can only be done after the Commissioner for Community Relations has issued a certificate that the matter has not been settled.

The Commissioner for Community Relations has not issued any certificates in Western Australia.

COMMUNITY EDUCATION

The process of complaint investigation and settlement is part of an overall community education program. The cases reported to the Commissioner for Community Relations arise out of general attitudinal discrimination present in the community at large.

The integrated program of casework and community education involves all the opinion makers in the community both in organisations and as individuals.

These community education programs have assumed a new priority with the rise of tension and outbreaks of violence associated with the denial of equal rights to Aboriginal people.

In Western Australia it has not been possible to develop the educational aspect of complaint handling to the same extent as in the Eastern States, although some good work has been accomplished by Consultative Committees on Community Relations. This is referred to elsewhere in this report.

WESTERN AUSTRALIAN GOVERNMENT

The Western Australian Government does not have legislation or administrative arrangements to combat racial discrimination and prejudice despite the serious infringement of rights and freedoms suffered by Aboriginal people throughout the State.

The reason is indicated in correspondence printed in *The West Australian* of 14 September 1981 from the Hon W.R.B. Hassell, MLA, Chief Secretary, Minister for Police and Traffic and Community Welfare. The letter is seemingly an authoritative statement by the Western Australian Government on racial prejudice and racial discrimination in Western Australia. The article is reproduced below

ANTI-DISCRIMINATION

W. R. B. HASSELL, Chief Secretary and Minister for Community Welfare: J. Sassi (Letters September 5) says he is shocked because I am opposed to general anti-discrimination legislation.

My opposition to legislation of that kind is based on a number of grounds. It is not, of course, founded on any support for acts of racial discrimination or the expression of racial prejudice.

In quoting the British experience, your correspondent makes the case for opposing general anti-discrimination laws. In general, it does not work. Though the British Race Relations Board existed as long ago as 1967, that has not served to prevent the violence of racial conflict which has so recently erupted in Britain.

ISSUE

Because it represents an interference in the personal attitudes and reactions of individual people, it is seen as an attempt to control how people think. It is bitterly resented when applied, from the supporters of

anti-discrimination legislation. Such legislation exacerbates resentment at what is seen to be an imbalance in favour of one group of people at the expense of others. I have seen no proposal from the supporters of anti-discrimination legislation which would require special provision of legal, medical and educational services for Aborigines. Yet all of these are based on race

religious beliefs. Racial discrimination and racial prejudice exist in many forms in many countries, including some Asian and African countries. When the extent of racial prejudice and discrimination in Australia is properly put in context with the rest of the world, I believe it will be seen that Australia is by no means the worst offender.

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Furthermore, the Western Australian Government has adopted a position of non-cooperation with the Commissioner for Community Relations that has called into question the applicability of Commonwealth law to Western Australia. In a letter dated 23 May 1980, the Hon W.R.B. Hassel wrote to the Commissioner for Community Relations:

"the government of the State of Western Australia is not a matter over which you have, or ought to have, the slightest jurisdiction"

From time to time the Commissioner for Community Relations has published correspondence in his Annual Reports relating to the Western Australian Government's attitude to his statutory functions under the *Racial Discrimination Act 1975*. Further examples are given here.

A direction issued to the Department for Community Welfare reads as follows:

"RE: COMMISSIONER FOR COMMUNITY RELATIONS

Further to circular to staff no. 29/80 the following direction has been received from the Hon Minister and is to be conformed with by all staff.

No officers of the Department are to have any dealings whatsoever with the Commissioner for Community Relations whether personally by telephone, or by correspondence, and I (the Hon Minister) am to be advised of all contacts or attempted contacts by the Commissioner or any of his staff.

If the Commonwealth Commissioner seeks our co-operation in relation to any matter, he should do so by approaching me (the Hon Minister) by letter setting out specifically what it is he wants and why. Consideration of any such request will be a matter for the Government.

In the event that any approach by the Commissioner or his staff is made to a departmental officer, then details of that approach are to be forwarded immediately to me for onward transmission to the Hon Minister.

*K. Maine
Director
27 May 1980"*

The Minister for Cultural Affairs responded to a complaint put to him by the Commissioner for Community Relations in the following terms:

"Dear Mr Grassby,

I refer to your letter of 16 September, 1980 and subsequent correspondence.

I regret the delay in replying. That did not stem from any hesitation on my part about refuting the imputations which have been placed on the remarks quoted in your letter - if there were any need to do so I would absolutely refute what has been suggested by the Aboriginal Legal Service of Western Australia in its letter to which you have referred.

The reason for my delay in making this reply is that I have been concerned to discover whether there is any way at all in which this matter could be regarded as within the scope of the Act under which you carry out your functions. Having carefully considered that subject and taken advice thereon I can see no room for any other conclusion than that the matter simply does not fall within the scope of the Act. Consequently, I do not see that there is any purpose to be served by making any further response.

*Yours sincerely
Bill Grayden MLA
Minister for Cultural Affairs
28 July 1981"*

The Minister for Housing responded to a complaint conveyed to the General Manager of the State Housing Commission by the Commissioner for Community Relations with the following telegram.

"Receipt of your telegram regarding the (name) families addressed to the General Manager of the State Housing Commission is acknowledged Stop I must remind you that as agent for the Commonwealth Government, any consultation with the State Government on housing matters should be through the government's representative in this area, namely the Minister for Housing Stop If appropriate I will then refer the matter on to my Departmental officers Stop..."

Following the release of a report on Fitzroy Crossing compiled by one of the Commissioner's officers, the Premier of Western Australia complained to the Prime Minister that it was inaccurate, biased, simplistic in its approach and racist.

In his Fifth Annual Report, in which the correspondence relevant to the Premier's criticisms is printed, the Commissioner for Community Relations stated:

"I believe the report to be objective. In my view it speaks for itself and clearly demonstrates how the Aboriginal communities are disadvantaged in a variety of ways not unrelated to acts and attitudes of racial discrimination.

I recognise the heavy responsibility borne by my Office in securing co-operation from all authorities - Federal, State and local - and it is a matter of regret that of all those public agencies the only completely negative response has been from Western Australia in terms of Mr Hassell's letter.

The criticism of the work of my Office is all the more regretted in that it does not address itself to the central issue - the existence of racial discrimination and the need for efforts to overcome it.

In the past five years we have been at pains to avoid entanglement in issues not directly related to racial discrimination, and this policy will be maintained. It is my sincere hope that in the coming year co-operation by all parties will ensure the protection of the law to all the people of Western Australia."

ELECTIONS

Aboriginals have suffered impediments in Western Australia to the right of universal and equal suffrage. Although this is guaranteed by the Constitution, legislation and the International Convention on the Elimination of All Forms of Racial Discrimination, in the last two State elections there have been deliberate attempts to deny Aboriginal people the opportunity to vote. In 1977 tests were put on Aboriginals to restrict their voting in the Kimberley District, an electoral division where half the voters are Aboriginal. Other irregularities including interference to Aboriginal voters by scrutineers and polling officials were also reported to a Court of Disputed Returns which ruled that the poll was void and ordered another election.

Among the documents produced before the Court was a letter from the sitting member who was then Minister for Community Welfare, whose responsibilities included Aboriginals. He wrote, "It was a degrading experience to have to campaign among Aborigines to the extent I did, and it offended me to know that whilst I was concentrating my efforts on these simple people over the last couple of weeks, I was neglecting a more informed and intelligent section of the community".

Subsequently the Western Australian Government proposed amendments

to the Electoral Act. A complaint received by the Commissioner for Community Relations about the Amendment Bill stated:

"Restrictions on postal voting and on enrolment seem designed to deter Aborigines from voting: under the amendments it will be an offence to persuade a person to apply for a postal vote - a thinly veiled attempt to prevent Aborigines being informed of their voting rights. Whilst all white people have the obligation to vote, Aborigines (who are not legally obliged to register) are to be restricted in attempts to exercise the franchise.

All enrolment cards will have to be signed before an electoral officer, Justice of the Peace, Clerk of Courts or policemen. Again this seems designed to deter Aborigines from voting. In many country areas the policeman is the only one of these figures likely to be known to Aborigines but, in view of the history of Police-Aboriginal relations in Western Australia, is hardly the person Aborigines would be willing to approach or trust.

The Chief Electoral Officer will have the power to issue instructions and guidelines on polling day procedures. This is open to abuse and could be used to prevent the use of 'How to Vote' cards by illiterate people, as actually occurred in the Kimberley electorate..."

The amendments were not passed by Parliament.

On the eve of the State Election in 1980, two men took supplies of wine and beer to an Aboriginal community at Turkey Creek in the Kimberley District with the admitted intention of making the people too drunk to vote the following day. The attempt failed and police were called. One of the two men said later, "I wanted to get them drunk because they are the most illiterate race in the world. They don't have the brains to vote".

After an investigation into the incident, the Western Australian Government announced there was no evidence of any breach of the Electoral Act or any other State legislation.

The Commissioner for Community Relations received complaints and commenced an enquiry once the State Government had made clear its position. Officers travelled to the Kimberley District and convened a compulsory conference between representatives of the Aboriginal community and the two men. The matter was settled on the basis of oral and written apologies and payment of \$1,000 by the respondents to the Aboriginal community.

The enquiries into and resolution of the complaints arising from events at Turkey Creek have been documented in a report entitled "Report on Inquiries by the Office of the Commissioner for Community Relations into Complaints of Racial Discrimination in the Kimberley and Perth Districts of Western Australia".

In electoral matters, the Western Australian Government has shown that it is not mindful of the needs of Aboriginals and has not acted to protect their rights.

LAND

Complaints have been made to the Commissioner for Community Relations that the Western Australian Government has refused to transfer land to Aboriginal groups.

One Aboriginal community living on Gordon Downs Station and an adjoining property sought to have an area of land excised from a pastoral lease in order to regroup as a people and to re-establish control over sacred sites. It was alleged that the Aboriginal community was reduced by almost half in a little over a year by the station management's deliberate policy of driving the people from their traditional lands to reserves in the nearest township. The station management allegedly denied the station community access to many basic necessities including social services, food, firewood, drinking water, accommodation and medicines.

Additional information indicated that Aboriginals on the station lacked housing and sanitation. The proprietor was reported as saying that he did not believe that the treatment of Aboriginals on his properties was any different from anywhere else.

In January 1980, the Minister for Lands advised the Kimberley Land Council that he would not agree to a lease for land sought because it was not of an economic size for pastoral activities. Subsequently, the station management evicted the remaining Aboriginals. After their departure it was reported that their tin houses were shot at and domestic dogs poisoned. Recently the Western Australian Government has granted the community a temporary one year lease on land nearby.

In July 1981 a member of both the National Aboriginal Conference and the Aboriginal Development Commission was quoted as saying:

"We've had \$2.5 million earmarked to spend in Western Australia because Aborigines are so badly off here and not been able to spend it - Sir Charles Court won't let us buy land.

If a white man wants to buy pastoral land and he's got the seller and the money, he can buy it the next day. At least 10 times we've had someone willing to sell us pastoral land, we've had the money but the Government blocks the sale, puts up a list of impossible conditions and the land goes to a white person."

The conditions referred to are set out below. Sections (a) to (j) are seemingly directed at Aboriginal communities.

STANDARD REQUIREMENTS FOR TRANSFER OF A RURAL LEASE

1. *The proposed purchasers acknowledging in within that they are fully aware of the Land Act provisions in respect to pastoral leasing and*

that they agree to abide fully by such provisions, including Section 109 which provides for the Government to acquire pastoral lands for a number of purposes. Consequently, the right is reserved to exercise this clause particularly in the event of more intense utilisation becoming practicable.

- 2. Receipt in writing of the proposed transferees assurance that the Australian equity will be maintained at not less than 50% during the tenancy of the lease.*
- 3. The prospective transferees submitting a plan of development proposed over the ensuing five (5) years. A commitment must be given that the improvements specified will be carried out within the required period.*
- 4. The provision of details of finance available to ensure the future operation of the lease.*
- 5. The submission of proposals for the active management and supervision of the lease to ensure that it is worked in a proper and husbandlike manner and according to the most sound and approved methods of pastoral husbandry in relation to sheep and cattle so that the land is utilised to the best advantage as a pastoral property.*
- 6. Provision of the conditions of sale including livestock numbers to be transferred with the lease and the actual purchase price involved.*

Prospective transferees must also provide the following information:

- (a) the numbers who will be actually employed in pastoral operations;*
- (b) the numbers of non-workers expected to be accommodated on the property;*
- (c) the conditions under which such people are to be housed;*
- (d) the manner in which they are to be provided with services such as schools, medical care, roads and communications;*
- (e) the impact such a proposal would have on the services already provided in other towns for that population;*
- (f) the number who will need to be the recipients of welfare payments including the type of welfare;*
- (g) specific plans for the development of residential areas which may be subject to amendment by the Minister for Lands;*
- (h) specific plans for the provision of potable domestic water to meet the requirements of such a population;*
- (i) the anticipated population growth of the people involved;*
- (j) the estimated infrastructure costs to meet all of the above requirements.*

A number of pastoral leases are held by Aboriginal Communities in Western Australia. One of these is Noonkanbah Station, near Fitzroy Crossing.

In 1980 representatives of the Yungngora people of Noonkanbah and other Aboriginal leaders in Western Australia approached the Commissioner for Community Relations to consult with him over issues relating to drilling by Amax Iron Ore Corporation at Noonkanbah. In particular they enquired about Commonwealth responsibilities for Aboriginal affairs in Western Australia and the possibility of intervention by the Commonwealth.

The position of the Aboriginal community as put to the Commissioner for Community Relations was as follows:

- *The Yungngora Aboriginal Community is motivated in its approach to the difficulties created by Amax Petroleum Division of Amax Iron Ore Corporation and the Western Australian Government by its religious beliefs.*
- *The principal belief is that if the land is disturbed, something evil will happen, for example, the land will be polluted with disease, there will be a storm or some other catastrophe.*
- *The evil that would impend does not involve intentional violence; therefore there is no threat from the Aboriginal community.*
- *Too little consultation has occurred between Amax Petroleum Division of Amax Iron Ore Corporation and the Aboriginal community, and between the Western Australian Government and the Aboriginal community.*
- *The community feels that it was intimidated by Amax Petroleum Division of Amax Iron Ore Corporation and by the Police in making decisions.*
- *The religious beliefs of the people require extensive consultation over a considerable period of time.*
- *The people need encouragement and time to assimilate requests for change and to put them into effect.*
- *The absence of adequate consultation and concern for the Yungngora Community at Noonkanbah could constitute an infringement either in fact or in spirit of both the Racial Discrimination Act 1975 and the International Convention on the Elimination of All Forms of Racial Discrimination.*
- *Apart from this possible infringement of the letter and/or the spirit of Australian law, Elders and leaders believe the religious principles and spiritual law of the Yungngora people have been infringed.*
- *The spiritual significance of these infringements extends like a network to all Aboriginal communities throughout the north of Western Australia and adjacent regions.*
- *Proper recognition should be accorded to this situation by the Commonwealth and State Governments, by Amax Petroleum Division of Amax Iron Ore Corporation and the community at large.*
- *The State Government and Amax Petroleum Division of Amax Iron Ore Corporation should not proceed with drilling and/or exploration at Noonkanbah until adequate consultation has occurred with the Yungngora Aboriginal Community and until the community has adequately considered proposals.*

- *Such consultation cannot be rushed, in view of the religious and cultural implications of the matter, and of the economic operation of the pastoral industry on Noonkanbah Station.*
- *The Commonwealth should reconsider its position.*

The Aboriginal community of Noonkanbah also complained that the Minister for Cultural Affairs, acting under the *Aboriginal Heritage Act 1972*, directed the Trustees of the Western Australian Museum in a way that constituted an unlawful act of racial discrimination. The Museum has the responsibility to identify sacred sites for the purpose of the legislation.

The Minister responded to enquiries by the Commissioner for Community Relations in the following terms:

"Dear Mr Grassby

I refer to your correspondence to both the Director of the Western Australian Museum and myself, regarding the complaint you have received from the Aboriginal Legal Service acting on behalf of the Yungngora Community at Noonkanbah.

The action to allow Amax to drill an exploratory well at a pre-selected site on Noonkanbah Station was taken under section 11(2) of the Aboriginal Heritage Act 1972. This section gives the Minister power to give the Trustees of the Mineum directions of a general or specific nature. The direction in question did not involve - as the complaint alleges - "a distinction based on race and descent", but was prompted simply by a very proper consideration of the larger public interest. Having determined that the site selected for drilling, though within the so-called "area of influence", was not on, or close to, any of the particular sites identified by the anthropologists, and mindful of the precautions to be taken in the interests of the Aboriginal community, it was decided that there was no justification for preventing the company exercising the right already accorded it under the Petroleum Act.

For your information this permission was granted subject to the following conditions, and I quote:

'...subject to all reasonable precautions being taken to keep disturbance of the area and of the welfare and way of life of the Noonkanbah Aboriginal Community to a minimum; the area being kept in a clean and tidy condition and on completion of drilling, being cleaned up and restored to the satisfaction of the Minister for Mines as provided under the Petroleum Act 1967'.

I think you will agree that in laying down conditions such as these the Government has placed a high priority on the welfare of the Yungngora Community.

*The Hon W Grayden
Minister for Cultural Affairs
3 October 1980"*

In an attempt to prevent drilling at Noonkanbah, a National Aboriginal Conference delegation travelled to Geneva to present the case of the Yungngora people to the United Nations Sub-commission on the Prevention of Discrimination and Protection of Minorities.

POLICE

Complaints have been received under the *Racial Discrimination Act* 1975 against the Western Australia Police from individuals and communities. In a number of cases, complaints reflected serious difficulties in Police/Aboriginal relations. In these instances there was hostility and tension because Aboriginals considered that their treatment by individual police officers or police in general was unfair or had infringed their rights.

One Aboriginal community complained of the methods used by police to inquire into alleged malpractices under the Western Australian Electoral Act. In making their enquiries police had taken members of the community to a police station some 15 kilometres away. Some of the people interviewed were transported in a wire mesh cage on the back of a police truck.

The Aboriginals confirmed they did not know why police required them to go from their camp to the police station and believed they should have been interviewed in their own homes or at another convenient location nearby.

Members of the Community Council said there had been no approach to any councillor about the purpose of police enquiries, or why the assistance of Aboriginal people was required. Two of the Aboriginals taken to the police station were elderly. One of them was a woman who had had no dealings with police previously. She and another woman were afraid and distressed at being taken from their camp in the back of a police truck; particularly as they were taken away without any member of their family or community to support them.

The complainants claimed that at the police station they were asked questions which they did not fully understand. Questions related to how they voted in the election.

Officers of the Commissioner for Community Relations travelled to the Kimberley District to enquire into the complaint. With the agreement of the parties, a compulsory conference was convened. It was attended by representatives of the Aboriginal community council, aggrieved persons, the local member of the National Aboriginal Conference and senior police of the district including the Regional Superintendent.

The police responded positively to the Aboriginals' account of their experiences and apologised for their actions. This enabled the complaints to be resolved to the satisfaction of both parties. It was agreed that in future police would deal with members of the community in consultation with the chairman and community council to ensure co-operation and understanding.

In relation to another incident where persons set out to make Aboriginals too drunk to vote, the Aboriginal community complained of police tardiness in

making enquiries. By contrast they reported complaints against other persons who had allegedly assisted Aboriginals were pursued promptly. After enquiry the police found that there were no grounds for preferring charges in the first instance but laid a number of charges under the Electoral Act in the second. Eight months after the election, all the charges were withdrawn.

In the same district, complaints were made by a number of Aboriginal people from an outback township about local police, particularly the sergeant. An investigation by an officer of the Commissioner for Community Relations revealed that police had apparently conducted a campaign against Aboriginal residents who were the larger proportion of the population. Aboriginal people reported that serious tensions existed between themselves and white residents in the township for a number of years. Police action had exacerbated this friction and caused deep divisions in the community.

Two compulsory conferences were called involving police. The matter lapsed upon transfer at his own request of the sergeant in charge.

A subsequent visit to the township by officers of the Commissioner for Community Relations confirmed that the situation had changed for the better.

In another matter, the Aboriginal Legal Service of Western Australia complained on behalf of teachers and Aboriginal students from a country high school. While in Perth on a school excursion, a group of students walking along the footpath in the city at night, accompanied by two teachers, were approached by police. The teachers alleged that a vehicle pulled up near the children who fled when two men got out of the car and started running towards them. The vehicle then pursued the group along the footpath. The men turned out to be plain clothed police who it was complained, over reacted in apprehending and questioning the students following a report that Aboriginals had created a disturbance in a nearby street. The students had not been involved in the previous incident and were terrified by their encounter with police.

The matter was resolved with police co-operation.

In most cases, the Commissioner for Community Relations has received a positive response from police when enquiring into complaints against a member of the Force. However, in some cases, impediments to resolution of complaints have been created by the requirement of the Commissioner of Police that all matters involving police be referred directly to him. Following a request for local police to assist in their capacity as licensing inspectors in an enquiry into an alleged act of unlawful discrimination in two hotels in a large country town, the Commissioner of Police wrote to the Commissioner for Community Relations in December 1979:

"In matters of this kind, I appreciate that you need to act with some speed on receipt of a complaint, but would be grateful if all communication from your office requesting police action be directed to me, so that I may issue instructions to meet the circumstances".

The experience of the Commissioner for Community Relations throughout Australia is that complaints of racial discrimination involving police can best be dealt with at the Regional Superintendent level. Where this has happened in Western Australia, outcomes and resolutions of matters have been satisfactory to complainants and respondents alike as well as the community generally.

Effective liaison has also been maintained between senior officers at police headquarters and the Perth Consultative Committee on Community Relations. This has enabled matters to be dealt with quickly and in the interests of Police/Aboriginal relations.

LAW

Complaints have been made that a magistrate discriminated against Aboriginals. In one instance a magistrate reportedly said to an Aboriginal appearing before him, "You are another Aboriginal person who drinks and commits offences". On another occasion it was alleged he said in reference to Aboriginals, "You can't believe what these people say".

In another matter an Aboriginal woman complained to the Commissioner for Community Relations that provisions of the Aboriginal Affairs Planning Authority Act made it necessary for a number of government departments and authorities to become involved in the finalisation of her father's estate and that this caused continuing delay.

GOVERNMENT DEPARTMENTS

Complaints have been received by the Commissioner for Community Relations against government departments in Western Australia, both Commonwealth and State.

One matter concerned the Commonwealth Department of Social Security. An Aboriginal registered for employment had his unemployment benefit stopped when he travelled to Canberra as a member of an Aboriginal delegation. It was reported also that the Department was investigating the circumstances of other members of the delegation. An enquiry into the complaint revealed that payment was stopped because a recipient cannot receive the benefit if unavailable for work.

In another matter involving a Commonwealth department, a non-Aboriginal woman complained that her Aboriginal foster son was not eligible for the Aboriginal Secondary Grants Scheme because he would not be assessed as disadvantaged. The Department of Education subsequently advised that all Aboriginal students at secondary school were eligible and the complainant's application had been approved.

In a matter involving a State Government Department, an Aboriginal community complained to the Commissioner for Community Relations about the

proposed transfer of a Department for Community Welfare district officer. It was claimed that the officer and his wife had done effective work which would be lost to the Aboriginal community if he were transferred. The officer also complained in the following terms:

"I believe the directive to transfer to Kalgoorlie was due to a number of actions taken with and on behalf of Aboriginal communities which offended specific European/Australian political and economic interests. The directive did not take into account the position and needs of the Aboriginal communities."

His stated aim in pursuing the matter with the Commissioner for Community Relations was:

"...to ensure as far as possible that the Acting Director and the Public Service Board will be called upon to take into consideration the needs of Aboriginal client groups and to reassure Departmental officers acting as Community Development Workers that they will not be penalised by the Department and the Public Service Board when the community groups with whom they are working offend the interests of the dominant society."

Subsequently, the Minister for Community Welfare intervened, writing to the Commissioner for Community Relations in the following terms:

"In relation to the particular case upon which you have raised correspondence, I advise that the employment or non-employment of any person now or at any time in the future will be determined solely and exclusively within the established practices of the Government of the State of Western Australia.

It will be quite fruitless for you to raise with me or any officer of my Department any question such as that which you raised in relation to (name)."

An excerpt from the reply of the Commissioner for Community Relations to the Minister's letter read as follows:

"Racial discrimination, particularly against members of Aboriginal communities, has been the subject of widespread complaints from Western Australia. It is my clear duty under the Racial Discrimination Act 1975 to respond to them and to do all I can to relieve individuals and communities from oppression and discrimination and to obtain for them enjoyment of equality of opportunity in the exercise of fundamental freedoms and human rights.

I seek your co-operation and that of authorities generally in Western Australia from time to time as this is required. Without it, the task will be that much more difficult and the consequences harmful to community relations in Western Australia."

In another matter, a promotional publication of the Department of Industrial Development referred to Aboriginals in racist and misleading terms. For example, prior ownership and occupation of the land by Aboriginals was not acknowledged. Excerpts included "in spite of the heat and dust and troublesome natives..." and "after World War II...a land where racial or religious discrimination was never more than a trivial irritation, an unreasoning and rapidly fading hangover from less enlightened eras". Investigation of the complaint revealed that the publication was no longer in print and had been replaced. The Department assured the complainant that it promoted the concept of a multi-racial society in Western Australia.

HOTELS

Aboriginals have complained of discrimination in gaining entry to and obtaining service in hotels throughout Western Australia. Examples of complaints received by the Commissioner for Community Relations serve as illustrations.

- Three Aboriginal men entered the saloon bar of an hotel. When they sought service the licensee said that he could not serve them as the saloon bar was sacred ground to whites.
- An Aboriginal woman contacted a publican to obtain bookings for a band in which her sons played. The publican told her he was not interested because the musicians were Aboriginal. He said that he could not stand Aboriginals and that he had barred all Aboriginals except a small select group from his hotel.
- The licensee of an hotel barred an entire Aboriginal community. He was reported as saying that 99% of Aboriginals were trouble makers. A petition with over two hundred signatures demanded a public apology from the licensee for his remarks.
- A group of Aboriginals were refused service in an hotel. The publican said that he would only sell them bottles which they could take across the road and drink in the bush.
- Under the supervision of a teacher, a party of school girls which included Aboriginals sought to use the toilets of an hotel during a stop on a bus trip. Hotel staff told the Aboriginal girls that they could not use the hotel's amenities but should go to the "Aboriginals' hotel" across the road.
- A group of Aboriginals sought to enter a beer garden of an hotel. They had just finished a public corroboree performance for the town's centennial celebrations and were in Aboriginal ceremonial dress. The licensee abused them and ordered them from the premises.

In one incident a publican of an outback town shaved the heads of two Aboriginal youths whom he discovered on his premises. He chained them for several hours and sent them manacled by the ankles to the police station. The publican was convicted with assault and placed on a good behaviour bond.

The incident was referred to in a report released by the United Nations Association of Australia as one of several incidents contributing to racial hostility in the Kimberley District.

The Commissioner for Community Relations commenced an enquiry into the matter but withheld further action pending an appeal to the Supreme Court of Western Australia by the aggrieved persons. In imposing an order for \$6,000 damages to be paid to the Aboriginals by the publican and another man, the Chief Justice said that the conduct of the men was outrageous, high-handed and malicious.

In another instance four Aboriginals, two men and two women sought service in an hotel in a small country town. They were refused and asked to leave the "white bar" and to go into the "black bar". The publican said to them that Aboriginal people in the town knew the hotel's drinking rules which had applied for twenty years and that no one was going to change them.

The Commissioner for Community Relations withheld enquiry into the complaint pending action by the aggrieved persons under the Liquor Act. When the case was heard in the Court of Petty Sessions, the magistrate decided in favour of the licensee that service was not denied absolutely and that it would have been available elsewhere in the hotel.

The ruling caused concern to Aboriginal people in Western Australia as State law appeared to support the establishment of separate facilities in hotels on the basis of race or colour and to contravene the *Racial Discrimination Act 1975*. There was a call for the Government to amend the Liquor Act. Hansard records the response of the Chief Secretary as follows:

Mr Hassell:

"(1) and (2) Section 122 of the Liquor Act has been given careful consideration, especially since an incident which occurred at Mullewa. Discussions have been held with parties who have expressed an interest in and concern about such matters. There has to be a degree of recognition that, although one does not condone - and the State Government in no way does - acts of racial discrimination or the display of racial prejudice, in some country towns in this State, there is a mutual acceptance on the part of the citizens that groups of people drink in particular places within the local hotel establishment...In the towns where such mutual arrangements exist where, by the choice of the people, both black and white, separation in drinking places within one establishment occurs, no help is given to anybody or any cause as a result of outsiders who come in and create conflict by seeking to cause confrontation. At the same time, no help is given to anybody or any cause by an insensitive approach by the publicans concerned to those outside interferences. A little common sense needs to be applied by both sides in these matters.

We do not propose to introduce special legislation that relates, in general terms, to prevention of discrimination in the way it has been suggested in some quarters. It is our belief that sort of legislation does not achieve a

great deal in the community and, in many respects, it creates more resentment, discrimination and prejudice than it cures. A fine example of that can be seen when one looks at the operations of Mr Grassby and his friends who stir up a great deal of prejudice and hatred in the way they go about their business.

Mr B T Burke:

You have forgotten Turkey Creek?"

Subsequently it was announced that the Liquor Act would be amended.

To be refused service on the basis of race or colour is a humiliating and degrading experience. In many towns in Western Australia, the hotel is an important social meeting place and divisions created in the hotel reflect throughout the community.

To assist publicans to understand the law and to help them devise conduct which is not discriminatory on the basis of race or colour, the Commissioner for Community Relations has prepared a guide which has been distributed through hotel associations throughout Australia.

MEDIA

Complaints against the media involved newspapers, magazines and radio. In some cases, Aboriginal people complained that unwarranted reference was made to the race of people who were the subject of news items or reports. In one matter an Aboriginal objected to the use of the term 'black' in a newspaper. In another case it was complained that a magazine article about Aboriginal/non-Aboriginal relations in an outback township grossly distorted a tense and dangerous situation which required accurate and sensitive reporting.

One complainant objected to the printing of a facsimile edition of a book first published in 1909. The publication referred to Aboriginals in discriminatory and derogatory terms. The complainant expressed concern that as the facsimile edition did not contain any commentary, it gave the impression that the views expressed were valid and endorsed by the publisher.

Use of derogatory terms and the dissemination of ideas based on racial hatred and superiority are not unlawful under the *Racial Discrimination Act 1975*. When Australia ratified the International Convention on the Elimination of All Forms of Racial Discrimination, it reserved its position on Article 4 of the Convention which urges that States parties declare such activity as an offence punishable by law.

RECREATION

Complaints received by the Commissioner for Community Relations show that Aboriginals experience discrimination in recreation.

In recent months (October 1981), there have been a number of complaints under the *Racial Discrimination Act* 1975 against pinball parlours in Perth. In one case, three boys of whom two were Aboriginal, went to a pinball parlour. They were told to leave by the attendant. When challenged later by a sister of one of the boys, the attendant said, "I can't serve Aboriginals".

Concerned at reports of discriminatory practices of particular pinball parlours, two Aboriginal community leaders and members of the executive of the Aboriginal Legal Service of Western Australia investigated the situation personally. One was refused change money, the second was refused entry into another establishment.

Complaints have also been made against night-clubs. A teacher from a country town organised an excursion for Aboriginal students to Perth. Among the activities was a night out at a disco. Although the teacher had telephoned earlier, the party was refused entry. The complaint was investigated by the Perth Consultative Committee on Community Relations and settled on the basis of a written apology by the proprietor and assurances of future entry.

In another case a night-club owner barred Aboriginals from his premises saying, "I don't want boongs in my Club".

Again three Aboriginal women were refused entry into a night-club. The proprietor reportedly instructed his doorman not to admit Aboriginals because they would only cause trouble and drive away other patrons. A compulsory conference was convened by officers of the Commissioner for Community Relations in relation to this complaint. The matter was settled by an oral apology from the proprietor to the women and assurances of future admittance.

ACCOMMODATION

Aboriginals have complained to the Commissioner for Community Relations of discrimination by the State Housing Commission and private landlords.

Complaints against the State Housing Commission have concerned policy and administrative procedures. In one matter it was complained that the Commission refused to allocate a house nominated by an Aboriginal woman because the neighbouring house was owner occupied.

In another case, an Aboriginal father sought urgent accommodation from the State Housing Commission because his baby child was in poor health. He sought occupancy of one of a number of vacant flats. A Commission official reportedly said to a person making enquiries on his behalf, "We don't let Aboriginals have flats or apartments, that is our rule and until Mr (name) can

establish his standards are the same as another person who walks in off the street, then he can't have a house built with ordinary State/Commonwealth housing money either."

Complaints have also been made that Shire Councils have attempted to prevent the State Housing Commission from providing housing to Aboriginals. In one instance it was reported that permission had been refused to the Commission to build a house for an Aboriginal family in the town. One councillor was quoted as saying that the town was already over populated with Aboriginals and that he was concerned that Aboriginals from anywhere in the State could apply for the house. Another councillor was reported as saying that the town had more than its share of Aboriginals and Aboriginal housing.

In another town it was complained that the Town Council asked the State Housing Commission not to build a house for Aboriginals in a certain street because this would result in three such houses being in close proximity. The Aboriginal families in the street rejected the Council's view that an additional Aboriginal household would cause problems.

A submission made to the Perth Consultative Committee on Community Relations alleged that State Housing Commission practices contributed to social problems of Aboriginals. Aboriginals were seemingly allocated less desirable houses and Aboriginal families were not housed next door to persons owning or buying their own homes. It was further alleged that Aboriginal families were referred to the Aboriginal Housing Board, despite its long waiting list, when State Housing Commission houses and flats were vacant.

Two other submissions compiled by welfare agencies cited cases of hardship caused to Aboriginal families by State Housing Commission policies and practices. The submissions called for the Commission to adopt as a matter of urgency a more flexible and more suitable policy for Aboriginals.

Aboriginals find it difficult to rent private accommodation. For example, a National Aboriginal Conference member complained on behalf of a man who was asked to vacate rented premises when the landlord learned that he was married to an Aboriginal. The NAG member commented that this type of discrimination had existed in the town for a long time.

As is the situation elsewhere in Australia, Aboriginals in Western Australia suffer from a serious shortage of housing and overcrowding in existing housing. In effect, racial discrimination denies them the basic human right of adequate shelter.

TRANSPORT and SERVICES

Aboriginals have been denied access to and use of public transport and community services.

An Aboriginal community leader complained that three Aboriginals from a camp on the outskirts of Perth were waiting at a bus stop. When the bus arrived it did not stop but continued on to the next stop where a non-Aboriginal person got on. Previous similar incidents were also reported.

At a city car park an attendant told an Aboriginal woman and her daughter that there were no vacancies. The woman disputed this as she could see that there was room. The attendant insisted and directed her away. Another car drove in behind the woman and was accommodated.

In another incident three Aboriginals travelling interstate by bus on tribal business were told by the driver that they could not board because, although they had tickets, he had to pick up other passengers further on. The bus left with twenty empty seats. Investigation revealed that the tickets had been issued subject to confirmation. The company provided airline tickets to the men to enable them to reach their destination on time.

In another case, an Aboriginal woman and her daughter took a ride in a taxi. As they were getting out, the driver accused the girl of having dirtied the seat. He used obscene language to the woman and referring to her daughter said, "Get the little black bastard out of the car".

In a further incident, an Aboriginal woman visiting her hometown took her young son for a haircut. The hairdressing salon proprietor refused service saying that she did not cut the hair of local coloured people. The matter received media coverage and a complaint made to the Commissioner for Community Relations. A compulsory conference was held and the matter settled on the basis of an oral apology. In reference to this matter, the Commissioner for Community Relations and two of his officers were asked during discussions with a State Government Minister why they were harassing a "decent, middleclass lady".

HEALTH

A nursing sister formerly employed by a religious order at a remote Aboriginal reserve community complained that health care programs and facilities were inadequate. A copy of the report compiled on the situation was provided the Commissioner for Community Relations because it was claimed that the consequent poor health of the Aboriginal community had discriminatory aspects.

EMPLOYMENT

Complaints of discrimination relating to employment highlights the difficulties which Aboriginals face in obtaining work.

In one matter, the assistance of the Commissioner for Community Relations was sought to encourage two mining companies in a country town to employ more Aboriginals. Although the industry was enjoying a boom, the two companies employed a total of two Aboriginals. Capable Aboriginals had applied for jobs but had been unsuccessful.

In other instances an Aboriginal employee of a Shire Council was passed over for promotion. Subsequently he was sacked. It was claimed also that other Aboriginal employees had been dismissed and discriminated against.

In another matter, information was provided to the Commissioner for Community Relations that a mining company had threatened to dismiss employees who had permanent relationships with Aboriginal women.

COMMUNITY

Racial prejudice towards Aboriginal people exists at all levels of society in Western Australia as it does elsewhere in Australia. Various reports produced by the Commissioner for Community Relations document the situation in the State.

These reports include the Commissioner's Annual Reports ; "Report on Field Investigation of Anti-Aboriginal Discrimination in Carnarvon, Perth and Pingelly"; "Report on Fitzroy Crossing, Western Australia"; "You Live and Breathe it from the Day You're Born, Report on Anti-Aboriginal Discrimination in Perth and Surrounding Areas" and "Report on Inquiries by the Office of the Commissioner for Community Relations into Complaints of Racial Discrimination in the Kimberley and Perth Districts of Western Australia".

Complaints of discrimination against Aboriginals in the community generally reflect racial prejudice and the existence of attitudinal discrimination.

In October this year a prominent industrialist and leading citizen of Western Australia said during an interview on Queensland television that "half-caste" Aboriginals should be sterilised and confined to a small area of North-west Australia. He said that most of the racial trouble and demands for Aboriginal land rights came from half-castes.

His 'solution' was to make their social security cheques receivable only at Karratha. "When they had gravitated there I would dope the water up so that they were sterile and would breed themselves out in the future. That would solve the problem", he said.

In another matter an Aboriginal prisoner complained that a poem in a Western Australian Prison Officers Union publication was racist and offensive. He stated that it was not unusual to see racial bigotry in staff/prisoner interaction most of which was attitudinal and expressed orally. The Aboriginal Legal Service of Western Australia complained about the same matter on behalf of other prisoners saying that it was an indictment of the penal system that such material was printed by those in daily contact with Aboriginal prisoners.

In another matter, headlines in a local newspaper announced that "Vandals threatened RAC Service". Senior officials of the Royal Automobile Club were reported as saying that Aboriginals continually converged on the RAC offices and upset staff. An Aboriginal community leader provided statements that non-Aboriginals caused most of the vandalism and destruction reported.

In another matter, a complaint was referred to the Commissioner for Community Relations relating to harassment of an Aboriginal family by a neighbour who used derogatory terms and whose hostility was causing distress.

It is frequently claimed by non-Aboriginals that it was they who are discriminated against, not the Aboriginals. They claim that the government schemes and benefits designed to help Aboriginal individuals and communities discriminate against non-Aboriginals who, it is claimed, should be entitled to the same assistance.

It has also been argued that these benefits are the root cause of difficulties in community relations. This opinion is based on the false assumption that Aboriginal people are as free and have the same opportunity as other citizens to pursue and achieve their individual and group aims.

Aboriginals do not in fact enjoy the rights that non-Aboriginals take for granted. In many instances the rights of Aboriginals are actively denied them.

CONSULTATIVE COMMITTEES ON COMMUNITY RELATIONS

In the Annual Reports of the Commissioner for Community Relations attention has been drawn to the limited resources available to fulfil statutory responsibilities. Despite repeated requests for more staff, none has been made available.

A consequence of limited staff and resources has been that for the period of over six years the *Racial Discrimination Act* 1975 has been in force, all demands for community education and enquiry into and settlement of unlawful acts of racial discrimination have not been met. This has been especially so in Western Australia where distance from Canberra and the vast area of that State have meant inadequate service from the Office of the Commissioner for Community Relations.

As elsewhere in Australia, Consultative Committees on Community Relations have formed in Western Australia at the initiative of the Commissioner for Community Relations. The Committees are made up of people of goodwill and concern and have enabled much good work to be done in the combat of racial discrimination and prejudice than could have been possible by the Commissioner for Community Relations and his staff alone.

Consultative Committees in Western Australia have carried the burden of inadequate resources in combating racial discrimination. They have done this with other organisations which include the Aboriginal Legal Service of Western Australia, the Social Welfare Office of the Trades and Labour Council, the Tenants Advice Service, the Aboriginal Advancement Council of WA and the National Aboriginal Conference.

The involvement of men and women in local communities throughout the State has been a conscious experiment in community participation in the processes of conciliation. It is a unique approach and there has been widespread interest in the innovation.

Local people have come together in Consultative Committees on Community Relations in the following places:- Perth, Geraldton, Carnarvon, Wagin, Meekatharra/Wiluna and Bunbury.

In other centres contacts have been established during visits which would enable the formation of Consultative Committees on Community Relations in the event that complaints became more numerous.

Although the Office of the Commissioner is instrumental in propagating and encouraging the development of Consultative Committees, they are autonomous. Membership, activities and approach are at their own discretion. Support is given by the Office as desired by the Committees themselves.

Consultative Committees have sought to operate in the interests of the whole community. They have helped to lessen tensions, avert violence and develop communication. The Committees have pursued conciliation and education of the community at large. They endeavour to promote understanding, assist people discriminated against and educate those who practise discrimination.

Consultative Committees on Community Relations and other organisations and individuals who assist do so without any formal legislative authority. The Commissioner for Community Relations cannot delegate his powers under the Act to them. They respond to requests for assistance by the Commissioner. Being informed groups, the Committees assist the Office in whatever way they can, reflecting the particular interests of their members and the problems of their own communities. Because of this each Committee is different and operates according to the particular needs of its own locality and its own perception of the discrimination that exists.

The very existence of the committees serves notice on communities that racial discrimination is unacceptable. The Committees necessarily confront those committing unlawful acts and practising racial discrimination. By their work they help create a better atmosphere of tolerance and understanding.

The Perth Consultative Committee on Community Relations deserves special mention. Chaired by the Right Reverend Michael Challen, an Assistant Bishop of the Anglican Diocese of Perth, the Perth Committee has received and dealt with many complaints of racial discrimination on its own initiative.

In addition the Committee has conducted limited education programs and enquiries into complaints on behalf of the Commissioner for Community Relations. It has also established effective liaison with the Western Australian Police Department, the State Housing Commission and other Western Australian Government Departments.

Speaking on the experiences of the Committee at the Sixth Annual Lalor Address on Community Relations on 3 December 1980, Bishop Challen said,

"Our Committee was established in October 1977, and a committee of twelve was elected from two general meetings involving over thirty people. The Committee includes people of various ethnicities including Aboriginal, Indian, Burmese, Malaysian, as well as Anglo-Saxons. All of them are intensely involved with people and some are drawn from the helping professions such as law, education, community organisation and social work.

The Committee initially had great dreams of developing its work in three different areas:

- Education of the community especially through schools, service clubs and religious organisations.*
- Monitoring the reporting by all three media, that is to say radio, television and newspapers.*
- Investigating complaints involving racial discrimination whether by individuals or institutions.*

However, to do this on an on-going basis was too big a task for our Committee. So we have directed our time and energy to investigating alleged incidents of discrimination. At no point has the Committee ever sought such complaints. It surprises me that people have been able to discover our existence since we have no office, no secretary, no telephone entry or any of the usual points of referral.

In summary most incidents have been lodged by Aborigines and Vietnamese. They relate to access to housing, employment, including recognition of job qualifications, hotels and entertainment generally."

In addition, the Perth Consultative Committee has to a large extent borne the brunt of racist groups in Western Australia who reject the principles embodied in the *Racial Discrimination Act 1975* that all people have equal rights regardless of race or colour.

The work of all Consultative Committees in Western Australia has enabled complaints to be dealt with more promptly, lessened tensions which have arisen and helped to overcome the sense of injustice felt by Aboriginal communities.

With a State Government which has attempted to portray the role of the Commissioner for Community Relations as one of a Commonwealth official whose function and responsibilities do not apply in Western Australia, the Consultative Committees have made a significant contribution in identifying racial discrimination and in working quietly and effectively to overcome it.

CONCLUSION

The Racial Discrimination Act 1975 has not been effectively implemented in Western Australia, firstly because of the few staff resources available to the Commissioner for Community Relations, secondly because of the distance and remoteness of localities in relation to Canberra and Perth, and thirdly the lack of co-operation in recent years from the State Government.

As in other States the Racial Discrimination Act 1975 has enabled people to obtain redress for acts of racial discrimination against them. The Commissioner for Community Relations has demonstrated in Western Australia that the Act can be an effective means to overcome racial discrimination and that it can be applied to benefit the whole community as well as particular individuals.

The position of Aboriginal people in Western Australia is that of a group disadvantaged by race. And as this report demonstrates, the disadvantage and efforts to overcome it do not receive the recognition and support of Governments and in particular the Western Australian Government. Leadership in attaining equality of opportunity in the exercise of fundamental freedoms and human rights is deficient at the highest levels of Government and of the community.

Extensive community education programs are an urgent need and constitute the only real means for developing the necessary community relations. The programs should commence simultaneously with Government and the community.



TOWNS FROM WHICH COMPLAINTS RECEIVED

Albany	Kellerberrin	Wag in
Balgo	Kununurra	Wyndham
Broome	Laverton	Perth - Coolbellup
Carnarvon	Medina	Victoria Park
Collie	Moora	Lockridge
Cuballing	Mt Magnet	Mt Hawthorn
Cue	Mullewa	Morley
Cunderdin	Narrogin	East Victoria Park
Derby	Noonkanbah Station	Forrestfield
Finucane Island	Northam	Cloverdale
Fitzroy Crossing	Onslow	Kelmscott
Freemantle	Pingelly	Rivervale
Geraldton	Pinjarra	Willagee
Guildford	Port Hedland	Innaloo
Kalgoorlie	Roebourne	West Swan
Kalumburu	Turkey Creek	Doubleview

TOWNS VISITED FOR PURPOSE OF ENQUIRY

Carnarvon
Fitzroy Crossing
Fremantle
Geraldton
Halls Creek
Kununurra

Mullewa
Perth
Pingelly
Turkey Creek
Wyndham

**A SCHEDULE OF RACIAL DISCRIMINATION
AGAINST ABORIGINALS
IN WESTERN AUSTRALIA**

This schedule contains details of all complaints of racial discrimination to the Commissioner for Community Relations in the period 31 October 1975 and 9 October 1981

It also shows the results of the Commissioner's enquiries and actions

ALBANY

HOTEL 77/5102

A group of Aboriginals entered an hotel to go into beer garden. They had just finished a corroboree performance for town's centennial celebrations and were in Aboriginal ceremonial dress. The licensee abused them and ordered them off the premises.

Licensee advised that a sign in hotel stated "Unless suitably dressed admission will be refused" and that as the persons were not suitably dressed, entry was refused. Police Department advised that following an enquiry, no action would be taken under Liquor Act as licensee's actions were justified in the circumstances.

BALGO

HEALTH 81/7534

Nursing sister formerly employed at Balgo complained that health care programs and facilities for Aboriginal community were inadequate and that consequent poor health of Aboriginals had discriminatory aspects.

Copy of a report on situation was forwarded to Commissioner for Community Relations. Complainant subsequently decided to take matter up directly with the Provincial of the religious order responsible for the community.

BROOMECOMMONWEALTH GOVERNMENT
80/7100

National Aboriginal Conference member complained that Department of Aboriginal Affairs had not supported an Aboriginal group engaged in an arts and trucking business. He stated *"the group would like to be allocated the responsibility and facilities to handle their own affairs...as discrimination will prevail until the situation is resolved"*.

Department of Aboriginal Affairs' report indicated that proposal had not been rejected but that requests for information to enable assessment had not been met.

CARNAR VON

POLICE 77/5300

Member of National Aboriginal Consultative Committee complained of several incidents of alleged police harassment, assault and wrongful imprisonment.

As incidents complained of took place before *Racial Discrimination Act 1975* came into force, it was not possible for Commissioner for Community Relations to pursue matter.

CARNAR VON

COMMUNITY 80/9355

Aboriginal Resource Group complained that a Perth based discount furniture company took advantage of Aboriginal families and encouraged them to enter hire purchase agreements with high interest rates. It was also complained that company charged higher prices than those quoted and that finance documents were incomplete at the time of signing.

Consumer Affairs Bureau successfully prosecuted furniture company. Commissioner for Community Relations has withheld further action in matter pending advice from Commissioner for Consumer Affairs concerning outcome of further investigations foreshadowed in Bureau's Eighth Annual Report.

COLLIE

EMPLOYMENT 81/7521

Commissioner for Community Relations was asked to encourage two mining companies in the town to employ more Aboriginal workers. Although the town was enjoying a boom, the two companies employed only two Aboriginals between them. Capable Aboriginals who had applied for jobs were unsuccessful.

Assistance of Department of Employment and Youth Affairs was sought.

COLLIE

HOTEL 79/9238

A group of Aboriginals were refused service in an hotel. The licensee said that he would only sell them bottles which they could drink in the bush opposite.

Assistance of local sergeant of police sought. Commissioner of Police advised that police officers were called to hotel on night of incident complained of and that publican was within his rights to withhold service. Publican stated that service was only ever refused when there was possibility of a disturbance or trouble. Hotel subsequently changed hands and new licensee was reported to be well disposed towards Aboriginals.

COLLIE

LOCAL GOVERNMENT 78/5792

Aboriginal Legal Service of Western Australia complained that Aboriginal people were subjected to discrimination by Shire Council. A newspaper article, accompanying complaint reported that Council had not granted permission to State Housing Commission to build a house for an Aboriginal family. One councillor reportedly said that the town was already overpopulated with Aboriginals and that he was concerned that Aboriginals from anywhere in the State could apply for the house, while another councillor was reported as saying that the town had more than its share of Aboriginals and Aboriginal housing.

Town Clerk discounted newspaper article as inaccurate. Perth Consultative Committee on Community Relations met with Council, discussed issues arising from complaint and press statement and resolved matter.

COLLIE

HOTEL 76/5631

An Aboriginal woman contacted a publican to obtain bookings for a band in which her sons played. The publican said that he did not want the band because its members were Aboriginal. He said that he could not stand Aboriginals and that he had barred all Aboriginals except four from his premises.

The publican stated that band was below standard. Complainant disputed this and affirmed her opinion that publican's actions were because the band members were Aboriginal. Matter referred to Consultative Committee on Community Relations which arranged meetings with complainant and respondent and reported that an understanding was reached.

CU BALLING

COMMUNITY 80/9405

Complainant claimed that the benefits such as secondary school student allowances and legal aid caused social divisions because non-Aboriginals were not eligible. It was further complained that Aboriginals generally were violent and that this related to excessive use of alcohol.

Commissioner for Community Relations advised complainant that his experience was that Aboriginals suffered racial discrimination, that special measures were introduced by governments in an endeavour to establish equality and that violent behaviour could often be traced to the fact that Aboriginals were oppressed.

CUE

HOTEL 76/5676

A Papua-New Guinean was refused accommodation in an hotel for himself and his Aboriginal wife. He was told *"I'm sorry we can't admit you as we are not allowed to admit certain people because of previous experiences"*.

Following court action under the Liquor Act, licensee was convicted and fined \$50 in Court of Petty Sessions

CUNDERDIN

HOTEL 80/7069

National Aboriginal Conference member complained on behalf of two Aboriginals who were refused service in an hotel.

Contact was made with aggrieved persons but matter was unable to be pursued further because details about incident could not be obtained.

DERBY

LAW 81/7635

Aboriginal woman complained that provisions of Aboriginal Affairs Planning Authority Act made it necessary for a number of government departments and authorities to be involved in the finalisation of her father's estate and that this caused continuing delay.

Commissioner for Community Relations is enquiring into matter.

FINUCANE ISLAND

EMPLOYMENT 78/5094

A mining company allegedly threatened to dismiss employees who had permanent relationships with Aboriginal women.

Mining Company advised that directions had been issued to all employees that unauthorised persons were not permitted to stay in company quarters or frequent the wet canteen. Complainants were advised to pursue their complaints with Perth Consultative Committee on Community Relations.

FITZROY CROSSING

MEDIA 79/9175

Two complainants wrote to Commissioner for Community Relations that an article in a magazine about Aboriginal/white relations in an outback township grossly distorted a tense situation which required accurate reporting. Journalist had already publically acknowledged criticism of his article.

He accepted a suggestion to reassess the situation incorporating Aboriginal viewpoints at a future date.

FITZROY CROSSING

STATE GOVERNMENT DEPARTMENT
79/9174

Aboriginal community complained about proposed transfer of a district officer by Department for Community Welfare. It was claimed that officer and his wife had done effective work which would be lost to the Aboriginal community if he were transferred. Officer himself complained, seeking an assurance from his Department that community development worker³ would not be penalised when the group with which they were working, offended the interests of the dominant community.

Chairman of Public Service Board and Director of Community Welfare responded that needs of Department required officer's transfer and that this was standard practice in the interests of public service efficiency. It was also stated that officer (who had then resigned) would have been engaged in similar work with the Aboriginal community at his new location. Minister for Community Welfare intervened: "...*the government of the State of Western Australia is not a matter over which you have or ought to have, the slightest jurisdiction*". Commissioner for Community Relations responded seeking co-operation in fulfilling his responsibilities under the *Racial Discrimination Act 1975* which binds all States and Territories.

FITZROY CROSSING

POLICE 79/9099

Commissioner for Community Relations commenced an enquiry after attempts by Aboriginal Legal Service of Western Australia and Aboriginal community in an outback township to have sergeant of police transferred because of alleged discriminatory attitude and actions towards Aboriginals.

Matter received widespread publicity. Two compulsory conferences were held by Community Relations Officer. Actions of Commissioner for Community Relations were questioned and criticised by Western Australian Police Union and the matter raised in Parliament. Sergeant was transferred at his own request.

FREMANTLE

NIGHT-CLUB 81/7392

Solicitor complained on behalf of a group of Aboriginals refused entry to a night-club.

Complainant gave only scant information. Further details are awaited.

FREMANTLE

ACCOMMODATION 80/9463

City Council social worker complained that Aboriginal women were made to wait in refuges longer than white women. One Aboriginal woman applied to State Housing Commission for flat accommodation. After some months, the application was passed on to Aboriginal Housing Board, which advised that her name was on a waiting list. Complainant gave details of a white woman who was offered the choice of two flats within two weeks of application.

State Housing Commission advised that applicant had sought a flat in apartments which were highly sought after and that offers of flats elsewhere had been declined. The woman was subsequently allocated a flat in apartments of her choice. Delay was caused by need of Commission to liaise with Aboriginal Housing Board.

FRE MANTLE

NIGHT-CLUB 80/9435

Three Aboriginal women were refused entry into a night-club. Proprietor was reported as saying that he instructed his doorman to refuse entry to all Aborigines because if he allowed them into his club they would only cause trouble and drive away other patrons.

Compulsory conference held. Proprietor of night-club and two complainants attended. Night-club owner said that refusal of entry had not been intended against the complainants but a person accompanying them barred for anti-social behaviour on previous occasions.

FREMANTLE

ACCOMMODATION 80/9376

City Council social worker complained that an Aboriginal woman faced eviction from her flat by State Housing Commission. Difficulties in adhering to tenancy agreement had arisen because of homeless people living with her.

State Housing Commission advised that tenant would be better in alternative accommodation which was offered.

FREMANTLE

COMMUNITY 80/9289

Five Aboriginals were imprisoned because of an incident in a Fremantle flat owned by a football club. The flat was occupied by two Aboriginals who played for club. Complainant felt that football club had made sure the matter was brought to court because of damage to the premises.

Complainant was advised that an appeal should be made. Contact was established with Aboriginal Legal Service of Western Australia on matter and a meeting arranged for complainant to see a solicitor.

FREMANTLE

MEDIA 80/7139

Complaint was made about a cartoon relating to Australian Rules Football.

Commissioner for Community Relations advised that he did not see that the cartoon was in any way offensive on the grounds of race, colour, ethnic or national origin.

FRE MANTLE

COMMUNITY 80/7124

Aboriginal prisoner complained that a poem in a Western Australian Prison Officers' Union of Workers Publication was racist and offensive. He stated that it was not unusual to see racial bigotry in staff/prisoner interaction. Aboriginal Legal Service of Western Australia complained about same matter on behalf of other prisoners saying that it was an indictment of the penal system that such material was printed by those in daily contact with Aboriginal prisoners

Although the dissemination of ideas based on racial hatred and superiority is not unlawful under the *Racial Discrimination Act 1975*, the Commissioner for Community Relations referred matter to Prison Officers' Union in the interests of community relations. Union replied that Executive had no control over what the editorial committee chose to publish. However it decided to review production of newsletter to ensure adequate censorship.

GERALDTONHEALTH/STATE GOVERNMENT
DEPARTMENT 81/7367

Aboriginal Medical Service Co-operative Limited (Redfern) complained that a medical practitioner trained in Ghana and Ireland and registered in New South Wales and Queensland, wishing to work for Aboriginal Medical Service in Geraldton was refused registration in Western Australia.

Commissioner of Public Health and Medical Services advised that doctor did not meet statutory requirements for registration. Doctor was advised to reapply after recent amendments to the Medical Act were proclaimed.

GERALDTON

LOCAL GOVERNMENT 81/5223

An Aboriginal organisation complained that Town Council refused a permit to build pensioner units on land vested in Aboriginal Land Trust. It was further complained that Town Council refused to discuss matter with local Aboriginal organisation because it did not own the land.

An enquiry into the matter is continuing.

GERALDTON

LAW 79/9214

A magistrate was reported as saying to an Aboriginal appearing before him "*You are another Aboriginal person who drinks and commits offences*". On another occasion he reportedly said in reference to Aboriginal people, "*You can't believe what these people say*".

Aboriginal Legal Service of Western Australia raised matter with Attorney-General who indicated that he could not seek to exercise any control over the judicial function of magistrates. Commissioner for Community Relations referred matter in interests of community relations to the magistrate who has not replied.

GERALDTON

ACCOMMODATION 78/5178

National Aboriginal Conference member complained that a non-Aboriginal man was asked by a real estate agency to vacate his rented premises because the landlord had learned that tenant was married to an Aboriginal. National Aboriginal Conference member commented that this type of discrimination had existed in the town for a long time.

Landlord advised that many families occupied the house during weekends and that he was concerned with the damage caused. Real estate agent found alternative accommodation for aggrieved person and advised that the tenant was satisfied.

GERALDTON

HOTEL 78/5066

Licensee of an hotel barred an entire Aboriginal community saying that 99% of Aboriginals were trouble-makers. A petition with over two hundred signatures demanded, a public apology from licensee for his remarks. At a public meeting, members of Aboriginal community asked Commissioner for Community Relations to ensure service for Aboriginals on the same basis as others and to obtain an apology from publican.

Matter referred to local Consultative Committee on Community Relations, which arranged meeting with licensee. Licensee claimed that he was misquoted in media and had in fact said that 99% of Aboriginals involved in a disturbance in the hotel were trouble-makers. Licensee gave an assurance that he had no policy of refusing service on basis of race. Consultative Committee accepted licensee's explanation and assurances.

GUILDFORD

POLICE 80/7058

Three plain-clothes policemen and a policewoman entered the Lockridge Aboriginal camp. An Aboriginal community leader was grabbed roughly and provoked.

Complainant sought assistance to make a complaint to police and to have

matter dealt with. Contact was made by Office with Aboriginal Legal Service of Western Australia to obtain help for complainant.

KALGOORLIESTATE GOVERNMENT DEPARTMENT
79/9232

Department for Community Welfare returned an Aboriginal child fostered for three and a half years to its mother who then brought the child back to foster mother. Department officers subsequently told foster mother that she was not to see child any more and that it was to be placed with Aboriginal foster parents.

Perth Consultative Committee on Community Relations established contact with complainant.

KALGOORLIE

COMMUNITY 81/7560

Headlines in local newspaper announced that "Vandals threatened RAC Service". Senior officials of Royal Automobile Club reportedly said that Aboriginals continually converged on RAC offices and upset staff. An Aboriginal community leader provided statements that non-Aboriginals caused most of the vandalism and destruction reported.

The Commissioner for Community Relations has taken up matter with RAC and Town Council. Their responses are awaited.

KALGOORLIE

COMMUNITY 78/5216

Newspaper reports described assaults on Aboriginals by a group of whites.

Western Australian Police Department advised that at a meeting of the Eastern Goldfields Progress Association there were remarks by unknown persons about a "kill-a-Coon" squad, but that investigation revealed there had been no instances of a white group attacking Aboriginals nor the existence of such a group.

KALGOORLIE

COMMUNITY 78/5019

Opposition arose to a proposal by Aboriginal Hostels Limited to purchase a motel for Aboriginals from outlying districts receiving medical treatment in town. A petition signed by ninety-six residents was presented to Federal MP.

Information provided indicated that no unlawful act of racial discrimination had been committed. Aboriginal Hostels Limited advised that it hoped to finalise the purchase in the near future.

KALGOORLIE

ACCOMMODATION 77/5415

Real estate agent forwarded another real estate agent's rent statement which read, "*Apparently Mr... didn't have a buyer after all and he has rented 47 to the niggers*".

Real estate agent replied that one of her staff had typed statement and that it referred not to Aboriginals or coloured people but to the untidy state the grounds were left in. Agent also advised that she managed a number of rented premises occupied by Aboriginals and Torres Strait Islanders. Response was conveyed to complainant who has not responded.

KALUMBURU

CHURCH MISSION 80/7001

Council for Aboriginal Development member complained to Community Relations officers on a field trip that racial discrimination was practised by church authorities administering an Aboriginal mission.

Information available was not sufficient to enable the Commissioner for Community Relations to proceed under the *Racial Discrimination Act 1975*.

KELLERBERRIN

ACCOMMODATION 80/9502

A complaint was made that State Housing Commission refused to allocate to an Aboriginal woman the house of her choice because the home next door was owner occupied.

State Housing Commission advised that all applicants for housing were required to meet standard criteria of eligibility and that aggrieved person would be offered another house commensurate with the Commission's assessment of her needs.

KIMBERLEY DISTRICT

LAND 81/7694

A member of the National Aboriginal Conference and Aboriginal Development Commission was reported as saying that the Western Australian Government refused to transfer land to Aboriginal groups on at least ten occasions.

Section 21 (1)(b) enquiry continuing.

KIMBERLEY DISTRICT

ELECTIONS 77/5242

During West Australian State elections in 1977 there were attempts to put tests on Aboriginal people to restrict their voting. Other irregularities and interference by scrutineers and polling officials were also reported.

Assistance of Federal and State electoral authorities was sought. Chief Electoral Officer for Western Australia confirmed that a petition citing alleged breaches of Electoral Act had been lodged in the Court of Disputed Returns. Court subsequently ruled that the election in Legislative Assembly seat of Kimberley was void and another election was held.

Complaint as Stated

Outcome/Basis of Settlement

KUNUNURRA

CAFE 81/5099

Former employee of cafe complained that Aboriginals were only served takeaway meals. Inquiry continuing.

KUNUNURRA

TRANSPORT 80/7182

Three Aboriginals going to Katherine on tribal business were told by bus driver that they could not board even though they had tickets because he had other passengers to pick up further on. The bus left with 20 empty seats. Bus company advised that tickets were issued on understanding that they had to be confirmed. As a party of Aboriginal children was booked for travel from Timber Creek to Darwin the bus left Kununurra with empty seats. Company provided airline tickets to the three men to enable them to reach Katherine on time.

KUNUNURRA

HOTEL 79/9167

A publican who found two Aboriginal youths on his premises shaved their heads with barber's clippers, chained them for several hours and then sent them manacled by the ankles to the police station. Publican was charged with assault, convicted and placed on a bond. Matter was mentioned in a report released by United Nations Association of Australia as one of several incidents contributing to racial hostility in Kimberley District. Commissioner for Community Relations discontinued his enquiry into matter pending legal proceedings by aggrieved persons. Publican and another man were ordered to pay damages of \$6,000 by Supreme Court of Western Australia.

LAVERTON

POLICE 76/5412

Aboriginal Advancement Council of WA expressed concern to Commissioner for Community Relations over two matters. One related to a charge preferred against an Aboriginal youth made a paraplegic by shooting incident while the white man who shot him was discharged by the Court as a first offender. Second matter related to police action against Aboriginals at Skull Creek. Royal Commission found that Aborigines had been wrongfully arrested and two men handcuffed and placed in boot of a car in above century heat.

Commissioner for Community Relations advised that he did not wish to intervene in matters before the Court, and that incidents enquired into by Royal Commission occurred before the *Racial Discrimination Act 1975* came into force.

MEDINA

ACCOMMODATION 78/5197

An Aboriginal sought urgent accommodation from State Housing Commission in one of a number of empty flats because of the poor health of a baby child. A Housing Commission official told a person enquiring on his behalf *"We don't let Aboriginals have flats or apartments, that is our rule and until Mr.. can establish his standards are the same as another person who walks in off the street, then he can't have a house built with ordinary State/Commonwealth housing money either"*.

Perth Consultative Committee on Community Relations met State Housing Commission General Manager and later advised that aggrieved person had been offered housing.

Complaint as Stated

Outcome/Basis of Settlement

MT MAGNET

HOTEL 80/9388

Complaint was made to Perth Consultative Committee on Community Relations that an Aboriginal was refused service in an hotel.

Aggrieved person initiated legal action under the Liquor Act on the ground that licensee refused to receive him on the premises. Licensee was found guilty in Court of Petty Sessions and ordered to pay costs.

MT MAGNET

HOTEL 79/9249

A party of school girls under supervision of a teacher sought to use toilets of an hotel during a stop on a bus trip. Hotel staff told Aboriginal girls in the group not to use hotel facilities but to go across the road to the "Aboriginals' Hotel". It was also complained that the girls were abused by hotel staff.

Licensee apologised for the incident and advised that there were only limited facilities in the hotel. Apology was accepted by complainant who asked that matter be closed.

MOORA

ACCOMMODATION 80/9467

Social Security Union forwarded a submission alleging that State Housing Commission practised discrimination because it prevented eligible Aboriginal families from occupying vacant Commission flats.

Community Relations officers met with senior State Housing Commission officials to discuss specific and general issues raised by submission of groups.

MULLEWA

ACCOMMODATION 80/9454

State Housing Commission house became vacant in a township with 35 Aboriginal families on the waiting list. When white neighbours realised that an Aboriginal might move in next door, they made representations to Shire Council and Minister for Housing. There were no non-Aboriginals on waiting list. National Aboriginal Conference member complained that Shire Council asked State Housing Commission to keep the house vacant until a white tenant could be found. The three bedroom house was eventually allocated to a non-Aboriginal.

State Housing Commission advised that Commission managed houses funded under Housing Assistance Act and Aboriginal Housing Grants. Each fund is separate and has different eligibility criteria. The rental scheme funded under the Housing Assistance Act 1978 is available to all applicants provided means test, credit worthiness, standards of hygiene, social acceptance and care of property are met. The rental scheme funded by Aboriginal Housing Grants is available only to Aboriginals and makes allowances for applicants who do not meet normal standards. Commission further advised that it acted against advice of the Mullewa Housing Advisory Committee, with representatives from the Shire Council, Department for Community Welfare, State Housing Commission, Aboriginal Housing Board and Aboriginal people, and allocated the house in question to an Aboriginal family.

MULLEWA

ACCOMMODATION 80/9549

Aboriginal Association complained that while there was a shortage of housing for Aboriginal families, there were three single white persons occupying three State Housing Commission homes in the town. It was also complained that Aboriginals had to wait longer for housing than whites. Housing for Aboriginals was being built in parts of the town where many Aboriginals already lived. This was opposed by Aboriginal community which wanted housing to be provided in all parts of the town. It was also complained that Aboriginal tenants had to wait a long time for repairs to be done.

State Housing Commission advised that because of a rural recession a number of rented houses had become available in the town. Initially attempts were made to occupy vacant homes with eligible families. If none was forthcoming then the houses were made available to Aboriginal families who did not meet the Commission's criteria. The Commission further advised that in a small town where Aboriginal people were predominant, it was hard to avoid grouping Aboriginal families together.

MULLEWA

HOTEL 80/7138

Four Aboriginals refused service in an hotel were told to leave the "white bar" and go into the "black bar". The publican said that no-one was going to change the rules applying to Aboriginals in his hotel.

The aggrieved persons initiated legal action under the Liquor Act on the grounds that the licensee had refused to receive them on his premises. The magistrate ruled in favour of licensee that service was not denied absolutely and that it would have been given in another part of the hotel. Matter caused concern to Aboriginal community of Western Australia because it appeared that separate facilities could be provided in hotels on basis of race. Subsequently, Liquor Act was amended to ensure equality of service.

Following publicity relating to appeal against publican's practice of maintaining a black bar, local member of National Aboriginal Conference was subjected to harassment by anonymous telephone callers.

Commissioner for Community Relations referred matter to Telecom Australia, Minister for Police and Traffic, and Australian Federal Police.

NARROGIN

ACCOMMODATION 80/7056

Two Aboriginal women complained about a newspaper report that the Town Council had advised State Housing Commission not to build a house in a street because two Aboriginal families already lived there.

Town Council advised that suggestion was made to effect Housing Commission policy of locating Aboriginal housing throughout the community. Investigation by Housing Commission showed that no other suitable land was available and Council granted permit for original site.

NOONKANBAH STATION

STATE GOVERNMENT 80/9418

Yunggora Community of Noonkanbah Station complained that Minister for Cultural Affairs direction to the trustee of the Western Australian Museum to allow drilling on sacred sites was an unlawful act of racial discrimination.

Matter received national and international media coverage. Commissioner for Community Relations referred complaint to Minister for Cultural Affairs and director of museum. Minister replied that action to allow a drilling at Noonkanbah Station was taken under the Aboriginal Heritage Act 1972 which gave the Minister power to give general or specific directions to the museum trustees and that the direction he gave did not involve a distinction based on race or descent. The Minister further advised that permission for drilling was granted subject to the following conditions: "...subject to all reasonable precautions being taken to keep disturbance of the area and of the welfare and way of life of the Noonkanbah Aboriginal Community to a minimum; the area being kept in a clear and tidy condition and on completion of drilling, being cleaned up and restored to the satisfaction of the Minister for Mines as provided under the Petroleum Act 1967". (National Aboriginal Conference took matter of drilling on sacred sites at Noonkanbah to United Nations Sub-commission on Prevention of Discrimination and Protection of Minorities.)

NORTHAM

ACCOMMODATION 80/9340

A chronically ill Aboriginal confined to a wheel chair and living in inadequate housing on a reserve made numerous applications to State Housing Commission for accommodation without any result.

State Housing Commission advised that there was no record of any application being received. Response was conveyed to complainant who took objection to use of certain terms such as "drifter". Complainant claimed to have assisted aggrieved person to complete application forms on several occasions. This was referred back to Housing Commission which advised that special needs of the person ruled out standard housing and that provision had been made regarding shower and toilet facilities at the reserve.

ONSLOW

HOTEL 80/7185

An Aboriginal woman was refused service in an hotel for herself and two other Aboriginal women. The licensee threatened to call the police if they did not leave.

Hotel licence changed hands. Attempts to contact former licensee have been unsuccessful. Enquiry continuing.

ONSLOW

HOTEL 80/7095

Three Aboriginal men entered saloon bar of an hotel. When they sought service licensee said that he would not serve them as the saloon bar was sacred ground to whites.

Hotel licence changed hands. Attempts to contact former licensee have been unsuccessful. Enquiry continuing.

ONSLOW

HOTEL 80/7017

A group of Aboriginals and a school principal were refused further service after one round of drinks. The licensee said that they were in the wrong bar and said "*Black man's territory is up front, white man's territory is here and you are in white man's territory*".

Hotel licence changed hands. Attempts to contact former licensee have been unsuccessful. Enquiry continuing.

PERTH (INNAL00)

HOTEL 81/7583

Hotel sign, which portrayed an Aboriginal on whose distended stomach the week's beer specials were written, caused offence.

Dissemination of ideas based on racial superiority or hatred is not unlawful under *Racial Discrimination Act 1975*. Complaint was referred to the licensee in the interests of community relations. His reply is awaited.

PERTH (RIVERVALE)

ACCOMMODATION 81/7449

Federal Opposition Spokesperson on Aboriginal Affairs complained that State Housing Commission proposed to evict an Aboriginal woman with four school age children of whom the youngest was handicapped.

State Housing Commission advised that tenant had consistently breached terms of tenancy agreement.

PERTH (EAST VICTORIA PARK)

COMMUNITY 81/7299

Aboriginal child, rejected by her foster mother's second husband was returned to the care of Department for Community Welfare after twelve years.

Complainant was advised that relationships within families do not come within the scope of *Racial Discrimination Act 1975*. Perth Consultative Committee on Community Relations assisted by establishing contact with complainant and by offering support and advice.

PERTH

RECREATION 81/5182

Aboriginal Legal Service of Western Australia complained that pinball parlours refused service to Aboriginals. Two Aboriginal community leader³ who went to verify reports of discrimination were refused entry at one and service at another.

Inquiry continuing.

PERTH (DOUBLEVIEW)

ACCOMMODATION 81/5160

Tenants Advice Service complained on behalf of two Aboriginal families facing eviction by State Housing Commission. A postponement of eviction was sought because of illness of children and because rental arrears were almost paid.

Matter conveyed to State Housing Commission. Minister for Housing responded by telegram requesting Commissioner for Community Relations to refer all complaints regarding State Housing Commission to him in first instance. He further advised that there was no reason to reverse decision to evict, that efforts to find alternative housing were continuing and that Commission was in consultation with Department for Community Welfare to make satisfactory arrangements for children.

PERTH

STATE GOVERNMENT DEPARTMENT
81/5139

Extract from Government Gazette in which State Tender Board of Western Australia items were referred to as coloured "nigger brown", which caused offence.

Commissioner for Community Relations referred the matter to the Tender Board Chairman whose reply is awaited.

PERTH

NIGHT-CLUB 81/5098

Council for Civil Liberties in Western Australia advised of an incident in which four Aboriginal women were barred from a night-club by the owner. "I don't want boongs in my club" he was reported as saying. Aboriginal Legal Service of Western Australia forwarded a complaint on behalf of the aggrieved persons.

Matter was referred to night-club owner whose response is awaited.

PERTH

HOTEL 81/5054

Radio announcer advised that a number of people telephoned after four Aboriginal women had contacted him about being refused entry into an hotel. Announcer also sought information about whether *Racial Discrimination Act 1975* applied to incident reported.

Information was given to the announcer for use on his talk back radio programme.

PERTH (VICTORIA PARK)

MEDIA 81/5042

Complainant objected to a facsimile edition of a book, first published in 1909, which referred to Aboriginals in discriminatory and derogatory terms. Facsimile edition gave the impression that discriminatory attitudes were still valid and supported by the publisher.

Matter was referred to publisher for comment. The dissemination of ideas based on racial superiority and hatred is not unlawful under the *Racial Discrimination Act 1975*.

PERTH (CLOVERDALE)

ACCOMMODATION 80/9580

Tenants Advice Service complained on behalf of an Aboriginal woman, an invalid pensioner with four children, who was evicted by the State Housing Commission because of complaints by neighbours. She had lived in the house for ten years and was not offered alternative accommodation.

State Housing Commission advised that every effort had been made to counsel tenant to fulfil tenancy obligations. Eviction had proceeded because of damage to property of neighbours and anti-social behaviour which caused representation to be made by neighbours.

PERTH (FORRESTFIELD)

ACCOMMODATION 80/9579

Tenants Advice Service complained on behalf of an Aboriginal woman, her seven children and four grandchildren, evicted by the State Housing Commission because of complaints by neighbours. The woman was not offered alternative housing.

Housing Commission advised that the tenancy had been unsatisfactory for a long period.

PERTH (KELMSCOTT)

ACCOMMODATION 80/9581

Tenants Advice Service complained on behalf of an Aboriginal woman evicted by the State Housing Commission for anti-social behaviour.

State Housing Commission advised that for many years there had been constant complaints from various neighbours about anti-social behaviour. These complaints were investigated by Commission staff and found to be justified. This information was passed on to complainant who rejected it and called for the complaints to be made available. Commission subsequently offered alternative accommodation to family.

PERTH

ACCOMMODATION 80/9455

Real estate agent told an Aboriginal that a house she was seeking to rent was not available because the owners did not want Aboriginal tenants.

Real Estate Agent advised that applicant was unsuccessful because she was assessed as not being able to maintain rental payments.

PERTH

NIGHT-CLUB 80/9344

Four Aboriginal women were refused entry to a night-club.

Investigation by Community Relations officers was not possible because of limited resources. Matter was referred to Perth Consultative Committee on Community Relations. Statements on incident are awaited from aggrieved persons.

PERTH (LOCKRIDGE)

ACCOMMODATION 80/9358

Aboriginal family applied to State Housing Commission for accommodation. Commission officials said that there would be a waiting period of 5 or 6 weeks. At the time between 35-50% of Commission flats were vacant. A Commission official reportedly said *"We are not allocating flats to Aboriginals in Lockridge as a temporary measure until trouble has been sorted out"*.

State Housing Commission advised that aggrieved persons had been housed despite rental arrears and costs of repairs relating to previous tenancies. Commission advised also that apartment accommodation was available to those Aboriginal applicants assessed as capable of coping.

PERTH (LOCKRIDGE)

POLICE 80/7240

Aboriginal was assaulted by a Road Traffic Authority officer. Aboriginal was arrested by police for alleged assault and taken to the RTA office where he was addressed as "nigger" and struck on the side of the head. Aboriginal was charged with resisting arrest and aggravated assault.

Assistance of Parliamentary Commissioner for Administrative Investigations sought. He advised Aboriginal to make a complaint to Commissioner of Police. Police Department advised Commissioner for Community Relations that investigation revealed there was no evidence to substantiate the allegations. Matter sub-justice. Commissioner for Community Relations has sought wishes of aggrieved person before pursuing matter further.

PERTH

ENTERTAINMENT 80/7212

Three boys of whom two were Aboriginal went to a pinball parlour. They were told to leave by the attendant. He later told the non-Aboriginal boy's sister who challenged his actions, "I *can't serve Aboriginals*".

Perth Consultative Committee on Community Relations made enquiries with pinball parlour proprietor. Ownership of business had changed hands after the incident and attendant referred to in complaint was not known to new owner.

PERTH

TRANSPORT 80/7077

Bus refused to stop for three Aboriginals who saw it pick up a non-Aboriginal further on.

The complainant had already contacted the bus company and Aboriginal Legal Service of Western Australia which was pursuing the matter. Statements from people involved are awaited.

PERTH

COMMUNITY 79/9252

Australian Inland Mission announced decision to withdraw medical staff from Warburton because of alleged harassment by Aboriginals. Commissioner for Community Relations was asked by a complainant to investigate alleged discrimination against non-Aboriginals.

Commissioner for Community Relations advised complainant that anti-social behaviour was not the cause of problems in race relations. Rather it arose from the position of Aboriginals as oppressed people denied the respect of the community and equality of opportunity in exercising fundamental freedoms and human rights.

PERTH

TRANSPORT 79/9213

Aboriginal Legal Service of Western Australia complained that a taxi driver used obscene language to an Aboriginal woman and in reference to her daughter said "*Get the little black bastard out of the car*".

The Legal Service had already written to the taxi company requesting an apology and to the Taxi Control Board. The Taxi Control Board advised that legal action was intended against the driver but after advice from the Crown Law Department this was not pursued. Taxi Control Board also advised that the driver had been severely reprimanded and the matter placed on record.

PERTH

EMPLOYMENT 79/9202

Aboriginal complainant took offence at a newspaper advertisement in which a firm sought an Aboriginal salesman.

Perth Consultative Committee on Community Relations enquired into matter and advised that advertisement had been placed in the newspaper without the knowledge of the firm. Police Criminal Investigation Bureau made an investigation.

PERTH

STATE GOVERNMENT DEPARTMENT
79/9164

Promotional publication of Department of Industrial Development referred to Aboriginals in racist and misleading terms. For example prior ownership of the land by Aboriginals was not acknowledged. Excerpts included "*in spite of the heat and dust and troublesome natives...*" and "*a land where racial or religious discrimination was never more than a trivial irritation, an unreasoning and rapidly fading hangover from less enlightened eras.*"

Department of Industrial Development Co-ordinator advised that publication was no longer in print and had been replaced. Assurance was given by Department that it promoted the concept of a multi-racial society in Western Australia.

PERTH

RECREATION 79/9161

Teacher brought a group of Aboriginal students from Gnowangerup to Perth. They were refused admission to a disco despite the fact that the teacher had telephoned earlier to make a reservation.

Matter pursued by Perth Consultative Committee on Community Relations. Proprietor apologised in writing and gave assurances of future admittance.

PERTH

POLICE 79/9160

Aboriginal Legal Service of Western Australia complained on behalf of teachers and several Aboriginal students from Katanning High School. While in Perth on a school trip a group of ten students accompanied by two teachers were in the city at night. A police vehicle drove onto the footpath behind the group. Two plain clothes officers got out and chased the group allegedly handcuffing one girl, and assaulted another girl and a teacher. Incident received widespread media publicity. After investigation, Commissioner of Police advised that no charges would be laid. Commissioner for Community Relations requested Perth Consultative Committee on Community Relations to enquire into matter and sought police co-operation. Committee's findings were that police over reacted but that it could not definitely be said that racial discrimination was involved.

PERTH

TRANSPORT 79/9055

An Aboriginal woman and her daughter were told by a car park attendant that there was no more room. Another car which drove in behind the complainant's car was accommodated.

Matter was referred to the Perth Consultative Committee on Community Relations.

PERTH

HOTEL 78/8107

During a visit to Perth to meet with the Western Australian government, delegates of the Pitjantjatjara Council were refused service in a tavern where they sought to have lunch. The licensee made comments about "*having trouble with Aborigines before*".

Complaint was made to Perth Consultative Committee on Community Relations which referred it to Commissioner for Community Relations. Compulsory conference held. Matter was settled on basis of a written apology and assurances of future service.

PERTH (COOLBELLUP)

COMMUNITY 78/5001

It was complained that the anti-social behaviour of an Aboriginal family forced neighbours to move to another house.

Commissioner for Community Relations offered to assist in interests of racial harmony. Matter referred to Perth Consultative Committee on Community Relations.

PERTH

MEDIA 78/5216

An item on the ABC Radio Programme 'TM' reported that several Aboriginal youths assaulted and robbed people. It was complained that the reference to the racial origin of youths was unnecessary. Complainant also took offence at a statement made by a Police Superintendent who said *"This to me is very unfortunate that the youth have got to resort to this tactic; generally most white people - or most other people - would run away from the scene and get away out of it, but the Aboriginal youth seems intent upon kicking and administering some sort of beating"*.

Australian Broadcasting Commission General Manager advised that there were no grounds for concluding that racism was a factor.

PERTH (WEST SWAN)

COMMUNITY 78/5087

A local progress association opposed a proposal to build four houses for Aboriginal families. A petition signed by 183 persons was lodged with local Shire Council which refused building permit.

Complainant was advised that the details provided did not enable Commissioner for Community Relations to proceed under the *Racial Discrimination Act 1975*. Matter referred to Perth Consultative Committee on Community Relations which contacted Aboriginal community. No concrete cases of discrimination were forthcoming.

PERTH (MORLEY)

EMPLOYMENT 78/5058

Complainant forwarded an advertisement for a medical receptionist placed by Aboriginal Medical Service. Advertisement specified a preference for a person of Aboriginal descent. Complainant believed this to be hypocritical because Aboriginals were both asking for equal rights and complaining of discrimination.

National Committee on Discrimination in Employment and Occupation advised that because of nature of position, specification of 'Aboriginal descent' was reasonable and within the terms of the International Labour Office Convention No 111 - Discrimination (Employment and Occupation) 1958. Advertisement did not constitute an unlawful act of racial discrimination as *Racial Discrimination Act* 1975 and International Convention on the Elimination of All Forms of Racial Discrimination provide for special measures to assist persons and groups disadvantaged because of their race.

PERTH

ELECTIONS 77/5438

Leader of Opposition in Western Australia complained that a Bill to amend the Electoral Act discriminated against illiterate Aboriginals and migrants and queried whether it contravened the *Racial Discrimination Act* 1975.

Matter was referred to the Attorney-General's Department for an opinion but when complainant advised that the Bill had been defeated there was no need for further action.

PERTHGOVERNMENT DEPARTMENT
77/5393

Aboriginal complained that the unemployment benefit payment to himself and another person ceased after they travelled to Canberra as members of an Aboriginal delegation. Department of Social Security was reported to be investigating the circumstances of other members of delegation.

Department of Social Security advised that payments were stopped because

complainant was not available for work when interstate. It was further advised that no special steps were taken to identify members of delegation and that normal procedures had been applied irrespective of race.

PERTH (MT HAWTHORN)

MEDIA 76/5634

Complainant objected to use of term 'black' in newspaper headline.

Editor advised that he appreciated the offence caused by such terms and that sub-editors were under instructions to avoid use.

PERTH (WILLAGEE)

COMMUNITY 76/5467

Australian Legal Aid Office advised of harassment of an Aboriginal by a neighbour who used derogatory terms and whose hostility caused distress.

Assistance of Department of Social Security sought. Family was placed on State Housing Commission list for emergency transfer.

PERTH

ACCOMMODATION 76/5410

Aboriginal Advancement Council of Western Australia complained on behalf of an Aboriginal family which had waited for over four years for State Housing Commission accommodation. It was claimed that family would have been treated differently if it were non-Aboriginal.

State Housing Commission advised that an offer of housing had been declined. As a result, application had been replaced on the waiting list without priority. Complainant responded that offer had been declined because home was a long way from applicant's employment. Matter was resolved when Housing Commission offered accommodation suitable to the family.

PING ELLY

HAIRDRESSING SALON 80/9310

An Aboriginal woman took her young son to a hairdressing salon for a haircut. The hairdresser refused saying that she did not cut the hair of local coloured people.

Compulsory conference held. Matter settled on basis of an oral apology.

PINJARRA

ACCOMMODATION 79/9003

It was complained the State Housing Commission was evicting an Aboriginal tenant because of rent arrears.

Commissioner for Community Relations telegraphed State housing Commission advising he had received assurances that satisfactory arrangements to avoid eviction could be made. As no further details have been provided matter has not been pursued.

PORT HEDLAND

EMPLOYMENT 81/7312

A non-Aboriginal complained that he had been dismissed because he was engaged to an Aboriginal. His supervisor allegedly said *"You've got a gin out there. I am not interested in you."* It was also complained that one night the Perth manager of company had burst into the man's room and ordered out two Aboriginal women friends.

Senior staff member of company advised that the complainant's work record was unsatisfactory, and that action had been taken because a party at 3 am was disturbing other employees living in same dormitory.

PORT HEDLAND

ACCOMMODATION 80/9554

An Aboriginal woman complained that State Housing Commission obtained possession of her house without Court order. She returned home to find the house boarded up with her possessions inside. Subsequently, commission officers removed personal effects from the house and destroyed them.

State Housing Commission advised that a notice to quit was personally

served on the tenant for rent arrears. Efforts to contact her about her furniture failed so items were taken away. Subsequently replacement furniture was offered and accepted by aggrieved person as full restitution.

PORT HEDLAND

EMPLOYMENT 77/5177

Aboriginal Legal Service of Western Australia complained that an Aboriginal was demoted to a labourer because of insufficient experience. However the man had done similar work in Queensland for many years. He resigned and then reapplied for work but was refused twice. He attributed this and his demotion to his race.

National Committee on Discrimination in Employment and Occupation made an investigation and advised that the man's work performance was unsatisfactory. Company had suggested he temporarily revert to a lesser position to gain experience under a foreman. Other Aboriginals were employed by the firm.

QUAIRADING

ACCOMMODATION 80/9514

Trades and Labour Council Social Welfare Office complained that an Aboriginal woman was denied State Housing Commission accommodation. The woman and her four children were living with her parents and family which caused severe overcrowding. Although Commission accommodation was available in a nearby town, an amount owing for damage to a previous Commission house precluded her from consideration. It was claimed that the tenant had not caused the damage and had nevertheless paid a substantial amount of the total owing.

Complainant subsequently advised that church groups had helped to defray the amount owed and that State Housing Commission had offered accommodation to the family.

QUAIRADING

PRIVATE CLUB 76/5868

Department of Immigration Regional Office referred an enquiry about whether it was unlawful for a private club to exclude people from membership on ethnic or racial grounds.

Commissioner for Community Relations advised that private clubs did not come within the scope of the *Racial Discrimination Act 1975* but that in the interest of community relations club memberships ought not to be determined by race, colour, national or ethnic origin.

ROEBOURNE

COMMUNITY 81/7652

Aboriginal Legal Service of Western Australia and Aboriginal Advancement Council of WA complained about tee-shirts advertising the town of Roebourne with a motif depicting drunken Aboriginals outside the local store. Matter was conveyed to the store proprietor whose response is awaited.

TURKEY CREEK

ELECTIONS 80/9370

Two men took a 200 litre drum of port and other alcohol to the Warmun community at Turkey Creek on the eve of West Australian State Election in February 1980 with the intention of making members of the community too drunk to vote. One of the men was reported as saying *"I wanted to get them drunk because they are the most illiterate race in the world. They don't have the brains to vote"*. Compulsory conference was held and attended by representatives of Warmun community, local National Aboriginal Conference member and respondents. The matter was settled on basis of a written apology and cash payment of \$1,000 to the complainants.

WAG IN

EMPLOYMENT 79/9087

Aboriginal Legal Service of Western Australia complained that an Aboriginal was refused promotion and then sacked by Shire Council. It was claimed that other Aboriginal employees were also dismissed and discriminated against. Consultative Committee on Community Relations advised that the aggrieved person had left the district and no longer wished to pursue matter.

WYNDHAM (NINE MILE)

POLICE 80/9598

During an enquiry into alleged infringements of the Electoral Act, police took Aboriginals from their camp to the police station, fifteen kilometres away, for interview. It was complained that some Aboriginals, including elderly persons, were transported in the wire cage on the back of a police truck without knowing why they were being taken. It was further complained that they were asked for whom they voted in the state election.

With the agreement of the parties, a compulsory conference was held. It was attended by members of the Aboriginal community council, complainants, aggrieved persons, National Aboriginal Conference member, police, including the regional superintendent, local sergeant and the respondent who was a detective sergeant. Matter was settled on basis of an oral apology, the development of understanding about the incident, assurances and proposals to improve relations between police and Aboriginals.

VARIOUS LOCATIONS

ACCOMMODATION 80/9442

Trades and Labour Council Social Welfare Office forwarded a submission citing cases of hardship caused to Aboriginal families by State Housing Commission policy and practice. Instances mentioned were from Quairading Reserve, Northam Reserve, Midland, Hilton Park, Leederville and Kojonup. Submission called for State Housing Commission to adopt urgently a policy which was more flexible and suitable for Aboriginals.

Community Relations officers met with senior State Housing Commission officials to enquire into complaints detailed in the submission. Commission officers advised that immediate need for housing was greater than available funds.

GENERAL

ACCOMMODATION 81/7567

Submission to Perth Consultative Committee on Community Relations alleged that practices of State Housing Commission contributed to social problems of Aborigines. It was alleged that less desirable houses were allocated to Aborigines, and that Aboriginal families are not accommodated next to houses owned or being purchased by the occupier. It was further alleged that Aboriginal families with poor standards were referred to the Aboriginal Housing Board despite its long waiting list when State Housing Commission houses were vacant.

The submission was referred to the Chairman of State Housing Commission for his comment. His reply is awaited.

GENERAL

COMMUNITY 81/5219

A prominent Western Australian industrialist said during an interview on Queensland television that "half-caste" Aboriginals should be sterilised and confined to a small area of North-west Australia. He said that most of the racial trouble and demands for Aboriginal land rights come from "half-castes."

His 'solution' would be to make their social security cheques receivable only at Karratha. *"When they had gravitated there I would dope the water up so that they were sterile and would breed themselves out in the future. That would solve the problem".*

Matter has been conveyed to the individual concerned in the interests of community relations. Under the *Racial Discrimination Act 1975*, the dissemination of ideas based on racial superiority or hatred is not unlawful.