

# **RACIAL DISCRIMINATION IN TASMANIA**

**A Report by  
the Commissioner for Community Relations  
on complaints of racial discrimination and inquiries  
under the Racial Discrimination Act 1975 for the period  
31 October 1975 to 12 February 1982.**

**Community Relations Paper No. 19  
February 1982**

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## **RACIAL DISCRIMINATION IN TASMANIA**

As in all the reports so far published by my Office on racial discrimination on a State basis, the greatest body of complaints from Tasmania has concerned Aboriginal people.

This will come as a "somewhat startled realisation" to quote a Senate Committee, that Tasmanian Aboriginal people have not been wiped out, do exist and are in fact increasing in numbers.

The Black Wars in Tasmania of the 19th century did not achieve the final solution despite all the efforts to that end. At the same time the sequel to those Black Wars and to the attempted deportation of the survivors from the wars was a deliberate suppression of identity by the survivors and as far as the conquerors were concerned, they were happy to propagate the myth that Truganini was the last of the Tasmanians.

Despite the fact that the Tasmanian Department of Social Welfare estimated in 1964 that there were 200 Aborigines living in Tasmania and the 1971 Census enumerated 671 Aborigines, the Tasmanian Government in 1972 was still maintaining that the total Aboriginal population consisted only of 55 people resident on Cape Barren Island.

The National Population Inquiry estimated a minimum of 1000 in 1975 but the only researcher who has delved deeply into Tasmanian Aboriginal genealogies has concluded that there are between 4000 and 5000 Tasmanians of Aboriginal descent.

A total of 558 voted in the elections for the Tasmanian representative on the National Aboriginal Conference. It was an historic recognition of the survival of the Tasmanian people that the Tasmanian representative, Mr Roy Nichols from Glenorchy, was elected National Chairman.

The spokesman for Australia's 180,000 Aboriginal people today is paradoxically a Tasmanian Aboriginal, a recognition that the myth of the last of the Tasmanians has been laid to rest once and for all.

As late as 1973 the Director of Public Health was still a prisoner of the myth of the final solution and was solemnly reporting that there were no Aborigines in Tasmania despite the fact that his Department was receiving an annual grant from the Commonwealth Government on behalf of the non-existent Aborigines.

On the positive side, the Homemaker Service of the Tasmanian Social Welfare Department and the State Housing Department's joint Aboriginal-Housing Department committee have helped to bring about considerable improvements.

A major tragedy of the Tasmanian Aboriginal community is unemployment. A research study conducted by the Tasmanian Aboriginal Centre in March 1980 estimated that 39% of Aboriginal adults of the workforce were unemployed.

A hazard which Aborigines frequently encounter in their search for jobs is racial discrimination and the Commonwealth Employment Service has advised it is aware of at least two such cases.

An experienced and well-recommended Aboriginal girl was sent by the C.E.S. to apply for work in a cake-shop. When she gave her name, the manageress said, 'You must be Aboriginal'. (Five or six surnames in

Tasmania are distinctively Aboriginal). 'We can't have someone coloured handling food.'

Another Aboriginal girl who was working in a florist's shop was visited at work one day by her mother, who looked Aboriginal whereas the daughter did not. After the visit, the girl was sacked, Aboriginality being given as the reason. (Such an action is of course, illegal under the Racial Discrimination Act). Many more well-authenticated cases have come to light.

In the sphere of education, numerous episodes have been recounted to the Office of children coming home in tears after references were made to 'darkies' or 'all your nigger relations'. In a survey which my Office carried out it was noted that some parents, even today to avoid such humiliation, encourage their children to deny their Aboriginality 'so they won't suffer at school like I did'.

Schools everywhere report that Aboriginal children tend to under-achieve and drop out early. This is an almost predictable result from a group which is poor, badly-housed, under-employed, and subject to prejudice with a result of low self-esteem.

The Commonwealth Department of Employment and Youth Affairs together with the Tasmanian Aboriginal Centre, assisted by the Tasmanian Government, are attempting special courses to remedy the situation.

Many complaints have been made concerning police; Aborigines have complained that they are usually the first suspects if they are anywhere in the vicinity when a crime is committed and sometimes when they are not.

There is overall sufficient racial prejudice in Tasmania to make it, or the expectation of it, a continuing part of Aboriginal life. A series of initiatives have been undertaken by this Office including the sponsorship of a Multicultural Conference, the setting up of a Consultative Committee on Community Relations to investigate discrimination complaints and a survey of the Tasmanian Aboriginal areas. New initiatives by the Tasmanian Government have given hope to more understanding and a more effective combat of racial discrimination.

## COMPLAINTS RECEIVED AND DEALT WITH

The *Racial Discrimination Act 1975* came into effect on 31 October, 1975. Since then the Commissioner for Community Relations has received 17 complaints of racial discrimination from Tasmania. This paper gives details of those complaints and the outcome of the Commissioner's actions.

Complaints were received from the following racial and ethnic groups.

|               |   |
|---------------|---|
| Aboriginal    | 7 |
| Filipino      | 1 |
| Indian        | 2 |
| English       | 2 |
| Not specified | 5 |

Complaints came from 7 towns and cities.

Of the 17 complaints received all have been concluded. They involve 17 complainants, 39 specifically mentioned aggrieved persons and 15 respondents.

The complaints demonstrate that racial discrimination exists in Tasmania and that people have been denied their rights because of their race, colour, ethnic or national origin.

The purpose of this paper is to present the picture of racial discrimination in Tasmania as shown in the complaints received by the Commissioner for Community Relations.

As is the case elsewhere in Australia, Aboriginals suffer racial discrimination to a greater extent than any other racial or ethnic group. Overall experience has shown that wherever there is a significant Aboriginal presence then racial discrimination is almost inevitable.

During trips to Tasmania by my staff and myself the disadvantage suffered by Aboriginal people, which includes denial of rights, has come to light. This has been dealt with in an earlier publication compiled by my Office entitled "*A Somewhat Startled Realisation*" - Report on a visit to *Tasmanian Aboriginal Areas*.

### Methods of Complaint Handling

The following methods were employed in dealing with complaints:

- 6 by referral to the Hobart Consultative Committee on Community Relations
- 11 by correspondence

Field work is essential to combat racial prejudice and racial discrimination and is the most effective means of educating the community and of settling complaints of racial discrimination. It is undertaken whenever possible. However, limited resources available to the Commissioner for Community Relations has restricted the field work undertaken in Tasmania in the last six years.

In the absence of regular field work the Hobart Consultative Committee on Community Relations has made a number of enquiries into matters of racial discrimination at the request of the Commissioner for Community Relations.

In other cases the Consultative Committee has made enquiries into matters which have come to its attention directly and have kept the Commissioner for Community Relations informed of progress and eventual outcome.

### **The Nature of Complaints**

Complaints of racial discrimination from Tasmania can be divided into the following categories:

- Government departments
  - Hotels
  - Media
- Employment
  - Community

- Law

### **Basis of Settlement of Complaints**

The limited field work done in Tasmania has restricted the extent to which complaints can be pursued. Nevertheless, complaints have been settled on the basis of:

- enquiries by members of the Hobart Consultative Committee on Community Relations to demonstrate that racial discrimination is unacceptable
- assurances by respondents that racial discrimination was not intended and not practised

discussion and development of understanding between the parties.

Of these three bases of settlement, the most common was the desire of complainants to have investigations carried out to demonstrate that racial discrimination is unacceptable under the law.

No compulsory conferences under the *Racial Discrimination Act 1975* have been convened in Tasmania

Such conferences are a means of bringing complainants and respondents together to settle complaints. If a matter is unable to be settled by conciliation then a certificate may be issued to complainants to enable the matter to be pursued by civil court action.

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

## **GOVERNMENT DEPARTMENTS**

Complaints have been received against Commonwealth and Local Government authorities.

One complaint was received from a self-employed businessman of Indian origin against the Department of Immigration and Ethnic Affairs. It was alleged that the Department's officials visited his place of work at 12 noon. The man explained that it was his busiest time of the day and asked the officials to call back later in the afternoon. However, they insisted on continuing the interview at that time. Apparently a former business partner had maliciously informed the Department that the complainant was an illegal immigrant.

The man asked the officials to come to his office because he was embarrassed at being interviewed in front of his customers and staff. The officials refused and conducted the interview in public.

In another matter, a man of European origin complained that although he had been a resident of Australia for twenty-five years and had voted for nineteen years, he was asked by polling officials at a local government election whether he was a naturalised Australian. The man took offence at the question and believed it was asked because for the first time a person of ethnic origin was standing for election.

## **HOTELS**

Aboriginals have complained of discrimination in gaining entry to and obtaining service in hotels in Tasmania

During a national football carnival between Aboriginal teams a woman complained that entry into an hotel was refused to a group of Aboriginals.

While waiting for friends outside, the complainant had observed the comings and goings of teenagers attending a cabaret inside. The doorman admitted male patrons who were not properly dressed.

When a group of Aboriginals sought entry they were refused and told that they were not suitably dressed. The complainant then approached the doorman and told him that he was discriminatory. He responded by locking the doors.

In another case the Secretary of the Tasmanian Aboriginal Centre was reported as saying that six Hobart hotels seemed to be refusing service to Aboriginals.

In another case a group of nine Aboriginals were told by a hotel manager to leave as soon as they had entered the bar. When members of the group demurred, the manager telephoned the police. The Aboriginals left the premises when police arrived. Some weeks later another group of Aboriginals was refused service in the same hotel. The same group was also refused service in another hotel.

It is a humiliating and degrading experience to be refused service on the basis of race or colour. All the complaints concerning the refusal of service in hotels in Tasmania were made by Aboriginals.

The Commissioner for Community Relations has released a paper

entitled *Discrimination in Hotels*. It would appear that experience in Tasmania is consistent with that elsewhere in Australia.

## **MEDIA**

Complaints have been received against newspapers for publication of material offensive to Aboriginal people.

In one matter, the Aboriginal Information Service complained about an article which made reference to South Africa. Of particular offence were the words, "It struck me as being in complete contrast to Australia where the natives watch while the whites do the work"

In another instance a film caused offence because it was entitled *The Last Tasmanian*. Although the title referred to the last full-blooded Tasmanian Aboriginal, it was taken to discredit the State's present-day Aboriginal people. The complaint reflected also the sensitivity of Aboriginals in Tasmania that acknowledge part of their very existence has only come about in recent years.

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.

## **EMPLOYMENT**

In an article in a Hobart newspaper, an unemployed Filipino woman claimed that she had been discriminated against in her search for a job. The woman had said that her inability to find work was because she was from the Philippines.

The Commissioner for Community Relations referred the matter to the Consultative Committee on Community Relations which advised that the woman had already declined to make a formal complaint to the Tasmanian Committee on Discrimination in Employment and Occupation.

## **COMMUNITY**

A man of British origin complained that his neighbour subjected him to racist insults by using such terms as "English scum". Although this continued for some time the complainant believed there was nothing that could be done to stop this behaviour and resigned himself to it.

However, when the complainant learned that the man was a Justice of the Peace and an employee of a State Government statutory authority he complained to the Commissioner for Community Relations that a racially prejudiced person should not hold a public legal appointment.

Complaints have also been made to the Commissioner for Community Relations that migrant groups and Aboriginals receive benefits from the Government which discriminates against other Australians. However, in many cases migrant groups and Aboriginals did not receive assistance to



the extent alleged. Matters raised in this context reflected attitudinal discrimination and prejudice present in the community.

## **CONSULTATIVE COMMITTEE ON COMMUNITY RELATIONS**

Consultative Committees on Community Relations have formed on the initiative of the Commissioner for Community Relations all over Australia. In Tasmania, there is one Consultative Committee based in Hobart.

The Hobart Committee consists of people of goodwill in the community who work on a voluntary basis consistent with the principles embodied in the *Racial Discrimination Act* 1975 and the International Convention on the Elimination of All Forms of Racial Discrimination. Although autonomous, the Consultative Committee has assisted the Commissioner for Community Relations by conducting inquiries on his behalf and by referring matters to him.

In the course of its work, the Consultative Committee has worked with police, Government departments, ethnic and Aboriginal organisations, and Members of Parliament. Much good work has been done by the Committee in the combat of discrimination and prejudice and it has gained wide acceptance for working effectively and in the interests of community relations.

The existence of the Tasmanian Consultative Committee on Community Relations has served notice on the community generally that racial discrimination is unacceptable. It has also enabled those who have suffered discrimination to have matters dealt with more promptly and to obtain on-the-spot assistance.

## **CONCLUSION**

The complaints received by the Commissioner for Community Relations from Tasmania under the *Racial Discrimination Act* 1975 indicate that racial prejudice and discrimination is present in the community there. As elsewhere in Australia, it is Aboriginal people who suffer most from racial discrimination.

Although complaints from Tasmania are not numerous, the existence of racial prejudice and discrimination is to be rejected wherever and however it appears. The solution is the development of tolerance and acceptance between the many ethnic and racial groups present in Tasmania through educational programs.

It is to be hoped that the Government's intention to establish a State authority to protect the human rights of citizens, whatever their race, colour or ethnic background, can be speedily effected.

Burnie

Devon port

Launceston •

- Rosebery

TASMANIA

Hobart •

Huonville

Mountain •

River

- TOWNS FROM WHICH COMPLAINTS RECEIVED

## **TOWNS FROM WHICH COMPLAINTS RECEIVED**

Burnie

Devon port

Hobart

Huonville

Launceston

Mountain River

Rosebery



**A SCHEDULE OF RACIAL DISCRIMINATION  
COMPLAINTS IN TASMANIA**

This schedule contains details of all complaints of racial discrimination to the Commissioner for Community Relations in the period 31 October 1975 and 26 February 1982

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

## BURNIE

79/9007

## Media

Newspaper references denigrating Aboriginal people produced complaints.

They were referred to the Editor. While dissemination of ideas based on racial superiority is not unlawful under the *Racial Discrimination Act 1975*, the Commissioner for Community Relations takes action on complaints received in the interests of community relations and did so in this instance to satisfy the complainants and indicate the sensitivity of the community to racist references

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## DEVON PORT

76/5231

## Media

A newspaper article referring to South Africa was offensive to Aboriginals because it stated: "It struck me as being in complete contrast to Australia, where the natives watch while the whites do the work".

Newspaper gave an assurance that in future no anti-Aboriginal references would appear in the newspaper. This was acceptable to the complainant

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## HOBART

81/7470

## Hotel

A group of Aboriginals was refused service in an hotel and were asked to leave. It was also reported that six city hotels were refusing service to Aboriginals

Community Relations Consultative Committee investigated and advised the Commissioner for Community Relations that situation was quiet and that no one wished to pursue the matter further.

HOBART

79/8340

Media

The title "The Last Tasmanian" for a film about Truganini provided complaints by Aboriginal people.

Director of film responded that title referred to the last full-blooded Tasmanian Aboriginal

HOBART

78/5211

Commonwealth Government

Acting Premier of Tasmania complained on behalf of a person of Indian descent holding permanent resident status that Immigration officials interviewed him in public and in front of his customers and staff because of an allegation that he was an illegal immigrant

Community Relations Consultative Committee inquired into the matter by meeting the Regional Director of the Department and the complainant. It reported that there was no evidence of racial discrimination by the departmental officials

HOBART

77/5474

Hotel

Nine Aboriginals were refused service in two hotels owned by the same company. Members of the group were told to leave but they did not go until police arrived.

Commissioner for Community Relations met with complainants and arranged for Hobart Consultative Committee on Community Relations to convene meetings between company officials and the complainants. Co-operation of the Commissioner of Police was also obtained. Matter was settled by discussion and development of understanding between the parties

## HOBART (GLENORCHY)

80/9495

## Employment

A case was reported of a Filipino-born woman experiencing difficulty in finding work because of discrimination against her.

Matter was referred by Commissioner for Community Relations to Community Relations Consultative Committee under Section 21(1)(b) of *Racial Discrimination Act 1975*. Consultative Committee interviewed woman who did not wish to have the complaint pursued further.

## HOBART (MOONAH)

79/9068

## General

A solicitor of Indian origin complained that the Law Society of Tasmania acted against him in a discriminatory way resulting in his being struck off the roll. Complainant's wife subsequently complained of police impropriety in preferring criminal charges against him.

Commissioner for Community Relations referred matter to Community Relations Consultative Committee which advised it would not intervene until appeal proceedings had been finalised. Subsequently it advised that there was little substance to the complaints received.

## HOBART (TAROONA)

78/5037

## Community

Husband and wife complained that their neighbour addressed them in derogatory terms because of their English origin. They sought action against the neighbour who was a Justice of the Peace. They also raised the matter with the Tasmanian Attorney-General

Matter was referred to Community Relations Consultative Committee which interviewed the complainants and the respondent. The use of derogatory terms is not unlawful under the *Racial Discrimination Act 1975*.



## HOBART (WEST MOONAH)

78/5199

## Commonwealth Government

A person of English origin complained that a citizen leaving Australia on a non-Australian passport was obliged to obtain Authority to Return endorsement or else apply for re-entry as if coming to Australia for the first time.

Matter was referred to Department of Immigration and Ethnic Affairs which advised that an Authority to Return endorsement in a non-Australian passport avoided unnecessary delays with international carriers and immigration clearance procedures. Commissioner for Community Relations found that discrimination was not a factor.

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HUONVILLE

77/5339

## Media

Having seen a television series highlighting the problems of migrants, a complainant called for the *Racial Discrimination Act 19 75* to be repealed and for the education of both migrants and Australians to obviate the need for it

Commissioner for Community Relations replied that he agreed entirely with the need to educate Australians generally and that when discrimination and bigotry were banished his Office would be superfluous.

## LAUNCESTON

78/8253

## Local Government

A man complained that he was offended by a polling official at a local government election. The man, who had resided in Australia for 25 years and voted for 19 years, was asked whether he was a naturalised Australian.

Matter was referred to Minister for Municipal Planning by Commissioner for Community Relations with the suggestion that the legislation relating to local government elections be amended. Minister replied that as the incident was unique and as polling officials had the responsibility to properly identify eligible voters, he did not favour any amendment.

## LAUNCESTON

78/5245

## Commonwealth Government

Person describing herself as a self-supporting, older female, unemployed for three years, complained of government policy of granting entry to Vietnamese when many Australians faced hardship because of poverty and unemployment

Commissioner for Community Relations responded expressing concern for the complainant's situation and offering help in any way possible. He stated further that he could see no value in bitterness towards racial and ethnic groups because of problems arising from matters beyond their control and which were worldwide.

## LAUNCESTON

78/5038

## General

Complainant suggested that the name of "coon" used for a type of cheese might be offensive to Aborigines.

Company advised that coon is a type of cheese matured by a process which requires particular temperature and humidity. The process was patented by Edward Coon, an American, in the 1920s.

## LAUNCESTON

76/76

## Hotel

A group of Aboriginals were told that they were not suitably dressed and were refused entry to a cabaret in an hotel. Other non-Aboriginal people in similar dress were admitted. After one of the group questioned the attendant the doors were locked

Matter was referred to hotel manager who gave an assurance that no people were ever refused entry to the cabaret on the grounds of race or colour. The manager advised that on cabaret nights a limit was placed on numbers to prevent overcrowding and that this may have occurred on the occasion in question.

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MOUNTAIN RIVER

78/5143

## Community

Man complained that he was discriminated against as a white, Anglo-Saxon because he was not eligible for benefits available to Aboriginals and migrants.

Commissioner for Community Relations advised complainant that his Office did not determine or administer policy relating to Aboriginal affairs or ethnic affairs. He further advised that the *Racial Discrimination Act 1975* provided for equal opportunity for all persons regardless of race, colour, ethnic or national origin, with provisions for special measures to alleviate severe disadvantage suffered by Aboriginal Australians.

Complaint as Stated

Outcome/Basis of Settlement

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ROSEBERY

77/5322

Commonwealth Government

Complainants claimed that Bankruptcy provisions were unjustly applied to them.

Commissioner for Community Relations arranged for Official Receiver (Tasmania) to interview complainants. Department subsequently reported that matters relating to the bankruptcy were settled amicably.

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