

DISCRIMINATION AGAINST
ABORIGINALS IN SOUTH 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 10 March 1982

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DISCRIMINATION AGAINST ABORIGINALS IN SOUTH AUSTRALIA

The *Racial Discrimination Act 1975* came into force on 31 October 1975. Since then the Commissioner for Community Relations has received 11 complaints of racial discrimination against Aborigines in South Australia. This paper details those complaints and the outcome of the Commissioner's actions.

Of the 11 complaints received, 10 have been concluded. They involve 15 complainants, 17 specifically mentioned aggrieved persons and 13 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 seven towns in South Australia. The complaints demonstrate that racial discrimination occurs in South Australia and that people have been denied their rights because of their race or colour.

The purpose of this paper is to present the picture of racial discrimination in South Australia as shown in the complaints received by the Commissioner for Community Relations. The Commissioner and his staff have observed discrimination within the South Australian community and have been confronted with racial prejudice and racial discrimination.

As elsewhere in Australia, Aborigines 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.

Methods of Complaint Handling

The following methods were employed in dealing with complaints:

- by telephone from Canberra
- by correspondence

Field work is essential in combating 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.

Limited resources available to the Commissioner for Community Relations has limited the amount of field work undertaken in South Australia in the last six years.

The Nature of Complaints

Complaints of racial discrimination received from South Australia can be divided into the following categories:

- | | |
|------------------------|--------------|
| Recreation | - Employment |
| Government departments | - Community |
| Hotels | - Police |
| Media | |

Basis of Settlement of Complaints

The limited field work in South Australia has restricted the extent to which complaints have been pursued. Nevertheless, complaints have been settled on the basis of:

- enquiries initiated by the Commissioner for Community Relations to demonstrate that racial discrimination is unacceptable
- assurances by respondents that racial discrimination was not intended and not practised
- discussions and development of understanding between the two parties.

Of these three groups, 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 South Australia

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 through civil court processes.

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

HOTELS

The existence of discrimination against Aboriginals in hotels in South Australia has been brought to the attention of the Commissioner for Community Relations.

In one matter members of the South Australian Campaign Against Racial Exploitation (SACARE) visited an hotel that had become known because of its discriminatory practices. The licensee had reportedly divided the bar into two, calling one part the "saloon" and the other "public". The saloon bar was almost exclusively used by whites and the public bar by Aboriginals.

The saloon bar was comfortably furnished while the public bar was bare, the only decoration being a notice warning customers against stealing glasses. Although the publican insisted that Aboriginals could use any bar provided he considered them "clean, neatly dressed and well behaved" it appeared that the publican's judgement was erratic and a deterrent against local Aboriginals drinking in the saloon bar.

The publican's actions caused bitterness among the local Aboriginal community.

To be refused service or to be given service on less favourable terms because of race or colour is a humiliating and degrading experience. In many country towns the hotel is an important meeting place. Divisions created there often reflect throughout the community.

POLICE

Allegations of racial discrimination have been made against South Australian Police.

In one complaint a member of the National Aboriginal Conference notified the Commissioner for Community Relations that serious tensions had arisen between Aboriginals and non-Aboriginals in a large provincial centre in his electorate. The NAC member alleged that police had exacerbated the situation following an incident involving white and Aboriginal youths.

It was reported that Aboriginal people asked a neighbour to call police to their home when a group who had been shouting racist insults at them, suggested that a shotgun be fetched to shoot Aboriginals.

When police arrived it was alleged that they grabbed two of the Aboriginal youths and then held one while a white youth assaulted him. Three Aboriginals were arrested and charged for disorderly conduct and abusive language whereas the police paid no attention to the non-Aboriginals.

Civil charges have been preferred against the police over the incident and they have yet to be heard.

Very few complaints involving police in South Australia have been referred to the Commissioner for Community Relations. Indeed police, particularly senior police in the field, have assisted the Commissioner for Community Relations by making enquiries on his behalf. This has resulted

in matters being dealt with more quickly and effectively than would have been possible otherwise.

RECREATION

Complaints have been made to the Commissioner for Community Relations that racial discrimination has been a factor in matters involving recreational activities.

In one case, a young man and his Aboriginal girl friend were told by theatre ushers that although they had tickets for a carol singing concert, their seats had been double booked. Alternative seating was offered to them on wall benches which were isolated and separated from the rest of the audience. The couple felt hurt and humiliated by the incident.

In another instance an Aboriginal community sought to field its own team in the local football league. Club members thought that this would give the community a sporting and social identity and that the playing and changing facilities that the club intended to build would benefit residents. It was further stated that individual players from the community who played with other clubs only felt welcome during the playing season.

After the playing stopped the club discrimination began again.

TRANSPORT

An Aboriginal went to a taxi rank and got in the first cab. Before he could say anything the driver asked him to take the next cab because he did not want a passenger who was eating. Having only a mouthful left, the man asked the driver if he could finish. The driver then became irate and threatened the man with a home-made baton.

As there was no rule about not eating in taxis the man assumed that the refusal to take him was based on racial discrimination and accordingly, he complained to the Commissioner for Community Relations.

EMPLOYMENT

Complaints of racial discrimination in employment indicate the difficulties which face Aboriginals in the workforce. Not only does the Aboriginal population have an unemployment rate many times higher than that of the community in general but at times those in employment encounter difficulties from supervisors or fellow employees because of their race or colour.

An Aboriginal youth formerly employed on a sheep station complained that he had left his job because of treatment he received from the foreman and other employees. He stated that only one member of the station staff treated him fairly. According to the complainant, he was frequently addressed in such derogatory terms as "black bastard", "nignog" and "charcoal". One day an incident occurred that caused him to leave. While helping to clean a septic tank a shovel of muck was thrown over him. Another employee did likewise and the Aboriginal left his job there and then.

MEDIA

Complaints against the media in South Australia have involved several country newspapers.

In one large provincial centre, the National Aboriginal Conference member complained that articles in a newspaper were discriminatory and biased against Aboriginals. He further complained that the articles were inflammatory in a community where tensions between Aboriginals and whites had reached, in his opinion, serious levels.

An Aboriginal organisation representing a number of local Aboriginal organisations also complained about the same newspaper and in particular an article which asserted that police and courts were lenient towards Aboriginals. It was complained that the editor did not seek comment from the police, courts or any Aboriginal spokesperson.

In reaction to another newspaper, the local National Aboriginal Conference member complained about an editorial, the message of which was that Aboriginals were nothing more than the recipients of benefits paid for by the taxpayer. A derogatory and grossly offensive poem was also included. It was further complained that requests by Aboriginal representatives for an opportunity to rebut the editorial in the particular newspaper concerned and in other press were rejected.

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 Against All Forms of Racial Discrimination it reserved its position on Article 4 of the Convention which urges that States Parties declare such activities as an offence punishable by law.

Nevertheless the Commissioner for Community Relations has pursued complaints with newspaper proprietors and editors in South Australia in the interests of community relations and with a view to overcoming the offence at what are regarded or felt to be published libels.

COMMUNITY

It was complained by an Aboriginal parent that there was fighting between Aboriginal and white children at a country high school. Aboriginal parents felt that their children were being picked out for special treatment by staff. Tension in the school became evident as parents became involved and there was an attempt by some white parents to deal with the situation by complaining to the local newspaper, police and school principal about the aggressive behaviour of Aboriginal students towards white students.

CONCLUSION

Although complaints of racial discrimination against Aboriginals in South Australia under the *Racial Discrimination Act 1975* are not numerous, those received indicate that racial discrimination exists in the State as it does throughout Australia. The complaints also indicate that there are serious racial tensions in some communities.

It is the experience of the Commissioner for Community Relations that the number of complaints received does not accurately reflect the extent of racial discrimination. This was borne out by the study made by this Office in one South Australian town where it was found that racial discrimination was an integral part of community life.

South Australian initiatives by Government and non-Government parties (including anti-discrimination legislation and land rights) as well as efforts to change community attitudes which give rise to racial discrimination and to secure fundamental freedoms and human rights for Aboriginals, in many ways lead Australia and are to be very commended.

The first priority in tackling racial discrimination is educating all at community levels to change the attitudes which give rise to the acts of discrimination.

To simply respond to complaints is to embark on an exercise of treating the symptom, while ignoring the basic causes.

Educational institutions in South Australia have given support in developing State and community programs to combat racism.

SOUTH
AUSTRALIA

Ceduna

Port Augusta

Maitland.

Barmera.

Pt Pearce

Adelaide
•Mt Barker



TOWNS FROM WHICH COMPLAINTS RECEIVED

Adelaide

Barmera

Ceduna

Maitland

Mt Barker

Point Pearce

Port Augusta

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

This schedule contains details of all complaints of racial discrimination to the Commissioner for Community Relations in the period 31 October 1975 to 10 March 1982

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

ADELAIDE

81/7325

Recreation

A young man and his Aboriginal girl friend were told by theatre ushers that although they had tickets at a carol singing concert, the seats they had booked were taken. Alternative seating was offered to them but it was on wall benches, isolated and above the rest of the audience. The couple felt hurt and humiliated by the incident.

Matter was referred to the Commissioner of Police who advised that duplicated bookings for seats in the front rows had been caused by the failure of the booking agency to make allowance for the extension of the stage area for certain performances. The issue was settled on the basis of a written apology by the secretary of the choir which gave the concert.

ADELAIDE

81/5275

Community

It was complained by a person who had taken part in a bus tour that the commentator had made racist and derogatory remarks. Some of the comments included "We are now going down Wog Ally, see who can spot an Australian". Another comment included "We call Abos boongs because that is the noise they make when we run over them in the bus".

The complainant has undertaken to provide further details to enable the Commissioner for Community Relations to investigate the matter.

ADELAIDE

82/5429

Literature

It was complained that a review of a book about early settlement of Australia contained misleading and exaggerated stereotypes of white Australians in the nineteenth century likely to cause racial disharmony.

Commissioner for Community Relations is enquiring into matter.

ADELAIDE

78/5208

Community/Local Government

National Aboriginal Conference member asked the Commissioner for Community Relations to make an investigation after complaints by a neighbour threatened the continued funding of an Aboriginal sobriety group's program.

Aboriginal Hostels Limited advised that Adelaide City Council had met parties concerned with the program and that operations were to continue subject to further assessment.

ADELAIDE (MODBURY HEIGHTS)

80/7238

Employment

Woman complained that she was dismissed from her employment as a liaison/resource person with non-government childcare association because of her contact with various ethnic and Aboriginal groups.

Complainant's Union was acting in her interests and a preliminary hearing had already been heard in the industrial court. Commissioner for Community Relations suggested that the State Committee of the National Committee on Discrimination in Employment and Occupation would be in the best position to inquire into the matter.

ADELAIDE (PARKSIDE)

81/5197

Transport

An Aboriginal was threatened by a taxi driver who produced a home-made baton and told him to take another cab.

Complainant sought to have the Metropolitan Taxicab Board revoke the driver's licence and provided to the Commissioner for Community Relations a copy of his letter. Board made an investigation but did not take any action because it was unable to obtain additional information from the aggrieved person.

BAR ME RA

78/5134

Community

Aboriginal community leader complained that serious tensions had developed between Aboriginal and non-Aboriginal students at a high school.

Commissioner for Community Relations referred matter to senior police officer who provided a report which indicated that school authorities, police and community were co-operating to overcome the difficulty.

MAITLAND

81/7473

Hotel

Convenor of South Australian Campaign Against Racial Exploitation (SACARE) sent Commissioner for Community Relations copy of letter to local M.P. concerning separate bars for Aboriginals and whites in an hotel.

Commissioner for Community Relations offered to begin an inquiry under the Racial Discrimination Act 1975 into the matter if action already taken by complainant did not produce a satisfactory outcome.

MT. BARKER

78/5262

Media

National Aboriginal Conference member and other Aboriginal leaders complained of a racist and offensive editorial in a provincial newspaper.

Matter was referred to the Australian Press Council and the South Australian Attorney-General. Press Council upheld the complaint saying that "in levelling broad charges based on the supposed racial characteristics of the Aborigines had belittled Aborigines as a group and a race".

Attorney-General advised of his intention to amend the S.A. Racial Discrimination Act to cover certain kinds of discriminatory articles. The dissemination of ideas based on racial superiority and hatred is not unlawful under the Racial Discrimination Act 1975 (C'th).

POINT PEARCE

78/8206

Recreation

Point Pearce football club, comprising Aboriginal players, was refused affiliation by the local district football league.

Football league officials advised that racial discrimination was not a factor. Refusal had been based on a decision not to increase the number of affiliated clubs because of a general shortage of players. It was further stated that Aboriginal players from Point Pearce had played in league for many years and had represented the league at inter-association level. Complainant did not require further action.

PORT AUGUSTA

82/5460

Police and Media

National Aboriginal Conference member complained against the local newspaper because of articles which were discriminatory and biased towards Aboriginals and had that effect of creating serious tensions in community relations in the town.

He lodged a further complaint against police officers for allegedly holding an Aboriginal youth while a white youth hit him. This followed an incident when a car load of white youths abused a group of Aboriginals in their home. The Aboriginals had called the police when one of the white youths said he would get a shotgun to shoot the Aboriginals.

The Commissioner for Community Relations is inquiring into the complaints.

PORT AUGUSTA

81/7508

Media

Area Office staff of the Department of Aboriginal Affairs complained that an article in the local newspaper was offensive to and biased against Aboriginals. Derogatory reference was made to Aboriginal land rights and alcoholism while positive developments and achievements of Aboriginal people at Port Augusta were ignored.

Commissioner for Community Relations asked complainant for copies of offensive articles and editorials. Although the dissemination of ideas based on racial superiority and hatred are not unlawful under the Racial Discrimination Act 1975 the Commissioner for Community Relations takes up such complaints with editors and newspaper proprietors in the interests of community relations.

PORT AUGUSTA**81/5245**

Employment

A young Aboriginal employed on a sheep station alleged that he was abused with derogatory names and was mistreated by staff.

It was also complained that on one occasion the manager threw a shovel of muck over the boy.

Matter was referred to the station manager who stated that on occasions there had been light-hearted banter in which references were made to race or colour. The manager said that these had been good natured exchanges and they did not appear to have distressed the boy at the time.

As to the specific incident, the manager denied the allegation but agreed that at the time the boy had become distressed before announcing his intention of quitting. He and other staff had apologised for the upset he felt, but were unable to persuade him to stay. Inquiries are continuing.