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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

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C) Commonwealth of Australia

August 1980

Commissioner for Community Relations

**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**

**INTRODUCTION**

During May my Office inquired into complaints of racial discrimination in the Kimberley and other districts of Western Australia and reported that racial discrimination existed on a wide scale and that Aboriginals were often denied human rights and fundamental freedoms enjoyed by the general community.

Following the State elections in Western Australia in February 1980, complaints were received from Aboriginal organisations and from members of Aboriginal communities about incidents which arose prior to, during and after the elections. Publicity on a national scale also gave rise to certain concern, and the need for expeditious action by the Office. A field trip was therefore made to the area by two officers in May and July, 1980.

Their findings confirmed those contained in the reports issued by this Office I and by the United Nations Association.<sup>2</sup> This report documents those findings as well as action taken to resolve the complaints of racial discrimination.

**COMPLAINTS OF RACIAL DISCRIMINATION**

Twelve complaints of racial discrimination were the subject of inquiry on this occasion. Four related to the actions of police in investigating alleged malpractices under the Western Australian Electoral Act. Four concerned the actions of two private individuals in attempting to prevent Aboriginals from

1. *Field Report on Anti-Aboriginal Discrimination in Carnarvon, Perth and Pingelly, W.A.*, Office of the Commissioner for Community Relations, 1979.
2. J. Salt, *Discrimination and Human Rights in the Kimberleys*, Report prepared for the United Nations Association of Australia on Various Aspects of Relations between Aboriginals and Europeans in the Kimberley Region of Western Australia, UNAA, April 1980.

exercising their vote during the State elections. Two related to a refusal by a nightclub to allow access and service and two to a hairdressing salon proprietor who refused service to an Aboriginal child. Eight of the complainants resided in the Kimberley District and four of them in and near Perth.

Compulsory conferences were convened in each of the matters to which all parties were directed to attend. At the conferences the complaints were explored and a base was developed on which each complaint could be settled. In all cases the complaints were settled by conciliation. Settlement involved the offer and acceptance of oral or written apologies, the tendering of certain assurances, and in one instance the payment of damages.

## RACIAL PREJUDICE

As in the earlier reports by this Office and the United Nations Association, the inquiry team found that racial prejudice involving Aboriginal people permeated all levels of society in the regions visited. It is basic to society there. The term brutalisation has been used to express the lessening of sensitivity in human relations which arises from isolation, climate, and social disadvantage, as well as the conflict of races and cultures. In this sense the prejudiced whites are in some ways just as much victims as the Aboriginal people.

## HOUSING

There is a severe shortage of housing for Aboriginal people in Western Australia. My officers observed that the human right to adequate shelter is not enjoyed by most members of Aboriginal communities. In the Kimberley, Gascoyne, Murchison, Perth and adjacent districts, Aboriginal people suffer over-crowding and deprivation in the limited and inadequate accommodation available to them.

In one town, where Aboriginals comprise 50% of the population, over-crowding in some houses is severe. In one case it was reported that 25 persons lived in a three-bedroom house. In most instances Aboriginal houses contain two or three families. Privately rented houses are not generally available to Aboriginal families because of the prejudice of landlords against Aboriginal tenants. For this reason nearly all the Aboriginal families occupy houses rented from government authorities.

According to the local Aboriginal organisation 37 Aboriginal families had applied to the State Housing Commission for houses in the town and were on the waiting list. It was also reported that some of these families had been on the waiting list since 1975. There were no white families on the waiting list.

Recently a State Housing Commission house in the town became vacant. A meeting of various government departments together with the shire council and community organisations discussed the allocation of the house.

The Aboriginal representatives recommended that an Aboriginal family be granted the tenancy. A decision was deferred until some weeks later when a single non-Aboriginal person who already had boarding accommodation was given the lease. The house had three bedrooms.

In the same town, Aboriginal people were concerned that the houses occupied by them were confined to particular localities. Twenty-eight or so Aboriginal houses were grouped at one end of the town. Not far away was a reserve where five or six houses were grouped around a new toilet block. This concentration of Aboriginal housing was a result of policies of previous administrations. The Aboriginal community wanted housing to be provided in all parts of the town in accordance with State Housing Commission policy. Aboriginal leaders expressed concern that the present State housing policy which they supported was being thwarted by the shire council and white residents.

Although there were vacant allotments in most neighbourhoods of the town, none was for sale. Hence government authorities and the local Aboriginal organisation were not able to provide housing in localities preferred by Aboriginal people. One suggestion was for the town boundaries to be extended and further subdivision created. This could not be justified because of the number of vacant allotments which already existed. It has been proposed that land adjacent to the Aboriginal reserve be made available for subdivision to provide Aboriginal housing. If adopted this would mean that Aboriginal housing would be further concentrated and reinforce the division of the town into Aboriginal and non-Aboriginal areas. The community retains tight control of available building allotments and in effect, denies Aboriginal people housing in the town area.

The National Aboriginal Conference member for the area claimed that as a result of a shortage of land there were no houses planned in the town for Aboriginal people in the 1980-81 financial year. Feelings ran high to the point where members of the Aboriginal community had proposed marching on the shire council offices to hold a demonstration. Aboriginal members of the football club had considered withdrawing and playing elsewhere. Consideration was also given to a boycott by Aboriginal representatives of various consultative meetings convened by government departments. These measures are still being considered.

At a meeting of the Aboriginal organisation in the town it was reported that the shire council health inspector closely monitored health standards in houses occupied by Aboriginal families. The Aboriginals noted that conditions which attracted his attention were usually caused by over-crowding. The health inspector's intervention was commented on by the Aboriginal people. They contrasted this activity by the shire council with its lack of activity to assist in resolving the housing shortage which caused the problem.

A young couple sought to rent a flat in a provincial city. Anticipating racially discriminatory attitudes the Aboriginal man did not accompany his

non-Aboriginal partner. She went alone in making enquiries for accommodation and obtained a flat but when the owner saw them together he changed his mind and the couple were asked to leave. They were told that the owner's sister was arriving and that she needed accommodation. The couple noted that other flats in the block were empty.

This incident was reported by the father of the young man at a meeting of Aboriginal people. It was related as an example of the hopelessness with which Aboriginal people of that community regarded their chances of renting privately-owned accommodation. The young couple had sought to overcome racial prejudice but they were unsuccessful.

As private housing is generally unavailable to Aboriginal people, public housing authorities and Aboriginal housing associations offer the best hope. Yet organisations and authorities have stated that the levels of funding are inadequate in relation to the demand placed on them. Inevitably there are long waiting periods for Aboriginal applicants.

On the outskirts of another town about 150 Aboriginal people live on a reserve. They reside in 13 garage-sized houses made of iron with a front verandah. There are three separate toilet blocks for residents.

While an officer was at the reserve an incident took place which reflected the climate of community relations in the town. Two white workmen arrived carrying fluorescent tubes. They went from house to house seeking if any lights had to be replaced. The men made no attempt to greet the householders or seek their permission to enter their yard and house. When one Aboriginal remonstrated at this trespass, the workmen offered no response. They turned their backs and left. The location of the Aboriginal reserve beyond the town limits seemed to represent the social isolation and exclusion of the Aboriginal people.

One person described the members of the Aboriginal communities on reserves as refugees who would return to their traditional country if they could. Others have likened Aboriginal people to displaced persons. Aboriginals have arranged their communities where practicable so that the camp of each clan group is situated in a direction facing their traditional country.

## EMPLOYMENT

The rate of unemployment in Aboriginal communities is many times higher than that for the overall community. Figures provided to the Consultative Committee on Community Relations in Perth indicated that in one town 59% of Aboriginal males over 16 years of age were unemployed. The figures also showed that 84% of the Aboriginal population of that town received some kind of social security benefit while only 16% had employment. These statistics have been referred to relevant departments for their investigation.

The existence of the situation described above was the cause of serious tensions. In this time of high unemployment, Aboriginal people report

increased frustration in their efforts to find work.

In another large provincial town, members of the Aboriginal community advised that it was almost impossible for young Aboriginals to obtain work. Of an Aboriginal population of more than 1,000, only one Aboriginal girl worked as a shop assistant in the town. Members of the same community mentioned an incident regarding employment in a small township nearby. An Aboriginal obtained a job by telephone. When he presented himself for work his employer displayed a lack of enthusiasm. The employee left within a week when he was told there was no more work for him. He was also told that some non-Aboriginal employees would be retrenched. This did not happen.

Another case related to a man who was part-Aboriginal. When it became known that he was in fact of Aboriginal descent he was demoted from leading hand to labourer. He left his job following a dispute with his employer over this action.

## POLICE/ABORIGINAL RELATIONS

Members of Aboriginal communities in many localities in the State have spoken of the misgiving with which they regard the police. Accounts of individual incidents or experiences with police are usually related in negative terms. Aboriginals recall numerous examples in which they perceived themselves as unjustly or improperly dealt with. Underlying these reports is the apprehension felt by Aboriginal people in their relations with police.

People from one community involved in a dispute with a mining company said that they considered police were used to intimidate them. In a large town, Aboriginal community leaders told of an instance where police arrested two young Aboriginal men on a charge of stealing. They were allegedly beaten by police until one of them signed a statement.

In another town, Aboriginals complained that a police officer singled out Aboriginal people in motor vehicles for particular attention. When they drove through the town he frequently pulled them up to inspect their vehicles. Offence was taken at this because the police officer did not act in the same way with non-Aboriginal people. Other Aboriginal people expressed concern that police frequently come to their communities and homes without observing normal courtesies.

In reporting these matters my officers are not attempting to judge the issues raised but are stressing the need for better community relations. In this they reflect the attitude of Aboriginal people.

Both police and Aboriginal people alike thought that difficulties arose because of misunderstanding. The Aboriginal community leaders stated that informal contact between police and themselves would do much to improve understanding and lessen confrontation.

On all occasions police were willing to have discussions with my officers. In every town visited, the opportunity was taken to meet with police. On the

whole, members of the force showed appreciation of the issues involved in police/Aboriginal relations. Most, but not all, had an understanding of the fear with which Aboriginal communities regarded them and of the difficulties which this caused both parties.

Both police and Aboriginal leaders regarded Aboriginal police aides as a means for more effective communication, and I repeat my commendation of this Western Australian initiative.

## DISCRIMINATORY TREATMENT BY POLICE

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.

During a conference convened by my officers the Aboriginal complainants expressed their concern to the police. There was a full discussion from which both parties gained an appreciation of the other's point of view. This proved to be a unique experience for both parties.

The police responded to the accounts given by the Aboriginals and apologised for their actions. This response paved the way for a better understanding between themselves and the Aboriginal community. It was agreed that in future police would deal with the community in consultation with the Chairman and Community Council. This would ensure the co-operation of members of the community and improve understanding.

The Aboriginal community was chiefly responsible for the resolution of this series of complaints to the satisfaction of both parties. Police are to be commended also on the positive approach which they adopted.



## ACCESS TO GOODS AND SERVICES

Aboriginals face discrimination in gaining entry and obtaining service at hotels and other establishments open to the public. Aboriginal communities in many parts of Western Australia have reported this fact.

In one small town, Aboriginal residents complained that in one of the two hotels in the town there were separate bars for Aboriginals and non-Aboriginals. Aboriginal people in the town felt that they would not be welcome in the 'white' bar, but no one had tested the rule for fear of repercussions from the hotel management. On one occasion, a publican had thrown a bucket of water over Aboriginal patrons, while on another occasion he had replaced glasses with plastic cups in the Aboriginal bar.

In a large town it was alleged that in one hotel staff were instructed to serve Aboriginals after other patrons in an attempt to discourage them from seeking service.

In another town, Aboriginal people faced difficulties in gaining entry to or service in any hotel. Three premises held liquor licences. These were a hotel, a tavern, and a sporting club which was restricted to members and their guests. In the hotel there was only one entrance which all patrons used to reach any of the three bars. In the tavern there was a bar and a beer garden but one entrance had to be used for both. Recently the managements of both establishments had made alterations to close off the other points of access. To enter both premises patrons had to first pass through those bars with the most stringent dress regulations. This arrangement allowed the management and staff to control entry by the application of dress regulations.

Aboriginal people in the hotel or tavern complained that they were sometimes refused service after two or three drinks and asked to leave. Sometimes this was done by invoking dress regulations while similarly attired whites were allowed to remain.

One incident was reported of three Aboriginal women being refused service. When they asserted their rights to service they subsequently received it, but overall there was active discouragement of Aboriginal people.

Because of their restricted access to licensed premises in the town, Aboriginals obtained alcohol at bottle shops and consumed it outside or in nearby parks. This gave rise to complaints from white residents about Aboriginal drinking in public places. In response, police adopted a policy of strong action against public drinking. A local newspaper reported a police suggestion that people go to their home camps or out of town to do their drinking. Thus several factors combined to deny Aboriginals equal enjoyment of their rights as citizens and residents of the town.

### *Case 1*

An Aboriginal woman complained that her son was refused service by the proprietor of a hairdressing salon. The essence of the complaint was

forwarded to the respondent but as no reply was received a compulsory conference was convened to effect conciliation and settlement of the matter.

During the conference, each party was able to gain an appreciation of the other's position.' The Aboriginal complainant was concerned over the incident because she felt her son had been refused service because of his race and colour. She held high hopes for his future and was determined that he should be given every opportunity. She vividly recalled the humiliation and indignity she had experienced as a child because of her race and colour. She had worked in a professional capacity in England, had married an Englishman, and particularly resented this action against her child returning for the first time to visit his mother's home town.

It was to the credit of both parties that despite their strong feelings about their own position and actions relating to the incident, they were able to achieve an understanding which enabled the complaint to be settled. The respondent offered an oral apology for the offence that had been taken and this was accepted. As both parties were satisfied that the matter was resolved no further action was required.

### *Case 2*

An Aboriginal organisation complained on behalf of two women who were refused entry to a nightclub. The respondent was the licensee. A compulsory conference was convened to afford both parties the opportunity to discuss the incident. Each party was able to inform the other of their viewpoint.

The Aboriginal women expressed the offence they took at being refused entry by the doorman. They had protested and the licensee was called, who upheld the doorman's decision. They claimed they were well-dressed and met the criteria for entry to the premises. They recounted also that there were other establishments in the vicinity that did not make Aboriginal people welcome or actively discouraged them. Both women appreciated the opportunity to inform the licensee of the frustration they had experienced because of the incident.

The licensee responded positively to the feelings expressed by the Aboriginals. He offered an apology for his action and that of his employee, and for the offence caused. This was accepted. He assured the complainants that they would be welcome in future and that he would brief his doormen to ensure that all persons were admitted regardless of race or colour, provided they met the standard for entry.

The complainants expressed satisfaction with what had been achieved through the conference. The proprietor was also satisfied with the outcome and the fact that he had gained an insight into Aboriginal people's experiences in obtaining the same service as other people. It was to the credit of both parties that they were able to talk freely and in a way which enabled feelings of frustration and resentment to be replaced by goodwill and understanding.

## STATE ELECTIONS

An Aboriginal community complained that on the eve of the Western Australian State elections two men came to their camp, uninvited, with port wine and other supplies of alcohol. There are about 200 people in the community, which comprises five separate camps. Members of the community complained that the two men entered the reserve without approval from the Chairman and offered alcohol to the residents of one camp. The community has a rule that no alcohol be consumed on the reserve. Accordingly the two men were asked to leave. They did this but remained adjacent to the reserve for the remainder of the night. Some members of the community joined them and drank some of their alcohol.

The next morning the men drove to another camp on the reserve and proceeded to fill water containers there with port wine. This activity ceased when police arrived and asked that they accompany them for interview at the police station.

The Aboriginal people were concerned at the actions of the two men. The community had banned the consumption of alcohol on the reserve because of its deleterious effects on community life: when alcohol was consumed, there was a breakdown in social order. At such times, the needs of children went unmet and people could not sleep at night. Of prime concern to the community was the effect of this on the children and their attendance at school.

The community's firm policy on alcohol gave rise to anger and bewilderment when the intentions of the two men became known.

Further offence was given because the alcohol had been brought on the eve of election day with the announced intention of preventing Aboriginal voters from exercising their franchise. Members of the community took their right to vote seriously and regarded the attempt to deprive them of it as a grave matter.

A compulsory conference was convened, in which all parties approached the matter positively and co-operatively. Because of this the complaint was resolved with goodwill on both sides. The respondents offered an oral apology to the Aboriginals who accepted it. This apology was also confirmed in writing. As an expression of the sincerity of their apology, the respondents paid a sum of money to the community.

## COMMUNITY ATTITUDES

People who held extreme views and attitudes about Aboriginals were encountered in every community visited. In some towns these attitudes were openly expressed by leading businessmen and community leaders in various ways, including the use of racist humour, repeated assertions of racial superiority and the use of derogatory terms.

It was not uncommon to find that those who expressed contempt for

Aboriginal people were often the ones whose businesses flourished because of Aboriginal patronage. In one town a taxi operator deplored the abuse of alcohol, most of which was transported in his cab. In another town a business proprietor expressed criticism of Aboriginal people, who comprised the majority of her customers.

In another town again, two shire council representatives expressed views based on notions of racial superiority. One man, who was Deputy Shire President, a long time resident of the district and a local leader, had little real knowledge of Aboriginal people, their cultural traditions, or their social and economic aspirations.

It was frequently claimed by whites in many areas that it was the whites who were discriminated against, not the Aboriginals. They claimed that the government schemes and benefits designed to help Aboriginal individuals and communities discriminated against non-Aboriginals who, it was claimed, should be entitled to the same assistance.

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

Field observations in these districts, however, indicated that Aboriginals did not in fact have the rights enjoyed by non-Aboriginals. In many instances their rights were actively denied them.

Comments were also made that Aboriginal communities were manipulated by their advisers for political or social ends. In part these views reflected the belief that Aboriginal people would not or could not manage their own affairs. This revealed an inadequate understanding of the social change sought by Aboriginal communities and of the role of community development workers in assisting communities to achieve that change.

On the other hand, in every community visited there were people who rejected the expressions of prejudice and discrimination voiced against Aboriginal people. Many were working quietly and effectively to improve the wellbeing of the members of various community groups.

In one town, people of goodwill shared the concern of local politicians that there were divisions in the community. One politician wrote to the local paper about what he termed the saddening and disturbing tension caused by a lack of understanding and knowledge between people. He called for better communication between Aboriginal and white communities.

Another politician shared equal concern and observed that communities in his electorate were divided along racial lines. In this particular town, a small meeting of residents, keen to improve community relations, spoke of the difficulties which they would face if they were to publicly adhere to principles of equality or if they were to confront those who were implementing discriminatory practices.

Those persons who closely identified with Aboriginal people and assisted them openly or as employees of Aboriginal organisations suffered denigration and social ostracism. The same applied to Aboriginal community leaders who were working with few resources and often without the help and goodwill of others.

In many towns and communities there was evidence of Aboriginal people working on a self-help basis to achieve long-delayed advances. One isolated community was in the process of establishing community facilities such as housing and recreational amenities. The parents wanted their children to have better educational opportunities and, following the efforts made by the community, a church responded to their needs by providing a school and teachers. The school has since become an integral part of the community. The community was also engaged in developing an economic base through a share in a pastoral lease.

In another town, the members of an urban Aboriginal population maintained a community centre from which a number of organisations operated. These included a Medical Service, a Housing Association, an Aboriginal Housing Committee which advised the State Housing Commission, and the office of the local member of the National Aboriginal Conference.

The centre provided the Aboriginal community with drop-in, training, conference and recreational facilities. Members of the Aboriginal community had combined to ensure the success of their organisations and programs. Four persons worked voluntarily on a full-time basis. This community exemplifies what is being done in numerous other localities by Aboriginal people.

## CONCLUSION

The foregoing accounts of racial discrimination practised against Aboriginal people in Western Australia present an overall picture of the relationship existing between the white and Aboriginal communities, and the grave disadvantage suffered by Aboriginal people. Even though the accounts are extensive they are incomplete. Numerous other examples of discrimination were observed but sufficient has been reported to indicate the nature and extent of the problem.

The contents of this report are similar to the contents of numerous reports which my Office has published since its inception. It is important repeatedly to bring forward evidence of racial discrimination as part of the educative process.

The important features of this latest field investigation relate to the isolation and remoteness of the communities concerned and the fact that, as a result of historical factors, the two communities have been thrown together with little knowledge of what the law provides.

General deprivation exists in the communities, related often to remoteness and isolation, and this is a contributing factor to racial problems. The

differences existing between the 'haves' and the 'have nots' are stark and reflect the inequality of the existing power structures.

It is clear that greater effort and more resources should be committed to assist the communities in these remote and isolated areas of Western Australia. Too little appears to have been done to overcome the disadvantages suffered by all the people but particularly by the Aboriginal community, which bears the brunt, not only of prejudice, but also of deprivation and isolation.

The areas as they are provide a seed bed for racial violence. The answer lies in the building of new bridges of understanding based on the equal rights for all implicit in the *Racial Discrimination Act 1975*.

