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DISCRIMINATION AGAINST ABORIGINALS
IN VICTORIA

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DISCRIMINATION AGAINST ABORIGINALS IN VICTORIA

The Racial Discrimination Act 1975 came into operation on 31 October 1975. Since then the Commissioner for Community Relations has received 73 complaints of racial discrimination against Aboriginal people in Victoria. In addition two complaints were received before the Racial Discrimination Act was proclaimed. This paper details those cases and the outcome of the Commissioner's actions to investigate and conciliate.

Of the 75 complaints received, 72 have been concluded. They involved 64 complainants, 86 aggrieved parties and 63 respondents. These figures exclude numbers involved when entire Aboriginal communities joined as aggrieved parties in various complaints.

Complaints came from 23 cities and towns. Of the 75 complaints, 29 came from the Melbourne metropolitan area. Ten of the 15 country towns were visited by officers on field trips to investigate complaints on the spot.

The purpose of this paper is to present the factual picture of racial discrimination against Aboriginals as shown by complaints to the Commissioner for Community Relations. The Commissioner and his officers have travelled to many country centres to investigate, conciliate and educate. They have observed racial discrimination in the community and have been confronted with racial prejudice.

The Aboriginal population of Victoria is low compared with other States. It is estimated that there are between 15,000 and 20,000 Aboriginals in Victoria, of which a little more than half live in the Melbourne metropolitan area. The rest of the Aboriginal population is dispersed throughout the State. Even in those towns with high numbers of Aboriginal people, there are few instances where numbers exceed 5% of the population.

It is the experience of the Office that wherever there is a significant number of Aboriginal people, they face racial prejudice and discrimination in most aspects of their daily lives. In Victoria, the fact that Aboriginal people are not highly visible and do not

constitute a significant group in terms of numbers does not mean that they are not affected by discrimination and prejudice.

On the contrary it well may be that they suffer greater oppression as a result. The fact that there are few complaints from certain areas such as the Western District, the Wimmera and parts of Gippsland and the Goulburn Valley does not mean community relations in those districts is better than elsewhere.. The fact that complaints are made often indicates that Aboriginal people in that area are becoming more aware of their rights and increasingly determined to exercise those rights.

It is also significant that in a number of cases, complainants did not respond to requests for more information to enable the Office to enquire further into the complaint. This is interpreted not that the complaint was not serious or genuine but a reminder of the tremendous effort it is for some Aboriginal people to follow the process of making and pursuing a complaint. They often find it an ordeal they are unable to cope with.

Methods

The following methods were employed in dealing with complaints:

- 4 - by telephone from Canberra
- 4 - were referred to and handled by local Consultative Committees on Community Relations or Police/Aboriginal Liaison Committees
- 6 - were referred to other government and non-government organizations and individuals co-operating with the Office
- 37 - by correspondence with the Commissioner
- 15 - were handled on the spot by officers during field trips
- 9 - were handled by the Victorian Director

In four cases, telephone contact with the complainants, respondents and members of the community was sufficient to enable settlement of the complaints.

Consultative Committees on Community Relations have been established in Victoria, one in Bairnsdale and

one in Swan Hill. A Police/Aboriginal Liaison Committee also operates in Morwell. The Consultative Committee and people of goodwill assist the Commissioner regularly and always participate in cases within their town and district. The Committees assisted the Commissioner and his officers in a total of nine cases.

In 37 cases correspondence was sufficient to effect a resolution of the complaints following contact with complainants, respondents and people in the community.

Field visits were necessary in many cases involving investigation, conciliation and education. They have proved the most effective means of settling complaints of racial discrimination and educating the community. Field visits are made whenever possible.

Of the 49 cases handled directly by officers, six were dealt with by informal conferences between the parties involved and three by compulsory conferences. Conferences to enquire into complaints from the Melbourne metropolitan area were convened by the Victorian Director who is based in Melbourne.

A total 38 were brought to conclusion by the direct intervention of the Office. A further 11 cases were enquired into 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 from or on behalf of Aboriginal people can be divided into eight main areas and are summarised under the following headings:

Hotels

Complaints by Aboriginals against hotels were made for a number of reasons including refusal of access or refusal of service. In some cases this took the form of outright refusal with the publican or barman stating that it was policy not to admit or serve Aboriginals. In one instance Aboriginals in the company of non-Aboriginals were refused. In other cases service was restricted to certain bars or certain parts of the hotel.

Other complaints referred to different treatment by publicans. In one case, an Aboriginal claimed that he had been barred from an hotel even though the incident

which had resulted in the ban had taken place seven years ago.

Enquiry into complaints sometimes revealed that the complainant had been barred for anti-social behaviour and that similar bans had been imposed on non-Aboriginals for the same reason. More often it was found publicans had adopted policies which contravened the Racial Discrimination Act 1975. Assurances that they would obey the law were obtained in these cases.

In one matter, a compulsory conference was held but failed to settle the matter. The complainant sought to pursue court action but to date has not requested a certificate from the Commissioner to enable such action to proceed.

The Media

Complaints were received against newspapers and television programs for the way issues and incidents involving Aboriginals were reported. For example, one large metropolitan newspaper reported that the case of the Noonkanbah people was put to the United Nations by two persons, "one was Australian and the other an Aboriginal".

Other complaints related to cartoons which were offensive or in poor taste. One local paper contained a letter to a columnist suggesting that Aboriginal youths had an easy life drawing unemployment benefits and sleeping in the sun all day long. The columnist supported this opinion and in so doing lent support to a slur on Aboriginal people and ignored the fact that there is widespread prejudice to employment of Aboriginals at a time of high unemployment.

The Racial Discrimination Act 1975 does not prohibit the dissemination of material based on racial slander. Where appropriate such complaints were referred to the editors or program producers to encourage more positive and more balanced reporting.

The Police

Complaints against police related to alleged harassment of individuals and communities and assault. Other matters related to a belief by complainants that police had acted differently because Aboriginals were involved.

In one community there were complaints that police had not taken action after Aboriginal households had been terrorised by whites. Police were called after a group of non-Aboriginal youths broke into a number of houses, threatened and assaulted occupants. When charges were not laid, the Aboriginal community claimed that if Aboriginal youths had done the same thing they would have been dealt with expeditiously.

In another case, it was complained that Aboriginal children were held by police in cells overnight.

A complaint relating to harassment was made against police by an Aboriginal leader who had driven into town with his family. A police car tailed the complainant in the town. A police officer checked the car for registration and road worthiness. In doing this he saw a piece of wood which he suggested to the complainant was an offensive weapon. The complainant was told he had to go to the police station in the police car. He declined, saying that he would drive his own car there. Police reinforcements were called and two vehicles arrived with lights flashing and sirens sounding. The complainant was manhandled into a divisional van and allegedly subjected to intimidation and abuse at the police station where he was charged with resisting arrest and possession of an offensive weapon. When released from the police station the complainant was followed in his car by a police van.

Some weeks later the same Aboriginal leader again lodged a complaint relating to police harassment. At a football match, two Aboriginal youths were approached by a police officer who questioned them about a theft of a sum of money. One of the boys had to drop his trousers when being searched by the police officer. The Aboriginal leader and guardian of the boy asked the police officer to explain his actions. When the Aboriginal leader was leaving the football ground, a police vehicle blocked the way. An off-duty Detective Sergeant ordered the occupants to get out so that the car could be searched. A crowd gathered and words were exchanged between the Aboriginals, police and onlookers.

In another case, it was complained that on successive nights, police officers entered an Aboriginal household and allegedly assaulted the occupants. On one of these occasions it was alleged that the front door was kicked down and a non-Aboriginal community health sister assaulted. Charges were laid against one police officer who was acquitted by a court of appeal.

Accommodation

Complaints related to discrimination by landlords, vendors, real estate agents and neighbours regarding rental and sale of premises to Aborigines.

In complaints relating to refusal of rented premises, it was common for an Aboriginal to telephone the person who had placed the advertisement and to be told that the house or flat was available. However, when the landlord realised that the prospective tenant was Aboriginal, the premises became unavailable. Of excuses offered, the alibi that premises were suddenly needed for a relative was used. Subsequent enquiry revealed that the house or flat was still available.

In cases relating to refusal to sell premises, when the vendor realised that the property was being purchased for Aborigines, the sale was stopped. This happened to the Housing Commission of Victoria and to Aboriginal organizations. One vendor refused an offer because he did not want Aborigines next to his friends.

Acts of discrimination as outlined above relating to rental and sale were committed without enquiry into or knowledge of the prospective tenant's previous rental history.

In one instance, a vendor changed the terms of the sale to an Aboriginal organization seeking to buy land to begin a house construction program. When it became known that an Aboriginal Co-operative was the purchaser the price was raised by \$1,000. The Co-operative agreed. The vendor then advised that the allotment was only available for sale with an adjoining block. Another single, but less suitable, block was offered nearby.

In several matters relating to housing the Commissioner for Community Relations made enquiries under Section 21(1)(b) of the Racial Discrimination Act 1975. These matters related to Aboriginal tenants of the Housing Commission. In one case it was reported in a newspaper that eviction proceedings had been instituted against an Aboriginal woman and that neighbours had taken up a petition against her. The Commissioner for Community Relations asked the Housing Commission to defer further action until the matter had been investigated to ensure that racial discrimination was not a factor.

Community

Complaints were received concerning discrimination by individuals and families. Aboriginals complained of abuse by neighbours over the fence and in the street. In one case harassment took the form of calling the police for matters which seemed to be trivial by the complainant.

One non-Aboriginal complained that he was discriminated against because he was not entitled to special benefits available to Aboriginals. Such a view ignores the fact that the oppression and disadvantage suffered by Aboriginal communities has been caused largely by non-Aboriginals. It also ignores the provisions of the Racial Discrimination Act 1975 and the International Convention on the Elimination of All Forms of Racial Discrimination for special measures taken to secure adequate advancement of disadvantaged or oppressed racial or ethnic groups to ensure their equal enjoyment and exercise of human rights and cultural freedom.

General attitudinal discrimination against Aboriginals is present in the community. An example of this was the complaint against the newspaper report which quoted a player's advocate as saying to a Victorian Football League Tribunal, "He's one of the few Aboriginal players who has got a bit of spirit and go - most of them haven't. They turn it up."

Transport

Aboriginals were refused transport by taxi drivers or were asked to produce the fare before the journey commenced.

In another complaint, an Aboriginal woman enquired by telephone about hiring a car. She was told that a vehicle was available. When she went to finalise the arrangements, she was told that all cars had been booked. Later a friend telephoned the firm and was told that a vehicle was available for hire.

Education

Complaints involving schools are regarded as being particularly serious as the school is the one place Australians of all backgrounds meet together for a few years, perhaps the only time, and is intended for the development of friendship, tolerance and understanding between Australians of all backgrounds.

In one case, an Aboriginal girl was involved in a fight with two non-Aboriginal boys. This took place at a combined primary schools sports day and the girl and the boys came from different schools. During the incident the girl's clothing was torn. It was reported that the two boys had provoked the girl and that she alone could not be blamed for what happened. The girl's mother complained that the principal of the school attended by the boys had demanded the girl go to his school to apologize.

Government

Complaints against government encompassed Local, State and Commonwealth authorities.

An Aboriginal Co-operative sought Shire approval to establish an alcoholic rehabilitation centre in a former reception centre. When some local residents objected and a permit was not granted, the Co-operative's directors took their case to an appeals tribunal, which upheld the Shire's decision. The Co-operative complained about the actions of residents in pressuring the Council to withhold approval. The Co-operative has been actively looking for four years for suitable premises to enable this aspect of its health program to function properly.

In another matter involving Local Government, 36 residents of a neighbourhood in a country town signed a petition to the Housing Commission referring to "the inability of Aboriginals to handle assimilation" and "no more Aboriginals in this area". The petition was discussed by the Town Council which passed a resolution supporting the residents' petition.

Several State Government authorities were the subject of complaints. An Aboriginal prisoner in a country gaol complained that he was disadvantaged in regard to his security classification, accommodation and issue of personal effects. Similar complaints were made by another prisoner at the same gaol.

At the request of the Office, a Department of Aboriginal Affairs Area Officer investigated the complaints which were subsequently taken up at a senior level with the Social Welfare Department and Ombudsman.

A Regional Office of a Commonwealth Department conducted a training course in effective writing.

The courses had an Aboriginal theme which was derogatory and in poor taste. When one of the participants objected to the material she was told that she had no sense of humour.

Basis of Settlement

Complaints were settled on the following five main bases of settlement:

restitution of rights

written apology

oral apology

investigations to validate complaints

visits by officers to demonstrate unacceptability of racial discrimination

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

Settlements Achieved

The schedule of complaints shows that a number of apologies and assurances both written and oral were obtained on behalf of aggrieved parties.

In some cases there were tangible outcomes obtained for Aboriginal complainants on an individual and community basis.

In one case the basis of settlement enabled an Aboriginal Co-operative to proceed to purchase an allotment of land previously denied.

In another case intervention by Community Relations officers led to police preferring charges as quickly as possible against white youths who had rampaged through Aboriginal households.

In another matter a car hire firm expressed regret to an Aboriginal complainant in the form of a tricycle as a Christmas present for her youngest child.

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

The schedule reflects the fact that the Racial Discrimination Act 1975 places the burden of seeking relief from discrimination with the complainant who is often least equipped to face his oppressor or to cope with courts if conciliation fails.

Community Education

The process of complaint investigation and conciliation is part of an overall community education program. In practice this means that officers dealing with complaints work to contact the opinion makers in communities to alert them to the existence and combat of discrimination.

Conclusion

Generally speaking Aboriginal communities in Victoria are oppressed communities.

Yet there appears to be a general lack of awareness of the existence of racial discrimination by white residents of country towns which have significant Aboriginal populations.

It is significant that during field trips officers found few members of the white community actively interested in the combat and prevention of racial discrimination.

It could be expected that because of the longer association of Aboriginals with whites and the small numbers of Aboriginals in country Victoria, understanding between the races would be the greater. It seems, however, that the longer association with whites the greater the oppression suffered by Aboriginals.

In some communities where discrimination exists it is either not perceived by Aboriginal people themselves or they have made adjustments which enable them to ignore it. Although some Aboriginals tolerate the discrimination which is practised against them they do so from a basis of resentment and hostility.

In the Melbourne metropolitan area Aboriginals have better access to organisations which can offer advice or obtain help for people whose rights and freedoms are denied.

Towns from which Complaints were Received:

Bairnsdale
Ballarat
Bruthen
Echuca
Flynn
Lakes Entrance
Mildura
Morwell
Portland
Robinvale
Sale
Shepparton
Swan Hill
Warrnambool

Melbourne
 Broadmeadows
 Carlton
 Clayton
 Clifton Hill
 Fitzroy
 Frankston
 Northcote
 St Kilda
 Thornbury

Towns Visited by Officers for the Purposes of Inquiry

Bairnsdale

Echuca

Framlingham

Lakes Entrance

Lake Tyers

Melbourne

Morwell

Nathalia

Shepparton

Swan Hill

Warrnambool

Complaint as Stated

Outcome/Basis of Settlement

BAIRNSDALE

TRANSPORT 80/9472

Taxi driver refused to permit Aboriginal families in his cab because he alleged that another driver transported them free of charge.

No written complaint received. Matter referred to local Consultative Committee on Community Relations for enquiry. Matter referred back to National Aboriginal Conference member who raised issue with Commissioner.

LOCAL GOVERNMENT 80/9592

Aboriginal Co-operative seeking to establish an alcoholic rehabilitation centre was refused a permit by Shire Council because of objections by local residents.

Co-operative went to an appeal tribunal which upheld the Council's decision. Enquiry by the Commissioner for Community Relations is continuing.

COMMUNITY 80/7035

National Aboriginal Conference Member sought a public apology from the Victorian Premier for derogatory remarks he allegedly made about a leading Aboriginal sports-woman.

Matter was referred to the Premier who replied that he had been misreported and that he had in fact spoken favourably about the sports-woman concerned. Response conveyed to complainant who sought no further action.

POLICE 78/5169

Police harassment of Aboriginal leader and his family. His car was stopped by police and tested for roadworthiness. Aboriginal was asked to go to police station. When he refused to go in police car reinforcements were called. They arrived in two cars with lights flashing and sirens sounding. Aboriginal was manhandled into divisional van and subjected to threats and abuse at the police station. He was charged with possession of an offensive weapon (a club) and resisting arrest. His car was tailed by a police vehicle until he left town.

Local Consultative Committee on Community Relations met with Inspector of Police. Matter was sub judice. Complaint finalized with another matter (see below) by Community Relations Officers and Consultative Committee.

POLICE 78/5169

Two Aboriginal youths attending a football match were approached by a police officer who told them to go into a toilet. Both were searched and one had to take his trousers down. When Aboriginal leader sought explanation Police officer said that a sum of money had been stolen. When the Aboriginal leader and his family were driving away from the ground a police car blocked the way. An off-duty Detective Sergeant ordered occupant from the car so that it could be searched. A crowd gathered and words were exchanged between Aboriginal leader and his family,

Matter was referred to Chief Commissioner of Police and local Consultative Committee on Community Relations. Consultative Committee arranged meetings with local Police Superintendent and Inspector. During a field trip, Community Relations officers met with parties. Aboriginal leader indicated that he required no further action. As a result of work by Consultative Committee and field trip understanding developed between police and Aboriginal community.

Complaint as Stated

Outcome/Basis of Settlement

onlookers and the Detective.
When situation became tense
police decided not to proceed
with search.

HOTEL 79/9101

A group of Aborigines were
refused entry into an hotel
disco.

Publican contacted by tele-
phone and informed of
provisions of Racial
Discrimination Act 1975.
During a field trip officers,
in company of member of local
Consultative Committee on
Community Relations, met
with publican. As no written
complaint received discussion
served to inform publican of
his responsibilities to serve
and provide access to all
people on an equal basis.

COMMUNITY 77/5103

Harassment and abuse by
neighbours of adjoining
houses.

Matter referred to local
Consultative Committee on
Community Relations which
contacted complainant and
gave advice on how tensions
could be eased.

LOCAL GOVERNMENT 76/5805

Thirty-six residents of a
street signed a petition
which referred to inability
of Aborigines to handle
assimilation" and asked "no
more Aborigines in this
area". The Town Council
passed a resolution support-
ing the petition.

Widespread media coverage
focused on tensions exist-
ing between Aborigines and
non-Aborigines in the town.
At request of Commissioner
for Community Relations and
on his behalf, Department of
Aboriginal Affairs Regional
Office investigated matter
and provided a report.

Complaint as Stated

Outcome/Basis of Settlement

Department's officers contacted petitioners, police, Mayor and Town Clerk, Housing Commission and Aboriginal community in the course of the enquiry. At the initiative of Commissioner, a local Consultative Committee on Community Relations was established to improve understanding and tolerance.

LAND PURCHASE 78/8130

Aboriginal Co-operative negotiated through a third party with estate agent to purchase a building allotment. When it became known that an Aboriginal organisation was the purchaser the price was raised by \$1,000. Co-operative agreed to pay additional amount but the vendor advised that the allotment was only for sale with an adjoining block. Another single, but less suitable allotment was offered.

Compulsory conference held. Those attending were the principal and a member of the land company, the real estate agent and representatives of the Aboriginal Co-operative. Matter was resolved on the basis that original allotment was offered for sale to Co-operative which accepted the offer and purchased the land.

HOTEL 81/7510

Complaint made by telephone that an hotel denied access to Aboriginals because of dress standards which were not applied consistently to non-Aboriginals.

Aggrieved persons and members of local Aboriginal Co-operative were advised to forward the complaint in writing.

BALLARAT

COMMUNITY 79/8459

Correspondent expressed the opinion to the Commissioner for Community Relations that the term Aboriginal was not a satisfactory way of referring to the original inhabitants of Australia.

Commissioner replied that the term Aboriginal was widely accepted throughout Australia by Aboriginal people, although other terms were also used by Aboriginal people to describe themselves.

COMMUNITY 77/5308

Derogatory remarks were made to a woman because of her Aboriginal ancestry. Subsequently, the woman pressed charges of assault against a neighbour following an incident. The court ruled that both parties were guilty and this caused further distress to the woman.

Commissioner wrote to aggrieved party advising of provisions of Racial Discrimination Act 1975. After court case she was advised how to appeal and representations were made on her behalf to obtain legal assistance.

BRUTHEN

EMPLOYMENT 77/255

Aboriginal employee of 5 years stayed away from work because he felt he was being harassed because he was Aboriginal. Victorian Railways terminated his employment and he was asked to leave his departmental house.

Matter referred to Victorian Railways Department which advised that aggrieved party caused serious disruption to harmony of work gang, that he had been warned in writing, and that he had been given the opportunity to transfer to another gang. Complaints about anti-social behaviour by other occupants of other departmental residences. He had been considered for re-

Complaint as Stated

Outcome/Basis of Settlement

employment but reasons for dismissal precluded his re-engagement in any capacity.

ECHUCA

HEALTH 78/5170

Aboriginal informed hospital administration that he intended to complain to the Commissioner for Community Relations that an Aboriginal was refused admission to the hospital. Manager telephoned this Office to give an account of what happened.

ACCOMMODATION 77/5463

Negotiations for the purchase of a house by Housing Commission were terminated when vendor learned that home would be occupied by Aboriginals. When Aboriginal community leader called to find out why property withdrawn, vendor made offensive remarks about Aboriginals. Matter taken up in writing with vendor who maintained the right to change his mind about selling his house. Complaint settled on the basis of a written apology for offence taken at remarks made.

GOVERNMENT AUTHORITY 76/5105

Housing Commission constructed concrete driveways for a number of houses in the same street. All driveways were concreted except that of a house tenanted by an Aboriginal family. Housing Commission advised that there was a program to provide concrete driveways to all houses in the town and that older houses were attended to first. Information was referred to

Complaint as Stated

Outcome/Basis of Settlement

Aboriginal Legal Service
which had made the complaint
on behalf of aggrieved party.

MEDIA 78/5238

Non-Aboriginal claimed during a television interview that drunken Aboriginals were terrorising her in an effort to force her to give up her two Aboriginal foster children.

Complaint was referred to television channel which provided transcript of program. Complainant was requested to provide additional information but when not forthcoming enquiry into allegation could not proceed. Aboriginal community required no further action when officers subsequently visited town.

COMMUNITY 79/9248

Aboriginal community leader complained about the actions of a neighbour to Aboriginal Co-operative's grazing property. Neighbour reportedly frequently called the Shire Council inspector about stock owned by the Aboriginal Co-operative. Neighbour also allegedly used offensive terms in reference to complainant and non-Aboriginal adviser to Co-operative.

Officers dealt with matter during a field trip. Shire Council was contacted as was neighbour. Neighbour expressed concern with the reported difficulties between him and Aboriginal community. He sought an immediate meeting with the complainant in order to clarify situation. However complainant could not be contacted. No further contact by complainant was taken to indicate that issue resolved.

Complaint as Stated

Outcome/Basis of Settlement

ECHUCA/MOAMA

ACCOMMODATION 80/9569

Aboriginal from Echuca enquired by telephone about vacancies at a caravan park. He was told there was none. A white person rang shortly after and was told "it should be pretty right" and was given application forms. The forms were not given to Aboriginal when he went there later.

Respondents denied that racial discrimination was involved as an Aboriginal family had been accommodated during the Christmas holidays. Response was conveyed to the complainants who did not pursue the matter further.

FLYNN Via Traralgon

COMMUNITY 78/5±48

Non-Aboriginal complained that he was discriminated against because of special benefits for Aboriginals.

Complainant was advised in correspondence that Racial Discrimination Act 1975 and International Convention on the Elimination of All Forms of Racial Discrimination provided for special measures to assist disadvantaged racial and ethnic groups.

LAKES ENTRANCE

GOVERNMENT AUTHORITY 77/522_

Forests Commission road named "Black Fellows Track" caused offence.

Matter taken up with Forests Commission which advised that sign had been removed some years before but had been restored at the request of

Complaint as Stated

Outcome/Basis of Settlement

local Aboriginals. Commission looked into matter again and reported that local Aboriginals wished sign to remain. Complainant disagreed. Further information was sought from local Consultative Committee on Community Relations. As additional information was not forthcoming, complainant advised that no further action could be taken.

GOVERNMENT AUTHORITY/POLICE 76/5663

Aboriginals returned home to HousiLg Commission house to find it boarded up and a sign outside "Poison laid inside. Enter at own risk". Group moved in with neighbouring family. In the early hours of following morning police allegedly entered house without a warrant and assaulted occupants. Some nights later police allegedly returned, kicking down the door and assaulted occupants including a non-Aboriginal community health sister.

Matter taken up with Chief Commissioner of Police. Victorian Chief Secretary advised that house being fumigated had been occupied by unauthorised persons and that police attendance at neighbours house followed complaints of noise. Charges laid against senior constable by Aboriginal Legal Service led to 2 convictions of assault. At subsequent appeal he was acquitted.

MILDURA

ACCOMMODATION 76/5635

The response to an enquiry by Department of Aboriginal Affairs about an office to let was that it would not be available because Aboriginal people would be visiting it.

Matter taken up by telephone with lessor. He was an insurance agent who advised that his office was adjacent and he was seeking an organization similar to his own. Dept. of Aboriginal Affairs Area

Complaint as Stated

Outcome/Basis of Settlement

Officer advised later that inspection had revealed office was not suitable.

MEDIA 76/5553

Article in newspaper reported comments of an unnamed person who criticised the state of a recently vacated Housing Commission house and who had called in the Health Inspector.

Matter taken up in writing with the editor of newspaper, Housing Commission, City Council and Community Services Centre of Premier's Department. Investigation revealed that there was no reference to race of previous tenants in the article and that person whose comments had been reported had entered the house without authority. Commissioner for Community Relations requested Housing Commission to prosecute the person for trespass to demonstrate that interference from the basis of denying Aboriginals housing would not be tolerated. Housing Commission declined to prefer charges.

LAW 78/5242

Newspaper reported that an Aboriginal facing drunk and disorderly charge in County Court had been placed on a three year bond on the condition he leave Victoria within seven days and not return before the bond expires. It was further reported that a National Aboriginal Conference member would raise the matter with Commissioner for Community Relations.

Matter referred to County Court Registrar who advised that conditions of bond were suggested by defence counsel and agreed to by appellant and that bond replaced a 12 months prison sentence made in a lower court. National Aboriginal Conference member was informed.

Complaint as Stated

Outcome/Basis of Settlement

MORWELL

HOTEL 870/9599

Service refused to an Aboriginal woman. Complaint made by telephone.

Arrangements made for complainant to contact Victorian Aboriginal Legal Service Solicitor. When contact not made local police/Aboriginal liaison committee requested to contact complainant to obtain further details. No additional information forthcoming.

ACCOMMODATION 76/6013

Newspaper article, reporting on eviction proceedings by Housing Commission of an elderly Aboriginal woman, mentioned that neighbours had taken up a petition to have her evicted.

Housing Commission requested to withhold action pending investigation into petition. At request of this Office, Department of Aboriginal Affairs Regional Office made enquiries and reported that eviction order was made against tenant because of rental arrears.

POLICE 75/374

Aboriginal children were detained in cells overnight by police making enquiries into bicycle thefts.

Complainant was advised that matter could not be pursued because Racial Discrimination Act 1975 not then in force. It was suggested that approaches be made to Chief Commissioner of Police and local MP.

Complaint as Stated

Outcome/Basis of Settlement

POLICE 79/9168

A group of white youths broke into a number of Aboriginal households, assaulted, terrorised and abused the occupants. Members of Aboriginal community complained that no charges had been laid by police against the youths.

During a field trip, officers met senior police and members of the Aboriginal community to discuss the matter. Meeting convened between Aboriginal representatives and senior police revealed difficulties and tensions in police/Aboriginal relations. Discussion produced a basis for future co-operation and understanding. Police undertook to investigate incident fully and subsequently charges were laid. A police/Aboriginal liaison committee was formed. It continues to function when the need arises.

TRANSPORT 79/9153

Aboriginal woman enquired by telephone about a hire car and was told that a vehicle was available. When she went to finalise arrangements, she was told there was not a vehicle available. Later another person telephoned and was told that a vehicle was available for hire.

During a field trip officers held a conference between the complainant, persons assisting the complainant, principal of the firm and the employee concerned. Firm advised that vehicle was inadvertently double booked and undertook to change office procedures to prevent similar occurrence. Matter settled on the basis of an oral apology from firm and employee and, as expression of regret, the purchase of a tricycle as Christmas present for woman's youngest child.

NATHALIA/CUMMERAGUNGA

POLICE 79/9211

Aboriginal leader from Cummeragunga made oral complaint that whenever a theft was committed in the district, police interviewed his sons and other members of Aboriginal community.

Community Relations officers on a field trip spoke with police and with Aboriginal community leader. Police and Aboriginal leader agreed to meet to discuss situation.

PORTLAND

HOTEL 75/735

Aboriginal woman barred for life from an hotel because another Aboriginal was involved in a fight with a non-Aboriginal. The non-Aboriginal who allegedly started the fight was not barred.

Matter referred by local member of the National Aboriginal Consultative Committee. He was advised that Racial Discrimination Act 1975 was not then in force and that no action could be pursued within its provisions. However matter raised with Aboriginal Legal Service whose field officer investigated and reported that ban was appropriate.

POLICE 80/924

Complaint that Aboriginals protesting in a land rights demonstration were not allowed on roads used by workers.

Complainants asked to put the matter in writing.

ROB INVALE

ACCOMMODATION 80/7251

Offer made by an Aboriginal Real Estate Agent advised Housing Association to purchase a house was declined by vendor who said that he would not sell to Aboriginals and place them permanently beside his neighbours.

that when the offer was made, the vendor was not sure whether he should sell. Agent went on holiday and when he returned the property had been sold. Agents response forwarded to complainant who has not replied as yet.

SALE

GOVERNMENT DEPARTMENT 78/5147

Aboriginal prisoner complained that he was disadvantaged (with his security classification, issue of personal effects, accommodation) because he was Aboriginal.

At Office's request, Department of Aboriginal Affairs Area Officer visited prisoner and provided a report. Complaint subsequently referred to Ombudsman and Social Welfare Department. After investigation by these authorities, Commissioner advised the complainant that on the information available, racial discrimination did not appear to be a factor. Complainant has not responded with further information.

GOVERNMENT DEPARTMENT 78/5235

Aboriginal prisoner stated that he had been denied privileges, that Aboriginal prisoners were assigned to work in the mat shop and that Aboriginals were "pushed down to the ground by the Governor and his Officer".

Enquiry into similar complaint indicated that work assignment and conduct of senior prison officers did involve discrimination against Aboriginal prisoners.

Complaint as Stated

Outcome/Basis of Settlement

SHEPPARTON

POLICE 80/9575

Police harassment of
Aboriginals.

No written complaint received.
Matter referred to Local
Police Superintendent who
agreed to meet three repres-
entatives who had raised
matter with Commissioner.
During a field trip, officers
met with representatives of
Aboriginal community to dis-
cuss matter. No further
action required.

SWAN HILL

HOTEL 77/5355

Service in an hotel was
refused to three
Aboriginals. Barman said
that he was under strict
orders not to serve
Aboriginals.

Compulsory conference held
but matter not settled as
principal complainant wanted
it to proceed to court.
Complainant advised to seek
a Certificate under Racial
Discrimination Act 1975 but
request has yet to be made.

HOTEL 77/5333

Service refused to two
Aboriginals in the company
of two non-Aboriginals.
Manager said that it was
the policy of the hotel
not to serve Aboriginals.

Aboriginal Legal Service, on
behalf of aggrieved parties,
requested that further
action be deferred until the
outcome of another complain-
ant against the same hotel.
No further action was
subsequently sought.
(see 77/5355)

Complaint as Stated

Outcome/Basis of Settlement

HOTEL 77/5110

Aboriginal teacher aide, accompanied by his wife and sister were refused entry into an hotel for a counter tea. Later they were refused admittance into the disco at the hotel by another employee. The next day, he went to hotel to clarify the situation and was told by manager that Aboriginals were barred because of trouble in the hotel some weeks ago.

Matter taken up in writing with licensee who replied that the employees in charge of hotel at the time of incident had resigned. He stated that it was policy to ask intoxicated persons to leave the premises. Complainant did not accept inference that he was drunk and advised that Aboriginals were served only in the public bar. During a visit to town officers sought to finalise complaint but licensee was away. Enquiry discontinued when complainant did not respond further.

WARRNAMBOOL

HOTEL 75/29

Three Aboriginals were refused service in an hotel. The publican then recognised one of them as a Senator and said that he could be served but not the other two who were local residents.

Complaint made on behalf of aggrieved parties by Aboriginal Legal Service. Although Racial Discrimination Act 1975 not then in force matter was taken up in writing with the publican, who advised that service was refused to two members of the party because of previous anti-social behaviour in hotel. Assurance was given that all persons were served on an equal basis regardless of race or colour. Assurance conveyed to complainants.

Complaint as Stated

Outcome/Basis of Settlement

79/9217 Aboriginal Community Worker made a number of complaints:

HOTEL

Two men were served one round. Another barman came in and said that they were not to receive further service.

Officers on a field trip held a meeting with publican and Aboriginal community worker to discuss matter. Publican advised that complainant was barred for anti-social behaviour.

HOTEL

Three Aboriginals sought service in an hotel but only two obtained it because the third person was barred. Complainant said that incident which led to barring happened seven years ago.

Officers on a field trip held a meeting with publican and Aboriginal community worker. Racial discrimination not a factor in refusal of service although life ban was severe.

HOTEL

A husband and wife were refused entry into an hotel and were told that they were barred for life.

Officer convened a meeting between the publican, complainants and Aboriginal community worker. Publican said that the couple had been barred because they had caused a disturbance and because they owed him money. Matter settled on the basis that ban would be lifted if repayment of debt was commenced and they cause no further trouble.

POLICE

Aboriginals came under special notice of police when returning home from hotels. Vehicles owned or driven by Aboriginals were frequently stopped for licence, registration and roadworthiness checks.

Community Relations Officers, Aboriginal community worker met with Inspector of Police. Discussion laid the basis for improved understanding and co-operation in Police/Aboriginal relations in future.

Complaint as Stated

Outcome/Basis of Settlement

TRANSPORT

Taxi drivers requested money for taxi fares before journey began.

Matter raised with Inspector of Police who assisted by contacting local Transport Regulation Board Officer for investigation and appropriate action.

EDUCATION

Aboriginal girl was involved in a fight with two non-Aboriginal boys at a combined sports meeting held between two primary schools. Girl's mother alleged that the boys provoked the girl and that her clothing had been torn. Principal of school attended by the two boys demanded that the girl apologize.

Deputy principal of one school, principal and Aboriginal teacher's aide of other school and Aboriginal community leader were contacted by officers during a field trip and asked to ensure that the girl was not victimized and held wholly responsible and that possibility of restitution for her damaged clothing be explored.

MELBOURNE

GENERAL 80/9468

Former husband filed application in Family Law Court for custody of children on the ground that wife was living with Aboriginal people.

Complainant was advised that as the Family Court was dealing with the matter, action by the Commissioner for Community Relations was not warranted. The provisions of the law relating to racial discrimination were also made known.

Complaint as Stated

Outcome/Basis of Settlement

MEDIA 80/9533

Photocopy of offensive article in an unidentifiable publication.

Complainant was asked to identify publication and was advised that the propagation of ideas based on racial superiority and hatred is not unlawful under the Racial Discrimination Act 1975. No further information was received from complainant.

MEDIA 80/7107

Metropolitan daily newspaper reported that Australia's case on Noonkanbah was put to the United Nations by two persons, an Australian and an Aboriginal.

As complainant had already put the matter to the editor, he was advised to contact this Office if satisfaction not obtained.

COMMUNITY 80/7143

General concern expressed at position of Aboriginal people in Australian society.

Office publications on the Commissioner's appreciation of the situation were forwarded to complainant.

POLICE 78/5132

Offensive joke in a confidential police bulletin.

Matter referred to Chief Commissioner of Police who conveyed an apology from the constable concerned, advised that procedures would be implemented to prevent a recurrence and that action to remind members of the force about principles of the Racial Discrimination Act 1975 had been taken.

Complaint as Stated

Outcome/Basis of Settlement

MEDIA 79/8426

Cartoon strip in a long running series considered racist because of the way an Aboriginal was depicted.

Complainant did not give his address. Attempts to find this out were unsuccessful. No action could be taken.

MEDIA 79/9118

As requested by a concerned person, a Senator forwarded to Commissioner for Community Relations a copy of a newspaper report about the shooting of an Aboriginal by a publican.

Victorian Director wrote to complainant with an invitation to discuss article. No response was forthcoming.

MEDIA 77/5210

Newspaper used headlines "Blacks are starving says leader" and "Black power at MCG" which caused offence.

This complaint was taken up as part of a general conference with the media convened by the Commissioner for Community Relations to enlist their assistance in combating ethnic slander and discrimination.

COMMUNITY 78/5236

Newspaper reported a player's advocate as saying to a Victorian Football League Tribunal "He's one of the few Aboriginal players who has got a bit of spirit and go - most of them haven't. They turn it up."

Matter referred to Community Services Centre, Premier's Department.

Complaint as Stated

Outcome/Basis of Settlement

EMPLOYMENT 78/8195

Aboriginal complained that he had not been considered for a senior position with the National Aboriginal Conference Secretariat because of misleading information provided to selection panel by a non-Aboriginal public servant.

Matter taken up with Public Service Board which advised that officer was not representing Board but was assigned to Interim NAC Secretariat by another department. Enquiry revealed that officer was relaying information provided by a member of the panel. Advice received also that NAC Executive reconsidered staff selection but decided to take no further action. Complainant was advised that racial discrimination not a factor.

MEDIA 75/1465

Offensive interview on current affairs program with an Aboriginal who claimed to be the cleanest member of his race.

Matter taken up with Television Channel which provided transcript. Complainant was advised that review of transcript showed material in it did not contravene Racial Discrimination Act 1975.

COMMUNITY 76/5801

Department of Aboriginal Affairs Regional Office referred a complaint against Northern Territory tour operator for racist comments and attitudes expressed by coach crews.

Advice was given to Department that the complaint contained no specific allegations which would be referred to the coach company. As Department was prepared to take matter up on behalf of complainant, this course of action was suggested.

Complaint as Stated

Outcome/Basis of Settlement

EMPLOYMENT 76/5880

Appointment made to position of research officer with Aboriginal organization excluded a non-Aboriginal person whom it was inferred was the most qualified applicant.

Commissioner for Community Relations provided a statement setting out the position as it related to the Racial Discrimination Act 1975. Complainant later advised that he had left organization and that he had referred matter to Minister for Aboriginal Affairs.

GOVERNMENT 79/9176

Department of Defence Regional Office training course in effective writing was based on racist theme. When course participant objected, she was told that she had no sense of humour.

Matter referred to Commissioner for Community Relations by Community Services Centre, Premier's Department. As it concerned a Commonwealth Department, the Equal Employment Opportunity Bureau was asked to investigate. As a result the offensive material was withdrawn by the Department and guidelines issued on the conduct of future courses.

EMPLOYMENT 80/964

Aboriginal woman said that her non-Aboriginal husband who was formerly employed by a cannery had been refused work.

Not racial discrimination. Complainants referred to Food Preservers Union.

MEDIA 80/843

Television advertisement caused offence "Milky Bar - so right because they are white".

No action taken because complaint considered trivial.

Complaint as Stated

Outcome/Basis of Settlement

COMMUNITY 80/829

Unknown complainant objected to passages in Manning Clark's book, Short History of Australia. Not racial discrimination. Author was referring to the attitudes of the times.

MELBOURNE SUBURBS:
BROADMEADOWS

COMMUNITY 79/730

Non-Aboriginal neighbour used racist expletives. Complainants contacted police who referred matter to Melbourne Office. Complaint conveyed to respondent who telephoned to say that his words did not relate to complainant's race. He promised to keep away from the complainants in future. These assurances were passed on to wife of complainant.

CARLTON

HOTEL 78/441

Group of Aboriginal people were asked to leave an hotel. Reason was given that the place was too crowded although others were still coming in. Licensee called police and asked them to leave. Aboriginals were humiliated and upset. Compulsory Conference held. Matter settled on the basis of written apology.

Complaint as Stated

Outcome/Basis of Settlement

CLAYTON

EDUCATION 79/9071

University did not provide meaningful special entry provisions for Aborigines.

Opinion of senior counsel was received with the complaint which stated that University regulations did not allow admission to be decided other than upon the basis of merit. Complainant was advised that although Racial Discrimination Act 1975 and International Convention on the Elimination of All Forms of Racial Discrimination provide for special measures for disadvantaged groups, Commissioner for Community Relations did not have resources to fully consider the regulations with a view to advising on means for giving preference to Aborigines and other disadvantaged groups.

CLIFTON HILL

ACCOMMODATION 76/5793

Landlord told prospective tenants that he would not let a flat to them because they were Aborigine and that he had had problems with Aborigines in two other flats.

Matter taken up in writing with landlord who advised that his tenants were of various ethnic and racial origin including Aborigine. He claimed that the flat had already been let when the complainants contacted him. Further information was sought from the complainants and when this was not forthcoming the matter was considered closed.

FITZROY

RECREATION 76/5628

Man claimed that discrimination was practised against Aborigines by an elderly citizens centre and that he was denied access.

Matter taken up with organization which advised that aggrieved party was not Aboriginal, that he had been barred from the centre from time to time because of his drinking and aggressive behaviour and that the centre was open to all people. Complainant was advised that no further action could be pursued under Racial Discrimination Act 1975.

SPORT 81/979

80/7066

Aboriginal football team encountered umpires and tribunal bias. Football Association expelled the club because umpires refused to be involved in any game in which the team participated.

Matter raised by football club with Minister for Youth, Sport and Recreation and Commissioner for Community Relations. Department assisted to have team re-admitted to Football Association. Community Relations Officer attended meeting convened by Department to promote a conference to focus on sporting involvement of Aborigines and to consider establishment of a permanent Aboriginal sports body which would work to overcome discrimination against Aboriginal sportspersons and teams.

FRANKSTON

ACCOMMODATION 76/5332

Aboriginal family was threatened with eviction from municipal caravan park.

Matter was taken up with City Council which both advised that family was there illegally and consented to family remaining while alternative accommodation was sought. Representations made by this Office to Housing Commission resulted in family receiving assistance.

NORTHCOTE

MEDIA 79/8411

Offensive and racist article in two suburban newspapers referred to unemployment relief for Aboriginal youths.

Matter taken up in writing with manager of both newspapers. He was advised that although content did not contravene Racial Discrimination Act 1975, the disadvantage and oppression suffered by Aboriginal people warranted sympathetic reporting. Newspapers responded by printing story that articles had been cleared by the Commissioner and were not racist. Manager subsequently apologised for misrepresentation.

HOTEL 78/812-0

Complaint made through Aboriginal Legal Service that admission to an hotel was refused to an Aboriginal who was accompanied by his sister. Reason given by doorman was that he was wearing runners. Doorman was wearing the same type of shoes.

Matter taken up in writing with publican who advised that he employed an Aboriginal disc-jockey, that the Aborigines Advancement League frequently dined there and that dress regulations did not permit runners to be worn. The doorman had special permission to wear runners because he had an injured foot. Complainant was advised of this and sought no further action.

ACCOMMODATION 77/258

Aboriginal woman was given key to inspect flat. Owners said flat was required for relative but it was subsequently advertised in newspaper. Aborigines' Advancement League officer telephoned Real Estate Agency and was told that two flats were available.

Complaint conveyed to Real Estate Agency which advised that junior staff member had given incorrect information and that only one flat was available for which a prior application had been accepted. Agent advised that in its flats there were tenants of many nationalities as well as Aborigines. Complainant was informed of this. He advised that he would deal with the matter himself.

ST KILDA

ACCOMMODATION 80/841

Lodgers were faced with eviction from boarding house because they were Aboriginal.

Complaint made on behalf of aggrieved parties by Aboriginal Legal Service. Complainants asked to refer matter to Canberra Office. Matter not referred.

THORNBURY

ACCOMMODATION 77/5354

Suburban newspaper article reported that local residents were concerned at the establishment of a hostel for Aboriginal state wards and that a petition had been circulated. Complainant also objected to racist comments of petitioners.

Legal advice sought by Commissioner on article in relation to Racial Discrimination Act 1975. Opinion received that it did not contravene Act. Copy of petition sought from Social Welfare Department which advised that although there had been an initial adverse reaction to project, this had been overcome. Department suggested that to pursue the matter would be detrimental to the good relations which had been established.

