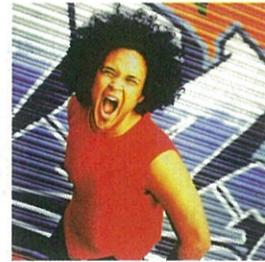


# Racial Prejudice and Discrimination



Edited by Justin Healey

**ISSUES**  
IN SOCIETY

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# RACISM IN AUSTRALIA: OUR PAST, PRESENT AND FUTURE

An article by **Dr Sev Ozdowski** which first appeared in *Australian Mosaic* magazine, published by the Federation of Ethnic Communities' Councils of Australia



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**T**he pathbreaking 1966 *International Convention on the Elimination of All Forms of Racial Discrimination* 1966 was ratified by Australia on 30 September 1975. The convention implemented an important idea, once simply expressed by Muhammad Ali, that "[h]ating people because of their colour is wrong. And it doesn't matter which colour does the hating. It's just plain wrong". The convention committed Australia in international law to the elimination of all forms of racial discrimination and to promoting understanding among all races. Australia was also required to criminalise the incitement of racial hatred, to ensure judicial remedies for acts of racial discrimination, and to engage in public education to promote understanding and tolerance.

The Australian Parliament passed soon after the *Racial Discrimination Act 1975* (RDA) to implement the convention domestically. The passing of RDA was a crowning moment of a long process to dismantle

the racist policies of the past. The Act made racial discrimination unlawful in Australia and overrode inconsistent State and Territory legislation. In addition, the Office of Community Relations was created and Al Grassby, the former Whitlam Immigration Minister, was appointed as the first Federal Commissioner for Community Relations.

Article 1 of the Convention defines 'racial discrimination' as:

*... any distinction, exclusion, restriction or preference based on race, colour, descent, or national or ethnic origin which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of human rights and fundamental freedoms in the political, economic, social, cultural or any other field of public life.*

A very similar definition of racial discrimination may be found in RDA. According to RDA, discrimination occurs when someone is treated less fairly than someone else in a similar situation because of their race, colour, descent or national or ethnic origin. Racial discrimination can also occur when a policy or rule appears to treat everyone in the same way but actually has an unfair effect on more people of a particular race, colour, descent or national or ethnic origin than others. RDA outlawed racial discrimination in the public sphere and in particular in areas such as employment, housing or accommodation, provision of goods and services, access to places and facilities for use by the public, advertising

and joining a trade union. In addition, in October 1995, Australia introduced the *Racial Hatred Act* to prohibit offensive behaviour based on racial vilification.

The RDA is indeed a very important legislation, considering that Australia has no Bill of Rights guaranteeing civil liberties and that the Australian Constitution is silent in relation to numerous civil rights that are well recognised in the constitutions of other Western democracies. For example, the Constitution does not guarantee the fundamental freedoms such as the freedom of association, freedom of movement, freedom of peaceful assembly, freedom of thought, belief and opinion, and freedom from arbitrary arrest or detention; the right to a fair trial or due process; or equality of all persons in Australia before the law.

Looking back, our history was not always been prejudice-free. Contemporary Australia began as a white settlement in a land inhabited by indigenous people. The clash at the frontier between the Aboriginal population and white settlers was often cruel, hateful and has left long-lasting consequences for all of us. It is not a well-known fact that the British authorities were urging an accommodation between Aboriginal and white Australians, but it was rejected by the settlers.

Other conflict developed along ethnic and religious lines. The settlers imported into Australia the conflict between the Protestant English and Irish Catholics. Old prejudices and hatreds did not finish with the British-Irish settlement of 1922 but flourished in Australia until early post-war years before they started to wane away. During the second half of the 19th century the Chinese mining population suffered from racial resentment on the mining fields. The First World War has seen the establishment of internment camps for German and Italian settlers. The mandate of the League of Nations, established in 1920, was compromised by Australia's led fight to defeat racial equality amendment to the *League of Nations Covenant*.

Examination of our legal history indicates that our laws and political institutions reflected our prejudices and fears. As early as the 1860s, the Australian colonies had passed restrictive legislation directed specifically at Chinese immigrants. The Federation movement was firmly driven by our anti-Asian prejudice and fear of foreign invasion. According to some sources, the addition of a US-style bill of rights was rejected because it would mandate equality of people of different races.

In fact, the Australian Constitution contains the so-called 'the race power' section (s 51(xxvi)) granting the Federal Parliament power to make special laws for people of any race. It was initially legislated to "regulate the affairs of the people of coloured or inferior races who are in the Commonwealth", but recently it was used to exempt the *Northern Territory National Emergency Response Bill 2007* from the RDA. When the *Hindmarsh Island Bridge Case (Kartinyeri-1998)* was being argued before the High Court, the Commonwealth Solicitor-General agreed with Justice Kirby's incredulous question, whether: "Under the 'race' power of our Constitution, Nuremberg-style race laws

or South African apartheid laws, if enacted by our federal parliament, would be binding?" The Solicitor-General confirmed such laws would be binding.

The new Federal Parliament quickly established controls over immigration to maintain Australia's 'British character'. The first act of Parliament was the *Immigration Restriction Act 1901* which established the 'White Australia policy' and the famous dictation test to be taken at discretion of immigration officials in any European language. The Pacific Island Labourers Bill was passed shortly after. And again, the British authorities made it clear that a race-based immigration policy would run "contrary to the general conceptions of equality which have ever been the guiding principle of British rule throughout the Empire".

Two years later the Parliament legislated for *The Naturalisation Act 1903* which talked about British subjects and did not mention Australian citizenship *per se*. It also established that Asians and other non-Europeans were to be denied right to apply for naturalisation and that resident non-European males were not allowed to bring wives to Australia. In fact until 1948 we all were British subjects and there was no Australian citizenship *per se*. Only *The Nationality and Citizenship Act 1948* created a new status of Australian Citizen in addition to that of British Subject and until 1984 UK citizens living in Australia were able to vote in Australian elections without acquiring the Australian Citizenship.

*"No one is born hating another person because of the colour of his skin, or his background, or his religion. People must learn to hate, and if they can learn to hate, they can be taught to love, for love comes more naturally to the human heart than its opposite."*

Nelson Mandela

Looking at the contemporary Australia, it needs to be acknowledged that it was significantly changed from the Australia of the past. During the Second World War, Australia was nearly invaded by Japanese who flattened Darwin and attacked Sydney. The old cry 'populate or perish' won new currency and mass migration started. Since 1945, some 7 million people from many countries have settled in Australia. Our population jumped from 7 to over 22 million almost overnight. In 2009, about 25.6 per cent of the estimated resident population of Australia comprised those born overseas.

A host of important legal changes were made to advance racial equality. Today laws forbid racial and other forms of discrimination and protect freedom of religion. Today's immigration laws underwent massive changes initiated by the Menzies government's *Migration Act 1958*, that abolished the 'dictation test', and the Holt government's watershed *Migration*

Act 1966, that effectively dismantled the White Australia policy.

Holt also called the 1967 Referendum that removed the discriminatory clause in the Australian Constitution which excluded Aboriginal Australians from being counted in the census. There is also a host of other Federal and State anti-discrimination legislation.

As a result, Australia today is a vibrant, multiethnic society with a high degree of cohesion and a high level of inter-ethnic marriage. For example, according to the 2006 Australian Census, a majority of Indigenous Australians partnered with non-Indigenous Australians, and a majority of third generation Australians of non-English-speaking background had partnered with persons of different ethnic origin (the majority partnered with persons of Australian or Anglo-Celtic background). Most of us believe in a prosperous and tolerant Australia where, as Abraham Lincoln said, *“achievement has no colour”*.

Nevertheless, there have been contemporary incidents of racism in Australia that have taken many different forms – from abusive language or discriminatory treatment to violence, simply on the basis of someone’s ‘race’ or colour. For example, Pauline Hanson was widely accused of racism after she stated that Australia was in danger of being *“swamped by Asians”*, and that these immigrants *“have their own culture and religion, form ghettos and do not assimilate”*.

In 2005 there were a series of racially motivated confrontations between White and Lebanese youth that started around a beachfront suburb Cronulla and continued in the following nights as retaliatory violent assaults and large gatherings of protesters in several other Sydney suburbs, and an unprecedented police lock-down of Sydney beaches. In 2009 protests were conducted in Melbourne by Indian students and wide-scale media coverage in India alleged that a series of robberies and assaults against Indian students should be ascribed to racism in Australia. In the aftermath of these attacks, other investigations alleged racist elements in the Victorian police force.

So, what is the level of racism in contemporary Australia? Is our anti-discrimination legislation sufficient to deal with instances of racial discrimination? How do we compare with other countries?

The public opinion research suggests that only 11 per cent of Australians are racists or think that not all races of people are equal. This is recognised by a vast majority of us (87 per cent) who agree that there is racial prejudice in Australia. The response to these questions also depends upon who you are. People who belong to majority groupings and hold positions of wealth and power would more often argue that there is no racism in contemporary Australia. For example, the former Prime Ministers of Australia stated that *“I do not accept that there is underlying racism in this country”* (John Howard) and that *“I do not believe that racism is at work in Australia”* (Kevin Rudd).

On the other hand, those Australians who belong to visible minorities or represent powerless communities are more likely to claim that Australia is a racist society indeed. For example, Aboriginal Reverend Aunty Alex Gater is of the view that, *“We all know that racism is alive and well”*. The same view was expressed by Colin Markham, former NSW parliamentary Secretary for Indigenous affairs who also said, *“We all know that racism is alive and well”*.

To me, 11 per cent being racists in Australia is much too much, although I would agree with those suggesting that there could be more racists in some other societies and that Australia has good legislation in place and plenty of good will to oppose any form of racism. Having said that, we need also to acknowledge that there are existing pockets of racist behaviour and attitudes.

Looking towards the future, the educational work to combat racism must continue with vigour in Australia. It must continue to mitigate the existing pockets of racism and prejudice and it must continue to develop non-racism amongst new generations of Australians. It is necessary to emphasise in our education and role modelling the supremacy of the egalitarian dream, a dream of society where racism has no place. In fact, the future of multicultural Australia, which is so important to many of us, will be undermined if racial discrimination is allowed to survive. Multiculturalism is about respect, inclusion and above all about equality for all of us. This simple truth needs to be transferred to new generations of Australians.

Allow me to finish with a quotation from Nelson Mandela:

*“No one is born hating another person because of the colour of his skin, or his background, or his religion. People must learn to hate, and if they can learn to hate, they can be taught to love, for love comes more naturally to the human heart than its opposite.”*

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Ozdowski, S (31 July 2012). *Racism in Australia: Our past, present and future*. Retrieved from [www.fecca.org.au](http://www.fecca.org.au) on 24 September 2013.

