

Racial Hatred Act: a guide for people working in Australian media

Human Rights and Equal Opportunity Commission Racial Hatred Act: a guide for people working in the Australian media Sydney, Human Rights and Equal Opportunity Commission, 1996.

A guide for people working in the Australian media

In a television interview in September 1996, Sir Ronald Wilson, President of the Human Rights and Equal Opportunity Commission, said:

The campaign in recent months against political correctness is really a campaign, as I see it, in favour of freedom to vilify minorities. The majority, which has been thought in this campaign to have been neglected, has never needed the protection that marginalised groups need. And the whole purpose of growing into a fairer Australia, an Australia that respects human rights and respects each other as having a basic human dignity whatever their status and position... that grand purpose is being denied by those who criticise political correctness. Free speech has never been a licence for vilification.

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An introduction to this guide

from Zita Antonios
Race Discrimination Commissioner

Although many of us would like it to be otherwise, we cannot ignore the fact that in Australia there are members of our community who hold racist views and who abuse and offend people publicly, sometimes inciting others to do likewise. The Racial Hatred Act was passed in recognition of the impact of this behaviour on our society.

We have produced this guide to take you through the Racial Hatred Act. The guide explains the implication of the law for journalists and other media workers and it also provides case studies to illustrate some of the issues and questions which are important to consider when reporting on race matters.

The passage of the new law saw considerable debate, much of it in the media, which reported widespread misinformation and alarmist predictions concerning the perceived threat to freedom of speech. The Human Rights and Equal Opportunity Commission is a strong supporter of free speech. Along with most Australians, the Commission recognises that freedom of speech is fundamental to an open and democratic society. Yet the right to free speech is qualified in its application throughout the world. While it is valued, it must always be balanced against other rights and interests.

In Australia, we have long had laws which act as constraints on absolute freedom of speech on matters in the public interest. Such laws recognise that in any reasonable society, people have a right to be protected from material they find offensive, or from language that is detrimental to the individual or community. This new law attempts to strike a balance between the right to free speech and the right of protection for those who bear the burden of racial vilification. One year after the Act's passage, as you will see from this guide, free speech is alive and well in Australia.

Of course, a national law against racial hatred will not eliminate racism from Australia overnight. It takes a combination of legislative reform and a long term commitment to public education to bring about attitudinal change. The new law does, however, send a reassuring message to targets of vilification that they have the support of the wider Australian community and they have a legal recourse in the event of racially motivated acts of hate.

I hope you will find the guide informative and helpful, and that it will promote further discussion about the role of the media in shaping an Australia free of racism in these challenging and changing times.

Zita Antonios

Part One: The Racial Hatred Act

Why was the Racial Hatred Act introduced?

The Racial Hatred Act, introduced in October 1995, is an amendment to the Racial Discrimination Act (1975). It allows people to complain about offensive or abusive behaviour in public based on racial hatred.

Racial vilification undermines the basis for a tolerant and functional society and its effects should not be underestimated. It can be damaging not only to individuals, but can cause whole communities to live in fear. The Racial Hatred Act is a means of redress for those people who are subject to racist abuse. It imposes rights and obligations on all Australians, including the media.

In the years immediately before the passage of the Act, the reports of three separate national inquiries into race related issues called for the introduction of legislation as an appropriate remedy to combat racial hatred: the Royal Commission into Aboriginal Deaths in Custody; Multiculturalism and the Law produced by the Australian Law Reform Commission; and the National Inquiry into Racist Violence (NIRV) released by the Human Rights and Equal Opportunity Commission in 1991. NIRV found that racist attacks, both physical and verbal, were on the increase. The report emphasised that intimidation and harassment were endemic problems for Aboriginal and Torres Strait Islander peoples and some people from non-English speaking background, particularly those who are visibly different.

The media and racial hatred

One of NIRV's conclusions was that "the perpetuation and promotion of negative racial stereotypes, a tendency towards conflictual and sensationalist reporting on race issues and an insensitivity towards and often ignorance of minority cultures can all contribute to creating a

social climate which is tolerant of racist violence".

The Commission recognises the pivotal role the media plays in helping to shape Australia's sense of community and the way in which it reflects and sometimes drives the debate around major issues.

As a significant player in the public arena, it is inevitable that some complaints under the legislation will be directed towards the media. While the media has a right and indeed an obligation to report on race issues, it also has a responsibility to exercise impartiality, accuracy and balance in reporting.

There is no uniform regulatory standard which covers all forms of media. The Racial Hatred Act merely reinforces many of the professional and regulatory standards that apply to the media, such as the Australian Press Council's Statement of Principles, broadcasting codes and the Journalists' Code of Ethics. The Act is aimed at preventing the following examples of malicious or gratuitous vilification, as well as a whole range of public acts that are based on racial hatred which occur within our community.

Consider the following inflammatory comment made by a Sydney radio announcer in response to a caller's complaint about a Chinese restaurant:

It makes you feel like getting a dozen or so of your footballing mates together and have a night down there and sort these little bastards out.

The announcer also made references to staff in Chinese restaurants as "chinks" and "weeds" and referred to Japanese people as "rotten little slant eyed devils to the North screwing us down".

Complaints about the comments were upheld by the Australian Broadcasting Tribunal as a breach of its radio program standards. The Tribunal made an order that future broadcasts by the announcer be subject to a ten second time delay so that comments could be edited if necessary. Failure to comply rendered the station

liable to non-renewal of its licence.

Such overt incitement of racial hatred or violence in the media is rare. However, abuse of the following kind is not:

A newspaper article entitled 'Ethnic Invasion on Dogs' bemoaned the multicultural support base of a Sydney rugby league club. The article spoke of the need to "spot the Aussie... because there were not too many of them", that there was only one "home grown product on the field", that the remaining composition of the team was a "sad state of affairs", and that football commentators would need to "take language lessons to get their tongues around players' names".

This guide acknowledges the importance of the media's role and illustrates how possible breaches of the law can be avoided. It also raises broader issues for your consideration. It is intended to highlight the responsibilities that come with working within the Racial Hatred Act.

What is the Racial Hatred Act?

This is a plain English explanation of the legislation. The Act itself appears in full later in this guide.

The Racial Hatred Act introduced in October 1995 amends the Racial Discrimination Act, and allows people to complain about publicly offensive or abusive behaviour based on racial hatred.

Unlawful behaviour is defined as public acts based on the race, colour, national or ethnic origin of a person or group of people which are likely to offend, insult, humiliate or intimidate.

What is a public place?

A public place is defined as any place to which the public are either invited or have access, including shops, streets, workplaces, public transport, sporting arenas and parks. The

definition also includes words, sounds, images or writing communicated to the public, such as through newspapers, brochures, TV and radio programs or the Internet.

What sort of behaviour is unlawful?

'Racial hatred' is an umbrella term used to describe a range of behaviours from abuse or harassment based on race, to racially biased reporting and the use of offensive stereotypes in the media. Abuse can be verbal or written. Some examples of unlawful behaviour might include:

- writing racist graffiti in a public place
- making racist speeches at a public rally
- placing racist posters or stickers in a public place
- racist abuse in a public place
- making offensive racist comments in a publication.

What are the exemptions?

The law protects free speech by providing a number of exemptions which allow some actions if they are done 'reasonably and in good faith'. These terms are not defined in the Act, but some assistance can be found in other areas of the law, such as that of defamation and contempt. The exemptions cover:

- an artistic work or performance - for example, a play in which racist attitudes are expressed by a character
- a publication, discussion or debate on a matter of public interest - for example, discussing and debating public policy such as immigration, Aboriginal land rights, or affirmative action for disadvantaged groups
- a fair and accurate report on a matter of public interest - for example, an accurate media report of an act of racial incitement or racially offensive conduct
- a fair comment on any event or matter of public interest if the comment is an expression of a person's genuine belief - for

example, a statement of opinion that an employment program aimed at a specific ethnic group be removed, in light of new research that indicates that the group is not disadvantaged in this area.

What are the implications for the media?

The new legislation acknowledges that there are legitimate public policy and social issues which need to be debated freely and fairly in the public interest and that the media has a vital role to play in that process.

The exemptions ensure that the media's right to report in the public interest in a balanced and fair way is unchanged. The term 'fair' is not defined in the Act, but some guidance can be found in the law of defamation.

A statement under scrutiny must claim to be a report of the relevant act/statement. If a racially offensive statement is adopted as a reporter's own statement, with or without attribution, the exemption does not apply. The report must relate what took place with substantial accuracy and be free from embellishment or comment that could itself amount to racial vilification.

Example: when reporting on racist statements made at a neo-Nazi rally or an anti-immigration meeting you should clearly attribute the comments or views to the person making or holding them so that it is absolutely clear they are not your views or the views of your employers.

Journalists can review and report on artistic work and performances where those works include ethnic or cultural stereotypes.

Media commentators can write or broadcast their own views, provided they state the facts on which these opinions are based, they reflect a 'genuinely held belief' and are done 'reasonably and in good faith'.

The legislation covers all aspects of Australian society and applies to people in all walks of life.

However, many of the complaints brought under the Racial Hatred Act so far are against the media. Complainants are concerned about the perpetuation of negative racial stereotypes, sensationalist reporting on race issues, the use of gratuitous ethnic slurs and the citing of ethnicity when it has little or no relevance to the story.

Example: a newspaper column about a public servant's bungle cited the public servant's 'unusual' surname as relevant:

"Should we be in the least surprised that it was sent by someone called to the wrong fax number?" asked the journalist in the piece.

Example: a newspaper columnist described Aboriginal spiritual belief as "manifest claptrap and arrant nonsense which any self-respecting, civilised, intelligent society would treat as balderdash". Such a comment may indeed reflect a 'genuinely held belief' but under the new law the columnist would need to state the facts on which this opinion was based, and to establish that the comments were made 'reasonably and in good faith'.

Does the new legislation affect freedom of speech and expression?

The racial hatred legislation does not constrain free speech in Australia any more than existing laws which recognise that countervailing interests take precedence over freedom of speech in some circumstances. The Act was brought in to provide legal recourse to people in the community who might be offended by serious expressions of racism. The following example aired by a West Australian radio station prior to the introduction of the legislation caused distress to members of the Aboriginal community:

When white babies die, they turn into angels and go to heaven. When Aboriginal babies die, they turn into blowflies.

The racial hatred legislation was heatedly debated among politicians, the media and civil liberties groups before it eventually came into operation in October 1995. Much of that debate revolved around the concern that the new law might restrict freedom of expression.

These concerns were based largely on alarmist predictions which ignored the fact that, in many ways, freedom of speech is already affected by a number of laws in Australia. These laws have been part of our legislative landscape for decades, and journalists must take them into account in the course of their work. They include defamation, blasphemy, copyright, obscenity, incitement, official secrecy, contempt of court and of Parliament, censorship, and sedition. All of these laws recognise that some things are more important than freedom of speech. The Racial Hatred Act simply recognises that people have a right to live free of racial vilification and to have that right protected by law.

What is the difference between defamation and racial hatred legislation?

The law of defamation protects against harm to the reputation of individuals and corporate bodies. A group cannot sue for defamation under Australian law.

By way of contrast, a complaint can be made under racial hatred legislation by anyone from an offended group who feels insulted or humiliated by particular comments which are based on race, even if those comments were not personally directed at them.

Example: A radio presenter made disparaging remarks about a Jewish American performance artist who had recently toured Australia. In the course of the many personal attacks against her and her performances, he made derogatory statements about Jewish people, finally saying: "Hitler had the right idea".

The artist could have brought a defamation action against the broadcaster on the basis that

the comments were damaging to her personal and professional reputation. She, or indeed any member of the Jewish community, could also bring a complaint under the racial hatred legislation on the basis that the comments were likely to offend, insult and humiliate Jewish people.

What happens if a complaint is brought against a journalist or a media organisation?

All federal anti-discrimination legislation is administered by the Human Rights and Equal Opportunity Commission and by state agencies on its behalf. Complaints to the Commission need to be made in writing and give clear details of the alleged breach of the legislation. The 'complainant' is the person making the complaint. The 'respondent' is the person about whom the complaint is alleged.

Once a complaint is made, the Commission will see whether it appears to be covered by the law and whether there is sufficient information to investigate it. The Race Discrimination Commissioner then inquires into the complaint on behalf of the Commission.

If it is not covered by the law and/or if an exemption applies, the Commissioner will decline the complaint. The Commissioner may also decline a complaint at any time in the inquiry if it is found to be frivolous, vexatious or lacking in substance.

When inquiring into a complaint, the Race Discrimination Commissioner may contact the person or organisation who is the subject of the complaint to get their side of the story. The Commission's investigating officer may ask for any relevant documents or interview other relevant people if appropriate.

If there appears to be substance to the complaint following the inquiry, the Commission will attempt to assist both parties to reach a mutually acceptable agreement. This process is called 'conciliation' and is informal and confidential. The whole process is cost free to both parties and privacy is respected. A

conciliated agreement might include an apology, financial compensation or the introduction of new policies or training programs to prevent the behaviour occurring again.

A recent example of a conciliated outcome: two prominent community members from an ethno-religious background complained that racially offensive references were twice made about them in a metropolitan newspaper. Based on legal advice, the two lodged a complaint under the racial hatred provisions. The Race Discrimination Commissioner wrote to the newspaper outlining the allegations. Upon receipt of the Commissioner's letter, the newspaper management immediately entered into direct negotiations with the complainants. This resulted in the newspaper's publication of an apology. The newspaper also agreed to pay all legal expenses incurred by the complainants.

Where an agreement cannot be reached, the complaint may be referred to public hearing. Only 3% of all complaints lodged are referred to public hearing. This is a more formal process before a Hearing Commissioner and both sides may have legal representation.

Representatives of the media are allowed to attend and report on the hearing.

If a complaint is upheld at the hearing, the Commission will make a determination, though the matter may have to be pursued in the Federal Court for enforcement. From March 1997, it is anticipated that the law will change and matters that are not conciliated will be referred straight to the Federal Court.

Who is liable?

As with the law of defamation, any person who is involved in the publication or broadcasting of racially offensive material is potentially liable. In publishing or broadcasting the material, the

relevant media organisation has engaged in an act that "causes words, sounds to be communicated to the public" which is "reasonably likely to offend" on the basis of race.

In the case of an offensive newspaper article, complaints may be lodged against the writer, publisher, printer and proprietor. Similarly, radio and television stations are also liable for the broadcast of any racially offensive statements, regardless of who makes the statements. Thus, unless it is able to establish one of the exemptions, a radio station is potentially liable for the broadcast of racially offensive statements made by announcers, interviewees, or by any member of the public participating in a talkback session, regardless of whether the interviewer endorses the remark.

Are the penalties for racial hatred criminal or civil?

As with the other parts of the RDA, civil penalties are available if a complaint is upheld against someone whose behaviour is found to be in breach of the racial hatred provisions.

Why have a national law?

The Racial Hatred Act is not the first legislation of its kind in Australia, but it is the first law with national application. In 1989, NSW became the first Australian jurisdiction to pass legislation which makes racial vilification unlawful. It was followed by the ACT in 1991.

A national law allows for greater consistency in application and gives all Australians equal protection under the law.

Many countries have laws against racial hatred - including Canada, the UK, New Zealand, Belgium, Austria, Denmark, Norway, Sweden, the Netherlands, Italy, Germany and France.

Why does the Racial Hatred Act need to apply to the media when there are other complaint mechanisms for people who have a grievance against journalists and media organisations?

There are no uniform regulatory standards governing the media in Australia. Existing forms of media regulation do not provide either accessible or adequate redress for racial vilification. For instance, the only sanction that the Australian Press Council can impose for a breach of the standards in its Charter is the publication of an adjudication. Codes of practice governing radio and television broadcasting cover only the most severe instances of racial vilification and do not provide any significant form of redress to the complainant.

Some responses to common misconceptions about the racial hatred legislation:

The law enforces the idea that there are two classes of Australians by applying only to vilification of minority groups.

The legislation applies to everyone. All racial and ethnic groups are treated in the same manner under the law. For example, in its first year of operation, people of Jewish, French, Arabic, Aboriginal, Chinese, German and Anglo background among others, have brought complaints under the law.

Similarly, within the media context, complaints have been received against both "mainstream" media outlets and ethnic media outlets.

The Racial Hatred Act is an instrument of 'political correctness'.

The legislation is not aimed at common prejudice, foolish remarks, or merely distasteful comments. It is not the Commission's role to dictate what is socially polite. This is demonstrated by the fact that the Act has not stifled public debate on a range of race related issues in its first twelve months of operation.

The legislation is aimed at stemming grievous,

offensive and abusive behaviour which occurs publicly.

The law will not change the views of racists. The only way to combat racism is through long term community education and debate, not through legislation.

It is true that, on its own, legislation will not abolish racist attitudes.

But combined with sustained public education, legislation can help to bring about attitudinal change. This has been demonstrated in relation to sexual harassment, where legislation and education have helped draw a clearer line between what is acceptable and unacceptable behaviour.

The NSW Department of Education has said that its efforts to combat racism in schools were helped because the NSW racial vilification law set both a community and a legal standard.

People shouldn't be punished for their beliefs. Racism is based on strongly held beliefs which, for better or worse, people should be entitled to hold.

The 1991 National Inquiry into Racist Violence found that many Indigenous people and people of non-English speaking background live with the constant fear of violence and harassment because they are 'different'.

The beliefs which people hold in private are their own business and the law does not apply to them. However, if those views are brought into the public arena in a way which offends, humiliates or intimidates others, there is recourse under the law. The legislation is one step in helping to eliminate the fear and violence felt by many people in Australia's ethnic and Indigenous communities.

You won't be able to tell racist jokes or indulge in private conversations.

It is highly unlikely that racist jokes told in comedy performances at entertainment venues would fall within the ambit of the legislation.

Conversations which occur ‘privately’ are unlikely to be covered because the law only applies to public acts.

Reporting race issues

by Robert Pullan

Ernestine Hill said of news, “the worse it is, the better it is”. She meant that the reporter “prefers a murder to a suicide, and both to a wedding”. In *The Great Australian Loneliness*, Hill said a journalist “knows no partialities, no class-distinction, no creed-distinction, nor colour-line, nor bias, nor loyalty, save to the story”.

Such was one legendary journalist’s idea of the doctrine of objectivity in 1940. Journalism should be colour-blind.

But what happens when the colour-blind principle conflicts with the quest for ‘worse is better’ news? Hill’s report of what happened when she met Daisy Bates, another legendary journalist, on the Nullarbor Plain, is still contentious.

Hill found Bates’ Aboriginal friends “repulsive in their degeneration” and regretted that “God and Daisy Bates” had robbed her of “a thundering front-page story”. How so? Hill believed she had just missed the spectacle of an Aboriginal mother eating her newborn baby; the Aborigines, she said, practised a “frightful and incorrigible cannibalism”.

When Hill left Bates’ camp, the happy mother was sitting in her wurley with her baby in her arms, her “grisly hunger for human meat staved off for the time”.

When is race relevant? All journalists recognise that a profile piece on NSW magistrate Pat O’Shane which did not mention that she’s Koori would be incompetent. When biography is the story, race is part of it.

Don Smith, managing editor of *The Sunday Times* in Perth, uses the phrase commonly invoked by editors, producers and reporters, “we

treat every story (involving race) on a case-by-case basis”.

Case-by-case means journalistic discretion. Journalists resist attempts to reduce news judgements to a set of rules partly because rules covering all the myriad complexities of news would themselves be too complex to be workable.

So how do they apply their discretion? Says Peter Manning, executive producer of Channel 7’s *Witness*, and a former head of ABC Radio National, “on an issue like police corruption you might go for broke regardless of feelings. On race issues I think we have to consider people’s sensibilities. Race is undoubtedly a very sensitive, touchy issue for Australians”.

Predicting readers’ response to stories is guesswork. When *The Sunday Times* ran a story sympathetic to Aborigines being evicted from public housing in Perth, it provoked readers’ letters complaining ‘why can’t these people behave themselves?’ And the letter-writers comprised less than one hundredth of one per cent of the *Times* readership.

A *Sydney Morning Herald* editor, fuming at a letter complaining that the Herald has used ‘Paddy’ as a synonym for Irishman, sighs, “this is ludicrous”.

Some people point to the journalistic tradition of fairness, which many think more appropriate than objectivity. Says Smith, “we make sure to put the other side. (Case-by-case) adjudication is a pretty fine line to draw. We are very conscious that there is anti-Aboriginal feeling in the community. We get letters, not a flood, but two or three, when we report Aborigines’ problems”.

Would he kill a story if he thought it might inflame racial hatred? “Oh that’s a hard one, it’s a hard one. If somebody said ‘those bloody black bastards are ripping us all off’, I’d tone that down. And I’d report the other side.”

Says ABC broadcaster Quentin Dempster, “my

experience in Queensland and New South Wales is that whenever you are into the Aboriginal issue it's always been very distressing, you can feel the audience switching off.

“On the *7.30 Report* in Queensland, when I started the intro to a report on, say, health conditions on the missions, (I) felt the shutters going down. We got abusive phone calls, I don't mean considered letters, abusive phone calls: you find anonymous resentment.”

ABC guidelines require reporters to avoid stereotyping and coverage likely to cause vilification or discrimination, with the qualification that the guidelines are not intended to stop publication of news.

Says Peter Manning, “my experience is that reporting of race issues brings the biggest response and sometimes the lowest ratings.

“People don't want to face the issues, and when they are forced to face them they react, sometimes with great force and passion.

“I think all journalists are aware that reporting race is not something you can hurry: it is like reporting another culture.

“When (a white reporter) goes to Arnhem Land he/she is reporting on a culture that is so different he/she could be in a foreign country. It's like being a foreign correspondent in Australia.”

Ray Martin, Channel 9's *A Current Affair* presenter, uses a different analogy. Male reporters of the baby-boomer generation got used to the idea that reporting women executives meant reporting an entirely different context to male managers. “You can't not be aware that a woman business executive is in a different context to a white Aussie bloke. We could, and should, make another cultural adjustment.”

Martin says that when an Aboriginal artist died in Utopia in Arnhem Land, he spoke to the artist's family who explained that publishing the

artist's name and paintings immediately after her death would be a violation of the Utopia Aborigines' beliefs.

“But *The Australian* ran the name and the paintings.

“When are we (journalists) going to wake up to the fact that this is like pissing in the font in a Catholic Cathedral? There is no way in the world you would do something like that involving the white community.

“(Where there's issue of race) I would be searching for the extra paragraph (to give the context). It's a question of context. In reporting crime, if a caucasian kid accused of violent crime has been beaten from pillar to post, we would include that, as we would for an Aboriginal.”

Martin says he would go out of his way “not to make a point about a person being Aboriginal, or Vietnamese, or Albanian” particularly if it was disparaging or typecasting.

The Sydney Morning Herald assistant editor Ian Hicks says he happily accepts the Australian Press Council guidelines that newspapers should not gratuitously emphasise colour, race or religion, but where these are relevant, newspapers may report and express opinions in those areas.

And when is race relevant? Says one editor, “obviously reporting a race riot without identifying the races would be deficient.

“Obviously if a man is taken to hospital after a brawl in George Street (Sydney) and it was a white beaten by a gang of Aboriginal muggers, that would be relevant.”

Don Smith: “we will identify a suspect as a one-legged Aboriginal if it helps the police”.

In reporting Pauline Hanson's maiden-speech remarks that multiculturalism should be abolished, that Australia was in danger of being ‘swamped by Asians’ and that ‘Aborigines

enjoyed privileges not available to others', Smith argues the media did not have the choice to report her or not to report her. To journalists, the idea of not reporting Hanson is unintelligible. Most think her views ignorant, many think her bigoted, but all think her views are news.

"She was talking about some of the key social issues facing Australia" and reports of her speech provoked "some of the most strident letters" to *The Sunday Times*.

Was the speech given too much play? The Deputy Prime Minister, Tim Fischer, thought the degree of coverage in Asian newspapers unhelpful and suggested it might have damaged Australia's trade with Asia.

No-one decides how much play will be accorded any news: hundreds of individual editors, producers, journalists and talk-back broadcasters make that decision.

Says Peter Manning, "when *Witness* reported Pauline Hanson, we thought it important to give her views as well as Aboriginal views".

"It's a very delicate line. You want to give people a chance to put their views (in *Witness*' letters segment), but you don't want to inflame racial hatred.

"And you must be aware that what is offensive in one community, white or black, might not be offensive in another."

Quentin Dempster thinks, "we in the media have skewed our coverage" of some issues. The tragic death through ecstasy of a white Sydney teenage girl received saturation coverage. "We tried to raise the issue on *Stateline* that, tragic though her death was, there are also Vietnamese kids dropping dead of heroin in Cabramatta. We in the ABC need to go a bit beyond that (skewed) coverage and get a bit deeper".

Robert Pullan, journalist and author, is writing *The Dynasties*, a history of the press in

Australia. He has been a freelance journalist and author for 20 years. His books include *Guilty Secrets: Free Speech in Australia*.

Free speech comes at a price **by Hugh Mackay**

The Australian
22 June 1996

In his piece for *The Australian*, Hugh Mackay contributes to the freedom of speech debate by advocating the balance which must be struck between freedom of speech and "restraint and regard for the common good".

Hardly anyone is against freedom of speech. Neither do many people think that the straitjacket of political correctness is a sensible or desirable way of educating a community to adopt more civilised attitudes. But freedom of speech isn't always the simple and straightforward ideal it seems to be.

As a society, for example, we have repeatedly refused permission for historian David Irving to come and lecture us on his beliefs about the holocaust. Out of respect for the sensitivities of the Jewish community in our midst, we have apparently decided that the consequences of freedom of speech, in that particular case, would be unacceptably divisive and offensive.

Moral strictures, similarly, forbid the use of certain words on radio and television on the ground that they may give offence to some listeners and viewers. So we're not absolutely committed to freedom of speech: we set limits, from time to time, where matters of public taste or public morality are involved.

We do that, presumably, because we think there is such a thing as the common good; because we believe that individual freedoms should not interfere with communal freedoms. The freedom to say whatever you think is limited, in any decent society, by the right of others to be protected from exposure to material they find offensive. (Hence, obscene language used in a

public place is an abuse of freedom.)

The concept of freedom of speech is just another example of the constant tensions between my wanting to be free to do whatever I like, and your wanting to be free to do the same. This is precisely the tension which gives birth to the thing called morality. As soon as our competing desires for personal freedom come into collision, we have to work out a way of accommodating one another.

What we usually do is strike a compromise which involves some restriction on each of us. We agree to abide by some rules which will allow us enough freedom to satisfy us, but not enough to cause us to tread on each other's toes.

On the roads, we might agree to keep to the left. At home, we might agree to keep off each other's property. We might agree to let each other own certain firearms, but we might want to restrict the types that can be owned, in order to minimise the risk to the security of the whole community.

The essence of belonging to a community is that we respect other people's desire for freedom, but we impose limits on it when it seems to threaten our own. Correspondingly, we assert our own right to freedom, but we agree to limit it when it threatens other people's. (That doesn't sound very complicated, does it?)

But freedom of speech is a particularly tricky example of the general principle. Even though we now realise that "names" can hurt at least as much as sticks and stones, we are strongly wedded to the idea that people should be free to say whatever they like. Any hint of suppression of that freedom immediately raises the spectre of the thought police... as it has in response to the excesses of PC.

But if Australians ever felt any inhibition about expressing themselves freely, the brakes seem to have come off quite noticeably since the change of government. John Howard himself takes pride in the fact that Australians can, as he puts it, "breathe again on certain subjects", and he

believes that this is a welcome reaction to "too much social censorship".

Some of my own research certainly confirms the Howard assessment that people are loosening up. Try this response to a recent survey: "Three-quarters of the murders in this country are done by Asians and other foreigners."

Or this: "Send the boat people back where they came from, or blow them out of the water before they even get here."

These are not mainstream views, but they are far from being isolated opinions. The question they raise is this: if we are to enjoy freedom of speech, will we be prepared to accept responsibility for the consequences of what we say... just as the price of all other freedoms is that we must face the consequences of our actions. The alternative is anarchy.

The mark of an open society is that all its members are free to speak their minds, even when their minds are diseased by hate, prejudice or bigotry. The mark of a civilised individual, on the other hand, is that out of respect for the well-being of others, you sometimes choose not to say what you are free to say. Restraint and regard for the common good are unfashionable virtues, but they are virtues nonetheless.

Part 2 – The case studies

Media reports

The law provides an important benchmark for standards of behaviour which the community considers acceptable and it has implications for a range of professions, not just for journalism. But in the course of their work, journalists must often confront ethical dilemmas which go far beyond the question of whether or not what they write or say is unlawful.

The practice of reporting involves a constant process of selection on the part of the journalist, about what to include and what to keep out of a story; how to frame the lead; who to approach

for comment; how to interpret a set of statistics; how to file a story which will be acceptable to management.

While tertiary journalism courses, from which so many of the next generation of reporters come, tackle ethics and sensitivity training in some form, most working journalists rely on their own deeply held beliefs about what is right, fair and ethical in doing their job. In other words, they make value judgements every day.

The next section of this guide looks at a range of media reports from the past year.

Each of them has a race angle and each raises some important issues about media reporting.

In most cases, the journalist who prepared the report has agreed to comment on it and highlight some of the sensitivities, dilemmas and ethical questions it raised at the time.

Reactions have also been sought from other key people in order to show the ways in which these reports were received by particular communities at the time. In others, facts and figures have been presented which offer an alternative picture to that painted by the report.

Political correctness; myths, stereotypes and clichés; simplification of complex social research; news values; media manipulation - these are just some of the issues highlighted in the case studies.

They are intended to challenge journalists and students of journalism. It is hoped that the reports and the commentary around them will stimulate discussion beyond the confines of the law, to the much more fundamental issue of ethics in reporting.

Please note that none of the reports which follow have been the subject of complaints or queries under the Racial Hatred Act.

Case Study 1 – An Australian Muslim’s experience of the media

When asked to comment on her experience with the media, Maha Abdo, President of the Australian Muslim Women’s Association, cites two very different experiences: one with a metropolitan broadsheet and the other, live interviews on morning television.

Maha cites, as a positive experience, the interview for a *Sydney Morning Herald* series (May 1995) *Beyond Fundamentalism - Islam in Australia* by then Religious Affairs writer Peter Fray. His article, *Renaissance: Why Women and Christians are Embracing Islam*, outlines some of the problems experienced by communities with a culture and religion which is different from that of mainstream Australia. These problems are exacerbated when cultural differences are clearly manifested in appearances, as is the case for some Muslim Australians.

Fray’s article breaks down the stereotypes that associate Islam with fundamentalism, terrorism and war. He acknowledges that Muslims have been misrepresented by the media through the misuse of terminology and visual images and the perpetuation of clichés.

The Sydney Morning Herald **Renaissance - Why women and Christians are embracing Islam**

by Peter Fray

Beyond Fundamentalism *Islam in Australia - A Herald Series*

Just for a second, let’s try one of those psychiatrist word association games. What next word comes to mind when someone says “Islamic”? Odds on, it will be something like, fundamentalist, militant, or terrorist.

Cheap trick, really, but it proves the point: whether we admit it or not, Islamic Sydney faces ingrained prejudice. Not only is the

religion largely misunderstood, virtually every day the media reinforces the idea that Islam is somehow different, difficult, or even dangerous.

Bombing in the US? Muslims. Australian killed in Somalia? Muslims.

Many Muslims here feel it is a battle they can't win. Wasim Raza, a community worker at the Islamic Council of NSW, says the community is far too easily maligned for political, economic or cultural struggles overseas.

"If we do not comment they (the media) will go and find someone who will," he says. "If a Palestinian did it, the first thing we hear is people saying, where is Ali Roude (the council's chairman), we need a comment."

But silence can be taken as tacit support. The Rev John Baldock, the general secretary of the World Conference of Religion and Peace, an Australian-based peak body for the world's main religions, says local Muslims should be more active in condemning Islamic terrorism. Australia's non-Muslims need to see that what happens here and overseas is unrelated.

"I think it is important when people misuse Islam overseas that Muslims in Australia say this is not acceptable behaviour," he suggests.

Living in what Muslims perceive as an anti-Islamic society has provoked opposite reactions within the community. Some Muslims have sought to get lost in Australia's multicultural warp and weft and, in doing so, cast aside their religion.

But for many Muslims, particularly women, the 1990s appear to be prompting a return to their religious heritage. Community leaders estimate that more than half are now choosing to wear the hijab, the traditional head covering designed to protect a women's modesty. Many women, including teenage students, told the *Herald* they were not being forced into wearing the hijab, as is sometimes believed by non-Muslims. Less than a decade ago, many women were too fearful to look so obviously Islamic. Times have changed.

So, too, is the view of Islam among some Christians. Feeling that Christianity has somehow lost its way, a small, but growing number of men and women are converting to Islam. While it is impossible to estimate numbers, Islamic people put the figure at about 200 a year. Not a flood, but one that, like the return of women to the hijab, is a signpost of Sydney's Islamic renewal.

Rediscovery

Maha Abdo doesn't shake hands with men. It's nothing personal, it's just that Islamic teaching prevents physical contact between men and women from outside their immediate family.

Strict and perhaps unnecessary as it may seem to non-Muslims, Abdo sees it is a way of reaffirming her religion and womanhood.

"I do not have to physically touch you to be a friend," she says. "As you become more faithful, there are certain things you do not do. In Islam, there is no physical contact between men and women. For me, it makes me more comfortable."

Not all women follow the teaching, just as not all wear the hijab, but increasingly both are seen as integral to being a Muslim in Australia.

A social researcher, Gary Bouma, recalls meeting Maha and her colleagues from the Muslim Women's Association while preparing his report.

They were, he says, "delightfully fierce" in stating their views on women in Islam. "They're a very active group," he says.

For Abdo, the association's president, it was not always so. She rediscovered Islam six years ago, almost 20 years after her family migrated from Lebanon.

Apart from wearing the hijab, she has made the hajj pilgrimage to Mecca in 1993 and lives strictly to Islamic law.

Growing up in Coogee in the 1970s, as one of

few Muslims in the area, she was “expected to assimilate”, especially at school.

“When we were growing up, we were not allowed to speak a second language other than English,” she says. At home, however, her father would only speak Arabic. “Now I appreciate that.”

Abdo never lost her faith, but neither did she fully understand it until she married and had children of her own. Then she started looking for the answer to what it is to follow the teachings of the prophet Muhammad and the Koran.

“What do we have?” she asks. “We know we are Muslims. But what does that mean? There must be something deeper than there is on the surface.

“It is all about education and it is happening all over the world with every religion. People are searching for spiritual back-up.

“I consider myself lucky that I’m a Muslim, that I have religion and faith. It gives me an incentive to get up in the morning. Where would I be without my faith?”

She says many non-Islamic men and women equate the hijab with discrimination against women, rather than a method of ensuring women are not looked upon as sex objects.

“It is very hard for them to understand that a woman being covered is being freed. From an Islamic point of view, I’m a women of identity.”

But there are some practices associated with Muslims which Abdo and her association are trying to kill.

Arranged marriages, for instance, are a cultural hangover, and are, in fact, in breach of the Koran. So is female genital mutilation. “It’s all about education. People have to realise these things are cultural, not religious,” she says. “They are not part of Islam.”

Islamic women actually have many of the rights advocated by some western separatist feminists. They pray without men, don’t touch men, and party without men. Marriage contracts or pre-nuptial agreements are a requirement of Islam. “I’ve had a lot more fun at women-only parties,” she adds.

Women do face some negative rules. According to the Koran, men can have up to four wives, or, in a country such as Australia, one wife and three de factos.

But, as Abdo points out, there is a catch, which effectively prevents polygamy from widespread use: a man must be able to treat each wife equally in all respects. “If you can’t treat them equally then you get only one,” she says.

Women, too, are given the choice to dismiss the concept by not having it in the marriage contract. “I would not accept it,” she says. “You are allowed to not accept. In this day and age it should not happen.”

Apart from educating its own, the association has turned its attention to breaking down barriers to the employment of Islamic women. Wearing the hijab, she says, should be taken as a positive sign. It indicates the woman is not afraid of expressing her beliefs and taking on a role in the community.

“It (the hijab) certainly shouldn’t hinder their performance. It should be looked at as a positive thing because if they’ve taken on wearing the hijab they’ve shown responsibility.”

New Believers

Farooq Abdul-Rahim used to be just plain old Frank Portelli. Raised and educated a Catholic, a decade ago he found in Islam what had been missing in Christianity. “I always perceived myself as a good Christian,” he says. “I always tried to follow the Commandments.”

The trouble was, Frank Portelli felt few other people did. Australian society had forgotten its Christian roots, and cast off its own moral and

ethical guidelines.

“It’s not that the rules have changed, it’s that people have manipulated the Bible,” he says. “Society had left its own teachings.

“The Koran is given to us as a complete way of life. It’s how we live, how we eat, how you sleep. As a Christian, I did not know what to think. Islam gave me all the answers.”

Abdul-Rahim, 35, is a fervent convert. When the *Herald* first met him, at the former Jehovah’s Witnesses hall-cum-mosque at Smithfield, he was extremely agitated by the closeness of women.

In a purpose-built mosque, women pray on the second floor out of sight of the men and enter it through a different entrance. At Smithfield, men and women are separated only by a curtain. “This is far from perfect,” Abdul-Rahim said that night. As he left prayers, he covered his face to avoid seeing the women. It seemed odd behaviour.

Later, he explained about women in Islam: “We (men) do not cover them up at all. God requires they wear a hijab and be covered. Men and women are separated at the mosque so that men are not distracted, and neither are women for that matter.”

Being Islamic has completely changed the course of his life. He left Swan Hill in Victoria for Sydney two and a half years ago to be near a mosque and to educate his son, Sam, at an Islamic school. He is now a pupil at Malek Fahd Islamic school in Chullora.

Abdul-Rahim knows the Koran as well as many born believers. He never misses prayer - he prays five times a day. Outside of work, he wears the distinctive Muslim smock, the cummis, and has made the pilgrimage or hajj to Mecca, something a Muslim is compelled to do once.

He says being a Muslim is relatively easy at his work. An accountant for the NSW Department of Local Government at Bankstown, at midday

and three o’clock he finds a vacant office or meeting room and bows to the Kaba, the most holiest mosque of Islam in Mecca.

The only downside at work is the method of payment.

Muhammad’s teachings prevent the paying or gaining of interest on bank accounts. It is believed to be corrupting. In these days of electronic pay, Abdul-Rahim has had to find a non-interest-bearing account.

He must be a banker’s dream, although he paid cash for his house, thus depriving the bank of years of mortgage repayments. His mother helped out with a loan - interest-free, of course.

Years of being a devout Catholic have made it easier for Abdul-Rahim to adopt a strict theology such as Islam, but, in the beginning an even older ideal pushed him into the arms of Allah: love.

Working for the Australian Wheat Board in 1984, he was sent from Melbourne to Sydney on secondment. There, he met his future wife, Molook al-Fadly, a delegate on a wheat mission from Yemen. Meeting her inspired him to find out about Islam.

“It fascinated me,” he says. I started reading all I could about Islam and, because I liked this lady, I read about Yemen.”

Later that year, they were married. Just before, Abdul-Rahim converted. A decade on, he took the final step and changed his name. “There’s nothing wrong with the name Frank Portelli,” he says. “I wanted my image to change. I wanted it to be known I was a Muslim.”

At first, the Portelli family was not too impressed. “My parents did not like the idea one little bit,” he says. But the power of his example has taken the family a full circle: his mother and brother have converted to Islam. (His father died four years ago.)

Muslims here are not known as proselytisers.

Islamic leaders estimate there are about 100 to 200 converts a year. Abdul-Rahim would like more. “We can’t force religion on anybody,” he says. “But we are required to spread the word of Islam.”

Peter Fray comments:

Journalism is all about integrity, and gaining Maha Abdo’s trust and respect and then turning that into a useful piece of journalism was a milestone in my career.

The Muslim community is rightfully cautious of the western media and I felt I had to prove myself when talking to Maha and her colleagues and show that I could produce a well balanced article.

I hope I have made it easier for journalists to approach that community and also for the community to understand the media a little better.

Since the Islam series I have maintained contact with the community. I would be naive to think they agree with everything I write but we now have a relationship based on trust and acceptance which allows us to agree to disagree. I think they now realise that not all western journalists have a bias against Islam and the Muslim community.

In the *Herald’s* report, Maha Abdo had drawn upon her own personal experiences to explain some cultural traits of Muslims that are often misunderstood and misrepresented.

The Muslim Women’s Association has about 3000 members nationally and represents the interests of many more. Its aim is to correct what it says are widely held misconceptions about Muslim women in this country.

It does this through an extensive program of community development, cross cultural training and education initiatives through schools, hospitals and other institutions.

While she says that the *Herald* series on Islam reflects a depth of understanding and sensitivity,

she cites other reportage which inflames prejudice and contributes to misinformation in the wider community.

Maha says that, during the Gulf War, the media’s persistent use of images of Muslim women to accompany editorials on the crisis played a major part in an increase in violence and vilification of Australian Muslim women. Her comments highlight visual clichés and stereotyping:

Maha Abdo:

Everywhere you looked at the time, there were pictures of Muslim women on magazine and newspaper covers and on TV, because we look different and we’re highly visible. From our point of view it was as though they were saying to the wider community: “there are aliens all around us, so we have to be careful of them.”

But we jumped on the bandwagon and used the increase in profile at the time as an opportunity to try to educate the community about the role of Islam in Australia and about Muslim women. We tried to change the negative aspects into positive and I think overall the media’s portrayal of Muslim women has improved.

But it was frustrating at the time. I only accepted interview invitations from media programs which I knew were live because I was worried about being misrepresented or that my answers would be distorted if the interviews were recorded. But they still found ways of perpetuating the stereotype. On one morning TV show, they ran file footage of the Gulf War violence as I was speaking about Muslim women in Australia. I couldn’t see it as I was speaking of course and we all know that TV pictures have more impact than words.

There was another time when I was invited to talk about the Association’s National Conference - it seems ironic that it was called Bridging the Gap - and, as I was talking to the host who was reacting very positively to what I was saying, they were running years-old footage from violent protests in Sydney when one of the first Sydney Mosques was being built.

There's still a long way to go in terms of media reporting of Muslim issues. So often the Australian TV documentaries on Islam use overseas-taped stories or overseas spokespeople. If you really want to educate Australian society about Islam and women, why not show them Islam through the eyes of Muslim Australian women, why not use us as your source?

Religious tolerance in Australia: Australian attitudes to Islam

A 1995 study commissioned by the World Conference on Religion & Peace found that non-Muslim Australians are becoming more tolerant of Islam, although more than half of those surveyed said they would not want a Muslim as a member of the family. 24 per cent said they would have a Muslim friend and 15 per cent a neighbour.

The survey repeated research conducted seven years earlier by the then Office of Multicultural Affairs, which found that only 9 per cent of non-Muslims would accept an Islamic family member, 15 per cent a friend and 16 per cent a neighbour.

Case Study 2 – Myth or fact? Stereotypes & Indigenous Australians

Reports of racial issues which resort to myths and stereotypes defy the basic tenets of responsible journalism, perpetuating negative images and misinformation about ethnic and Indigenous groups. With day-to-day pressures on journalists to produce material within deadlines and editorial agendas, it is easy to embrace stereotypes and myths. Even the most well-meaning report can inadvertently promote such images.

The following report by *The Bulletin's* Damien Murphy examines race relations in Australia by comparing them to the racial disquiet in the United States highlighted by the O J Simpson trial last year. Featured in *The Bulletin's* special Race Hate issue (October 1995) the report provoked comments about the perpetuation of negative stereotypes that are inaccurate and have

the potential to harm the process of reconciliation in Australia.

The Bulletin The colour of money

Melting pot or meltdown? For all of his wealth, influence and sheer cult of personality, the question of race in the O.J. Simpson verdict has become almost academic. Could it happen here? On statistical probabilities alone, probably not. We can take wealth and influence out of the equation, for a start

by Damien Murphy

The nightmare begins this way: You are driving along a freeway through an American city when the engine falters and you pull off the nearest exit. Suddenly you find yourself in an alien world of burnt-out tenements, boarded-up shops and garbage-strewn streets. A sullen group of black youths blocks your way.

Tom Wolfe, for all the melodramatic excesses in his novel *Bonfire of the Vanities*, got that part right. What he didn't mention was that same frightening scenario doesn't only haunt white people. Many African-Americans also live in fear of the hate plague that infects many of their race, reducing intellect to violent reflex, making payback the rule.

Our *Newsweek* section explores the aftermath of the extraordinary O.J. Simpson verdict and its scary implications for race relations in the United States. It would be comforting to think of the American colour-binding experience as unique and holding no lessons for Australia. The big difference between the two countries is the fact that drug usage is pivotal to US race relations - there is the widespread perception that crack was designed to keep blacks enslaved in the ghettos - whereas Australia's hard drugs trade is now largely driven by the Asian community, a matter of economics, not race.

Numbers: In the end, race relations may come down to simple numbers: 30 million Afro-Americans comprise 14.5% of the US

population, while Aboriginal and Torres Strait Islander people make up only 1.6% of Australia's population - concentrated in the north, the outback and northern NSW, far from most urban centres, with little electoral, social or financial clout. Race relations in Australia swing between notions of dispossession and possession. Yet in the US, the claims of Native Americans play second fiddle to an equal rights battle between two relatively newly arrived groups, one claiming to be an oppressed minority. But Afro-American consciousness has shaped Aboriginal aspirations to the point where race relations in Australia parallel the US experience.

Proportionately, blacks are the poorest Australians, the sickest, the most jailed, the least educated and, just as Wolfe's confronting boys in the 'hood represent an American dream gone bad, there are "no-go" areas in our own country. Eveleigh Street, Redfern, the broken heart of Sydney's Aboriginal community, looms large in white Australia's psyche. It is Australia's Black South Central, "star" of so many television documentaries that the image of blacks hanging out between rows of trashed, graffiti-daubed terraces has become media shorthand for race conflict.

Redfern is "locals only", a mix of long-time residents and transplanted trouble-makers from the bush. Any errant visitor risks abuse - purses might be snatched, cars vandalised. The only outsiders tolerated are taxi drivers and the dealers who slide in from outer-suburban Cabramatta in their flash cars to ply drugs.

Wrestling: Once, all Australian capitals had their Redferns - Fitzroy and Northcote in Melbourne, West End and Fortitude Valley in Brisbane, etcetera - but gentrification has driven most Aboriginal communities out of the urban centres. In the bush, where nothing to do is a way of life, the streets have been taken over by youngsters who toss stones and bottles and rob the homes of black and white alike. Towns along the Darling River - Bourke, Wilcannia, Brewarrina - have been hit hardest, but coastal cities like Townsville in Queensland, Taree in

NSW, Ceduna in South Australia and Geraldton in Western Australia are also wrestling the problem. Tennant Creek in the Northern Territory, among other centres, has limited liquor sales to restore some semblance of order.

It's not all about black tension, however. Ethnic rivalries have created other "no-go" situations: Vietnamese gangs have turned Cabramatta into a war zone, while on the northern outskirts of Melbourne, Broadmeadows and the run-down 1956 Olympic Games village of Heidelberg West are similarly off-limits.

Australia may never have an O.J. Simpson. He moved effortlessly from football hero to celebrity, symbolising the hopes and dreams of many. But few black Australian heroes - Cathy Freeman, Evonne Cawley, Lionel Rose, inventor David Unaipon, Captain Reg Saunders (our first Aboriginal commissioned officer), former SA governor Sir Doug Nicholls - fall from grace.

Those who stumble afford Australians a deep look into themselves. Ten years before a referendum recognised Aborigines as citizens, the painter Albert Namitjira was so lauded down south in the big cities that he was granted full citizenship in 1957. The following year, trapped between two cultures, he was jailed for supplying grog to relatives who as "non-people" were not allowed to drink. Namitjira died in 1959. Earlier that year, Rupert Max Stuart was convicted of the rape and murder of a nine-year-old white girl on a beach near Ceduna, SA. It became the year's biggest story. T.G.H. Strehlow, a priest and academic, queried Stuart's confession - claiming that, as an illiterate, he could not have spoken with such articulacy. His execution date was changed seven times before a royal commission forced the government to retreat and commute his sentence. Stuart served 14 years and was released to a community in Central Australia, where he resides today.

The Stuart case hinted that the Australian legal system could advantage one group of people over another. Yet four decades later, as in the O.J. Simpson case, the question remains: did

Stuart do it or was he fitted up because he was black?

Executive Officer of the Aboriginal Justice Advisory Committee, Gail Wallace, believes the media should think more about its role in bridging the cultural gap between Aboriginal and non-Aboriginal Australia:

The media should not underestimate its ability to inform and influence social opinion on race issues. It is not incorrect to state that stereotypical messages produced by media sources influence all facets of our community, including service provision in the private and public sectors.

It is important to the development of meaningful relationships between non-Aboriginals and Aboriginals that consultation with Indigenous communities becomes an integral part of social and policy development. Consultation with Aboriginal and Torres Strait Island peoples is a reconciliatory vehicle to which all sectors of the community should be committed. For the media, that means giving Aboriginal and Torres Strait Island people an opportunity to comment on or respond to reports about them from their point of view.

We all acknowledge that contact between Australia's majority and Aboriginal people is limited, but the media can play a major part in nurturing that contact.

Neil Bridge, Executive Director, Strategy & Review Branch, NSW Police Service, comments on the reality of policing in Redfern:

Statistics held by the Service rank Redfern fourth out of the five inner city patrols, in relation to a selection of incidents including Steal from Person, Assault, Motor Vehicle Theft, etc.

The local police endeavour to enforce the law uniformly throughout Redfern including Eveleigh Street. It should be noted that despite continuing negative press, Eveleigh Street is no different to many other areas of Sydney.

Michelle Tuahine, Series Producer/Presenter of ABC TV's Indigenous Programs Unit, says that the media's stereotyping of Indigenous Australians is largely due to misunderstanding:

Much of the media's stereotyping of Aboriginal and Torres Strait Island people can be put down to a great void of understanding about Indigenous issues in media organisations; this lack of understanding isn't helped by the simple fact that there are so few Aboriginal people working in the Australian media.

We can only hope to diminish the stereotyping by training and employing more Indigenous people in the media. At the moment, there are only a handful of Aboriginal presenters in the mainstream and it's about the same for program makers and I think that the understanding will only increase if the representation does.

It's bizarre that so many Australians identify with the Indigenous heritage of this country, as we saw with the Olympic logo and at the Atlanta closing ceremony, but demonstrate so little understanding of the contemporary issues affecting Indigenous people. Frankly, it's because the mainstream media is stuck in a kind of '70s time warp when it comes to reporting on Indigenous Australia.

The Bulletin (31 Oct 95) ran this letter from Zita Antonios and HREOC's Aboriginal and Torres Strait Islander Social Justice Commissioner, Mick Dodson, the week after the report appeared:

The Bulletin **Black is not a colour**

Far from displaying the impartiality, accuracy or balance we might have expected from your publication, the article "The colour of money" by Damien Murphy (October 17) uses O.J. Simpson's trial to perpetuate negative stereotypes and disseminate alarmist misinformation about race relations in Australia. The article could well fuel the very racial hostility about which its author speculates. It employs the sweeping generalisations, stereotyping, reductionist reasoning and errors of fact characteristic of an archetypal racist

dissertation. It draws an analogy between the indigenous Australian and African-American experiences because both peoples are “black”. For the racist, “black” is a social type, a category about which general statements can be made on the basis of which everybody deemed “black” can legitimately be compared.

The facts are that African-American people are not directly comparable with indigenous people in Australia. The struggle of first people for land rights, cultural recognition and self-determination is not the same as civil rights and black power. “Afro-American consciousness” has not “shaped Aboriginal aspirations to the point where race relations in Australia parallel the US experience”.

The article’s disregard for the facts, and for any meaningful analysis, is revealed in its discussion of issues like the 1959 Rupert Max Stuart case, attempts by Aborigines in Tennant Creek to resolve alcohol-related problems, and the alleged “no-go” zone supposedly enforced by Aboriginal people in Redfern.

Today, indigenous and non-indigenous Australians are working together towards reconciliation. There is considerable evidence of a movement in public policy towards addressing Aboriginal dispossession and historical subordination, and a positive shift in public attitudes. Greater understanding of, and respect for, the value of cultural diversity is also evident in recent years. It might be expected that the article would discuss some of these matters but it does not even acknowledge them.

Zita Antonios/Michael Dodson
Human Rights and Equal Opportunity
Commission
Sydney, NSW

Damien Murphy granted permission to reproduce his article but did not see the need to comment further on this case study.

Case study 3 – Pauline Hanson’s maiden speech

When Independent MP Pauline Hanson delivered her maiden speech to the House of Representatives in September 1996, she caused a sensation: fellow MPs walked out during her address; ethnic and Indigenous communities voiced outrage; the Prime Minister referred to a pall of censorship having been lifted and urged the responsible use of these new found freedoms of speech; radio and television talk shows ran opinion polls surveying support for her views.

The immediate media response to Hanson’s speech varied around the country - some gave it a lot of attention, others were denied interviews with Ms Hanson - but relatively few went beyond direct reports of her speech to analyse the accuracy of its content. It was some weeks before mainstream media analysis, editorials and opinion pieces about the content and implications of her speech began to appear.

The Hanson speech provoked debate in editorial and production meetings across Australia and raises many questions about news values; manipulation of and by the media; and the media’s responsibility to analyse as well as report events of public interest.

Excerpts from Pauline Hanson’s maiden speech:

Along with millions of Australians, I’m fed up to the back teeth with the inequalities that are being promoted by the government, and paid for by the taxpayer.

I and most Australians want our immigration policy radically reviewed, and that of multiculturalism abolished.

I believe we are in danger of being swamped by Asians; they have their own culture and religion, form ghettos and do not assimilate. Time is running out. We may only have 10 to 15 years left to turn things around. Because of our resources and our position in the world, we won’t have a say because

neighbouring countries such as Japan, with 250 million people; China, 1.2 billion; India, 1 billion; Indonesia, 250 million and Malaysia, 300 million are well aware of our resources and potential.

Agnes Warren, presenter of ABC Radio National's *Media Report*, devoted one of her programs shortly after the maiden speech to posing the question: "is Pauline Hanson 'a simple fish-and-chip shop lady' or a savvy media performer?"

One of her interviewees was Professor Andrew Jakubowicz, head of the Media and Racism Research Group at the University of Technology Sydney, who said he believed the media played a role in creating Hanson's public profile:

Andrew Jakubowicz:

The media are really crucial for two reasons. One is, that they play a really important agenda-setting role. I mean what they select to run with, what they believe are news values, sets the tone for a lot of the debate that follows. They're not, if you like, passive recipients of what goes on, they're active participants in it.

The other (reason) is that the media have in a sense, in a variety of ways, taken some sort of social responsibility for trying to get a sense of what the diversity of views are...

...the whole point about neo-right populist strategies... like those of Hanson, is that they do not stand up to sustained critical debate... they are confused, they are logically incoherent, they are a string of prejudices linked together by a series of slogans. Now any intelligent journalist... is able to unpack that and demonstrate the incompetence of it. On the other hand, when you have talk show hosts who have no interest in unpacking the idiocies that these people put forward, they provide a free and open platform for the sloganeering to continue.

The *Media Report* concluded with Jakubowicz's comments on what he believed was the most interesting and, at that time, largely unexplored angle in the Hanson story:

...Gerard Henderson made the point extremely well when he wrote recently that the crucial news story about Pauline Hanson is not that some right-wing ideologue from Queensland is making neo-fascist, racist statements, but that the Prime Minister is making no comment at all about them, and that the Minister for Immigration and Multicultural Affairs is making no comment... and that the Minister for Aboriginal Affairs is keeping his mouth shut with a great smile on his face because Pauline Hanson is doing his dirty work for him. That's really the news story and it's interesting to see that the news media, for the most part, really haven't pursued that story... I suppose the issue comes back to the point about public opinion and how it's formed and how it changes. Public opinion emerges through an interaction between public opinion leaders and the broad mass of the population in various ways. If the space is left vacant to ideologues of the hard right, then the whole sense of what the debate is about lurches in that direction.

Postscript: Almost a month after Pauline Hanson's maiden speech, the Prime Minister responded in Parliament to an Opposition question on her remarks and also addressed the broader issue of racism in Australia.

Agnes Warren comments:

Pauline Hanson's disturbing maiden speech to Parliament, and her subsequent appearances on talkback radio programs and the Middy show convinced me she was an important subject for The Media Report.

I called the independent MP to ask about her media appearances, she answered the telephone and explained she would not talk to me because she had banned the ABC. I subsequently discovered this was on the advice of her adviser, a seasoned journalist. It was interesting to find that unlike other independent MPs, Ms Hanson had not hired a researcher but had opted for someone to help her manage the media. The ban on the ABC has put the organisation in a difficult position - it is obliged to report what Ms Hanson says but has no opportunity to question her in detail on her views.

These two issues had not been publicly discussed

until The Media Report raised them and explain much about the coverage Ms Hanson has attracted in recent weeks. Ms Hanson is concentrating her energy on popular radio, television and newspapers with markets she believes may be sympathetic to her message. And when it comes to her message she is using the tried and true technique of keeping it simple and repeating it at every opportunity.

A Current Affair invited Pauline Hanson to a live studio interview with Ray Martin the day after her speech. It was one in a succession of interview invitations the show had extended to Mrs Hanson - none of which she accepted - since she first came to national prominence during the federal election. After lengthy deliberations between the show's producer, David Hurley and her advisers, including media adviser John Pasquarelli, she declined. She gave as her reason, Martin's involvement in the Council for Aboriginal Reconciliation.

Ray Martin's back-announce after a taped story on Pauline Hanson's maiden speech to Parliament, *A Current Affair*, 11 September 1996:

Pauline Hanson has black-banned me... no pun intended.

She won't talk to me because she believes I'm sympathetic towards the plight of Aboriginal people.

Well, I must confess I am.

Unlike Mrs Hanson, I believe they are the most disadvantaged Australians.

I have no problem with Asian Australians either.

Mrs Hanson is, of course, entitled to state her views. I think she's ill-informed. Her so-called solutions are simplistic and I disagree with much of what she says.

But I'd welcome the opportunity to discuss those differences with her.

Of the more than fifty calls received by Channel 9 following Ray Martin's editorialising about Hanson's rejection of his interview invitation,

most were critical of Martin's stance, alleging bias and lack of professionalism.

ACA Producer, David Hurley, explains why the program declared its hand on the issue:

Ordinarily we might not have had Ray say it as definitively as he did. I don't think it's up to us to give a philosophical or social view (about multiculturalism and Aboriginal issues) but, in this case, we thought it was better to be up front with Ray's view. We've never made a secret of his participation in the reconciliation movement but we also know the depth and breadth of the program we run here and no one could say we're running a cause. We've run a pretty fair mix on Aboriginal issues over the years.

We had a taped story anyway with the vox pops and bits of Hanson's speech and, right up to the last minute, we were moving heaven and earth to get her on. Until her office stated quite bluntly that she wouldn't do it because Ray was on the Reconciliation Council, they were saying time was a factor. That's hard to believe because she in the end did three separate interviews with the three state-based hosts of (Channel 7's) Today Tonight in Brisbane, Melbourne and Sydney. That's unheard of in my experience - for a politician to go to the trouble of doing essentially the same interview three times for local versions of a program. When it became clear that she wasn't going to come on we figured we should explain why she wasn't on the program. Because establishing why she wasn't there led inexorably to where he stood, we chose to allow him to express his views. He hasn't done it often, but it has happened before.

In the circumstances of her refusal to come on, and the reason she gave, it was imperative for us to be up front about Ray's view on that part of the debate. We make no apology for that.

ABC TV took a different view of the news value of the Hanson speech. John Mulhall, then Acting Sydney Network News Editor, explains the editorial decision not to cover the Hanson speech:

We do apply quite different news values from our commercial colleagues. We try to consider the longer

term implications for the community of stories we run.

In the case of Pauline Hanson, as an independent backbencher, she carries no balance of power and could not influence Government policy. Her views on multiculturalism and Aboriginal issues were already widely known so we believed there were no longer term implications in her maiden speech and decided the story wasn't worth a run.

Instead we covered two other stories from Federal Parliament which we felt on the day were more important. We also knew that the ABC's 7.30 Report was covering the story from a current affairs angle.

We paid more attention to Pauline Hanson prior to the federal election when, as still a member of the Liberal Party, her comments had the potential to affect her party's electoral chances.

We have also carried stories on Pauline Hanson since, when her comments have become part of the mainstream political debate.

Letters pages of the daily newspapers are useful windows on public opinion and it is hardly surprising that Hanson's speech motivated Australia's scribes on all sides of the political divide. Here's how the *Sydney Morning Herald's* Debra Jopson answered readers' criticisms of bias in her selection of letters on the issue in September 1996:

The Sydney Morning Herald Postscript

Our publication on Friday of three letters criticising Pauline Hanson's speech drew a couple of conspiracy theorists. John Cosgrove, of Watsons Bay, claimed that it showed "bias in the selection of items" which threatened freedom and the fabric of democracy. Cheryl Winstanley, of South Wentworthville, asked if we intended to print supportive letters.

R.E. Buchanan, of Panania, thought we needed a big waste paper bin (presumably to throw out all the letters supporting Hanson). Well, no, the bin would be minuscule, if it existed. A handful

of letters sympathetic to Hanson finally hit this desk on Friday. Only two gave reasons for this support. One is published today.

The 20-plus criticising Hanson had the attractive quality of going on to say why.

It looks like "media bias" will be the cry whenever the spotlight is thrown on Hanson. Toni Symonds, of Fennell Bay, wrote that when 2UE's Alan Jones asked listeners to ring a "Yes" or "No" line on whether they agreed with her views, she tried for an hour to call the "No" line but could not get through. Jones announced he got a 98 per cent "Yes" vote and 2 per cent "No".

The voters did not have to support their views with argument, unlike our letter-writers.

In the meantime, as Peter Fay, of Leichhardt, wrote, "Where's Bronwyn?"

Debra Jopson
Acting Letters Editor.

Hanson's speech

Independent MP Ms Pauline Hanson has brought disgrace to our Parliament and embarrassed not only people in her electorate but most Australians by her comments in her maiden speech.

She does not realise this country and its people have moved away from an isolationist policy. The vast majority of Australians are far more humane and caring than she claims. Mr Howard should show leadership by condemning her comments.

Hopefully we will not see her on the rostrum again.

Mark d'Souza,
Camden
September 13.

In reply to "Hanson speech hits a new low", may I state that although not agreeing with all

that Ms Hanson said I, like most Australians, believe that in the main, she speaks for the majority of Australians. Some pressure groups might not like her sentiments but this is still a land where we believe in free speech.

If Australia introduced Citizens Initiated Referenda, the people of Australia could tell the politicians what we really think. This would be most interesting.

Mainstream politicians should realise that they are there to represent us, not tell us what to do. I wish we had more like you, Pauline.

David Astin,
Bankstown
September 13.

Case study 4 – I don't know what I can laugh at anymore

Everybody else thinks it, we say it.

Australian comedian George Smilovich on comics

In July 1996 Radio National's breakfast program ran a special report on comedy and censorship by journalist Chris Bullock. The report looked at structural censorship through legislation such as the copyright and defamation laws. It also discussed the increasing trend towards self-censorship by the media and comedians around the world in response to changing social mores.

The following excerpts from Bullock's report provide insight into the deliberations of a radio production team over whether or not to include a racist joke in their comedy program, *The Box Seat*.

The Box Seat production team decided that, without the context of the venue, the joke was misplaced and offended cultural sensitivities.

Chris Bullock, however, included the joke in his report. He comments (below) on the deliberations of the breakfast program

production team over airing the joke and says that his team concluded that they had a responsibility to cover the range of attitudes and entertainment in the community, even those with blatant racist overtones.

Chris Bullock's on-air introduction to the joke:

Cultural correctness or cultural sensitivity, depending on your perspective, is the most commonly cited example of political correctness in Australia. Several members of the Coalition Government, including the Prime Minister, argue it's the mantra of the Aboriginal and multicultural industries.

Cultural sensitivities meant that this joke by Lee Perry did not make it to air on Radio National's comedy program, *The Box Seat*:

The joke:

I'm lucky to be alive. I nearly didn't make it here tonight. I had a car accident with an Asian driver who was coming up a one-way street the wrong way. I felt sorry for him, it's an easy mistake to make. I mean those huge one-way arrow signs can be bloody confusing (audience laughter).

The scary thing about it, right, is that they have Asian driving schools. Like, what the hell are they teaching their students? (In an accented voice): OK, now get in the right lane. No, no. What are you doing? You don't use the indicator, just get in the right lane (audience laughter). OK. Now we're going to reverse park. Back, back, back, keep going, back, back. Good. You hit him. You're doing really well (audience laughter).

OK. Now you have a green light, but don't go yet. Wait till guy behind you get the shit. OK now go. But very slow (more laughter).

Chris Bullock's on-air interview with Libby Douglas, *The Box Seat* producer, reveals her team's deliberations in reaching their decision not to air the joke:

CB: The decision not to use the joke was made in a program meeting. Libby Douglas is one of the producers.

LD: The joke got a very positive response at the venue. People laughed almost in spite of themselves. You get a lot of that now in the kind of correct 'nineties. People still want to laugh at things like that and look around them to see who's laughing first. The comedian will often say: hey, if you think it's funny, laugh.

CB: Was there disagreement in the production meeting about whether this particular joke should be in?

LD: There was, and I argued that we should run it as a reflection, whether good or bad, of what was happening in the venues in Sydney. And this was something recorded as a current performer on the circuit. My executive producer disagreed and felt that, taken out of context of the live venue, where people have chosen to go and pay to see a particular performer, (compared) to what's coming out of the end of their radio are quite different things and therefore you have to be a little more selective about what we allow into essentially people's living rooms.

Chris Bullock comments:

Humour is a looking glass for society and satirists and comedians constantly cross the boundaries of political correctness. For years, intellectuals of the right have complained there are no comedians of the right.

The result, they say, has been politically correct censorship of topics like race, sex and religion.

The decision not to use Lee Perry's joke on Radio National (The Box Seat) was an example of this from an organisation (the ABC) that is accused of being dominated by PC practitioners.

The breakfast program producers decided to play the joke in full because we felt it was essential in a story about censorship for listeners to be able to make their own judgements.

There was some debate about the merits of the original editorial arguments at The Box Seat... and we agreed with Libby Douglas that it was the role of the Box Seat to reflect the range of current performing comedians, for better or worse.

Case Study 5 – Turning research findings into copy – a process of selection

Partly due to their necessarily reductionist nature, news stories created from reports on complex research findings, surveys and polls may be inaccurate and misleading. In many cases this may be the inadvertent result of carelessness or deadline pressures. In reporting complex research there are clearly instances where, through the inevitable process of selection, journalists bring their own values to bear on how the findings are interpreted and presented.

A report by Ernest Healy, 'Welfare Benefits and Residential Concentrations Amongst Recently-Arrived Migrant Communities', published in *People and Place*, the journal of the Australian Forum for Population Studies at Monash University examines the relationship between the long-term dole dependence of recently-arrived migrants and residential concentrations of disadvantaged migrant groups.

The report reveals that a high proportion of recently-arrived migrants from some birthplace groups remain dependent on unemployment benefits for an unusually long period of time after their arrival in Australia and that residential concentrations of migrants tended to increase rather than decrease over time, exacerbating an entrenched environment of social and economic disadvantage.

Healy concludes that the contradiction between idealistic ideology (of government) and empirical research is sufficiently great to require a basic reconsideration of immigration and settlement policies.

Regardless of whether or not Healy's analysis is considered sound, the following news stories taken from metropolitan, regional and suburban press illustrate how reports such as his can become more sensational in the hands of the news media.

The news stories argue that the report's call for a reconsideration of immigration policy is an argument against immigration. Healy, however, says the purpose of his research was to inform public policy and address concerns about disadvantaged groups who are exploited by an informal labour market.

Healy also says that the use of the word 'ghetto' was deliberately sensational, particularly as he had used it when describing the US situation and not when referring to the areas of study in Sydney and Melbourne. He refers to these areas as 'enclaves'.

The *Sydney Morning Herald's* Paul Sheehan comments:

The key is a single word - ghetto.

This story appeared exclusively on the front page of The Sydney Morning Herald after the study was given to me by the editors of the journal *People and Place*. They sent it to me because they believed the study revealed an alarming trend and they wanted maximum exposure in a serious newspaper. They knew I was a senior writer whose work was often given prominence on the Herald.

Because of this trust, and because the careful language of academic reports is so easily oversimplified for news reports, I sent a copy of the story back to *People and Place* before publication. It was carefully checked. The editors of *People and Place* were nervous about the word 'ghetto' but I explained to them that I would use the word for several reasons:

1. Coupled with the information I had from sources within the Department of Social Security and from the police, it was clear that a culture of high crime and high welfare abuse was forming among the increasingly concentrated Vietnamese populations of Sydney and Melbourne. Sydney's Cabramatta had not only become the centre of the heroin retail trade in Australia, but it was also a centre of crime, of gang activity, of welfare abuse, and of sweat shop labour.
2. I regarded 'enclave' as a safe academic term used to protect the author from accusations of scholarly

sensationalism. Journalists don't have this problem.

3. The story did not merely rely on the *People and Place* study.

4. The figures showed a serious trend which was growing and had to be recognised. If an area functions like a ghetto than call it a ghetto. Obviously the word has high news impact.

Nevertheless, I did self-censor this story. I made no mention of crime, or drugs, or gangs, because they are such loaded emotional terms and the immigration debate was already heated enough. I was also troubled by the use of anonymous quotes in the story. I don't like them and all journalists avoid them if possible. But I had interviewed three welfare officers within the Department of Social Security who were distressed at the systematic fraud going on, and the worst abusers were Asians. Two of my sources were Asian.

For their personal and professional protection, they asked not to be named. But they are happy to assist the government in any subsequent inquiry.

The Sydney Morning Herald

1 July 1996

Federal laws blamed for Sydney's welfare ghettos

by Paul Sheehan

Racial ghettos are forming in Sydney as a result of federal government policies.

Unpublished data from the Department of Social Security reveals the formation of ethnic enclaves marked by very high unemployment, welfare dependency and welfare abuse - the classic warning signals of ghetto-formation.

One of the highest and largest concentrations of welfare dependency in the country is among Vietnamese-born immigrants in Fairfield, says Ernest Healy, who surveyed the data and published his findings in the latest issue of *People and Place*, the journal of the Centre for Population and Urban Research at Monash University.

Other high concentrations of single-group welfare recipients in the city are found in Blacktown, Bankstown, Canterbury and Campbelltown.

The ethnic concentrations in these enclaves are mainly Vietnamese, Lebanese, Turkish and Yugoslav-born populations, with the Vietnamese forming by far the largest single welfare cluster.

The social security data shows that just under 40 per cent of all Vietnamese living in NSW are concentrated within a few postcodes in and around Fairfield, especially 2166 in Cabramatta.

The concentration of chronic welfare recipients in this small area is even higher - nearly half (47 per cent) of all unemployed Vietnamese in the State are clustered in and around postcode 2166. Nearly two-thirds of these are long-term unemployed.

Not only are these figures very high, they are also bogus. The real unemployment rate among Vietnamese is much lower. This has been an open secret in Sydney for years, and it is acknowledged by Ernest Healy in his study:

“An exploitative informal labour market based on the clothing industry, and related social security fraud, has assumed major proportions.”

A *Herald* source within the Department of Social Security says there is a culture of widespread welfare abuse within sections of the Vietnamese and Chinese communities.

“About 90 per cent of the clients I see are not entitled to the benefits they are claiming,” said the source, who added that the Vietnamese were not the worst abusers of the system: “The most cynical groups are from the PRC (People’s Republic of China, the so-called Bob Hawke special immigrants).”

The biggest single contributor to rorting of unemployment benefits is the garment outsourcing industry, dominated by Vietnamese workers. Ernest Healy writes that the high rate of Vietnamese participation in this home-based

industry is caused by “the interaction between the federal government’s deregulatory policy and its immigration policy. “The two processes facilitated the rapid emergence of an exploitative labour market based on residentially concentrated minority populations.”

This phenomenon is being fed by a chain-reaction under family sponsorship immigration laws, in which many immigrants who are receiving welfare benefits are now sponsoring relatives, especially marriage partners, to Australia.

Many of these new immigrants, who are mostly women, then either join the ranks of the unemployed, or the informal labor force, or both.

This year, an expected 35,000 immigrants will be sponsored as spouses or fiances, with the two biggest source countries being China and Vietnam.

This program has grown so large that it constitutes more than a third of expected total immigration for 1995-1996.

This latest study is significant because it used access to the entire national data base of the Department of Social Security, and it disputes the conventional dogma that racial concentrations of immigrants are essentially transitory.

The formation of these enclaves runs counter to the traditional trend of dispersement and assimilation as various immigrant groups grow more established in Australia.

That this reversal is happening is largely the result of a cocktail of unco-ordinated federal government policies and lack of policies.

These policies also ignore public opinion. For example, a national McNair poll conducted two weeks ago found that Australians, by a two-to-one majority, are opposed to the present immigration rate - running at just under 100,000 a year - largely because it is seen as

contributing to high unemployment and high welfare costs.

These popular misgivings are borne out by the Healy study, which found that among settler arrivals in 1994 who intended to work, the percentages still receiving unemployment benefits as of August 1995 were very high among some immigrant groups:

Russians (62 percent unemployed), Lebanese (56), Vietnamese (54), former Yugoslavia (51) and Chinese, not including Taiwan (47). In contrast, the figure for Hong Kong was 4.1 per cent, and for South Africa 2.9.

Illawarra Mercury

2 July 1996

Ethnic ghettos claim 'irresponsible'

Claims that "ethnic ghettos" similar to those in American cities were springing up in Sydney and Melbourne were inaccurate and irresponsible, the *Vietnamese Herald* newspaper editor said yesterday.

Editor Son Duong admitted there was a high level of welfare dependency among Vietnamese immigrants but disputed a report claiming ethnic ghettos were forming, characterised by high social security fraud and a labour market based on exploitation of poorly-organised "outworkers" - or contracted labour.

The report, written by Ernest Healy and published by Monash University's Forum for Population Studies, calls for an overhaul of Australia's immigration and settlement policies.

It found almost 40 per cent of Vietnamese immigrants in NSW settle in the Fairfield local government area, with 47.1 per cent of Vietnamese in the suburb dependent on benefits.

The normal migration pattern, where immigrants arrived, settled in a suburb then gradually dispersed into the general community was not being followed in Fairfield or other Sydney areas like Bankstown, Liverpool and

Auburn or Melbourne suburbs like Sunshine, Footscray and Springvale, the report argued.

The Vietnamese, Lebanese and Turkish communities were found to have high welfare dependency rates.

It said the situation warranted comparison with the inner city black ghettos of the US, which were "typically associated with a range of social ills: family instability, welfare dependency, crime, housing abandonment and low educational achievement.

The *Illawarra Mercury* ran its 'ghetto' report straight off the wire without any alterations. The report was authored by the AAP news agency and gave the story a different slant, interviewing the editor of Sydney's Vietnamese newspaper.

Whilst it is difficult to track the research details of an AAP wire report some time after release, AAP Bureau Chief Margaret McDonald says it is likely that their report was reacting to the *Herald's* front page story and possibly picked up the terms used by the *Herald* journalist.

Margaret McDonald, Sydney Bureau Chief, AAP, comments:

The AAP news desk works to the same tight deadlines and under the same pressure as any other newsroom, although there is the additional competitive pressure of trying to be the first to break the story, rather than reacting to stories which have already appeared; and there are also problems of ownership of a story which we seem to address quite frequently.

The *Illawarra Mercury* ran the report as we put it out on the wire, without any changes; but the problem AAP regularly experiences is when the wire story is subbed, or a journalist follows up different leads and makes additions to it, and the original thrust or meaning of the AAP story is lost. If there's a by-line on the story that's OK, but if there isn't and the story causes concern among readers, then the

newspapers often advise the reader to call AAP as the source of the story and we cop the flak for an article which wasn't the same as the one we put on the wire.

Peter Cullen, Editor in Chief, *Illawarra Mercury*, comments:

There is really no hard and fast policy on how race issues are reported in the Mercury except to say that one tries to be as sensitive and as decent as possible. Our job is to report the news by presenting the facts and the place to make moral judgements is in editorial columns.

In terms of this article on Healy's report, we ran it straight off the wire - it's AAP's story. We don't check the AAP sources because we pay them a big fee to do the checks and balances on reports. Naturally we would undertake those checks and balances if the article reported a local angle and local sources were used.

Melbourne Leader
8 July 1996
'Urban ghettos'

by Jodie Haythorne

Poverty-stricken migrants were turning inner-city suburbs into urban ghettos, a Monash University researcher said last week.

Ernest Healy said increasing numbers of ethnic people were settling in enclaves - namely the Collingwood, Fitzroy and Richmond public housing estates - and surviving on welfare benefits.

He said the culture was synonymous with racial tensions and crime - a recipe for violent slums.

The allegations last week sparked an angry reaction from public housing workers and police.

Dight Abbotsford Collingwood Clifton Hill Tenants' Association worker Denis Evans said it was already difficult for people to overcome the stigma of living in public housing. Being accused of turning the area into a ghetto made things worse.

"There are many different ethnic group who come here, but that is not their fault," he said.

"They have no choice. The majority lead productive lives. They have got jobs."

"A lot of them use this as a first stage of getting in to the community. In the meantime, it is decent and affordable housing."

Mr Evans said there were benefits to living in public housing, including security, free maintenance and the best views of Melbourne.

Mr Healy said his research, which he insisted was not racially motivated, proved ghettos stemmed from thousands of migrants forming enclaves and living in poverty on welfare benefits.

"Normally, a concentration of poverty is associated with crime," he said. "When it is combined with ethnic and cultural isolation, it makes these problems normally associated with concentrated poverty particularly difficult to deal with."

Mr Healy's comments followed the discovery of a body in the Napier St public housing estate, Fitzroy, on Monday. The pensioner, who had lived there for eight years, died of multiple stab wounds.

Sen-Sgt Geoff Adams, of Fitzroy police, said the murder was not a true indication of public housing lifestyle. He said crime rates seemed higher in commission areas due to the dense concentration of people living there.

"If you spread those crime figures across the same population in somewhere like Templestowe, you would have similar crime rates," he said.

"Wherever you put cheap housing, it is going to attract that (criminal) element, but if anything it has changed for the better."

Sgt Eda Whiting, of Collingwood police, said it was outrageous to blame innocent public

housing residents for creating a ghetto. She said it was naive to think people could live in a public housing block without the occasional problem.

Bob Osburn, Editor, *Melbourne Yarra Leader*, comments:

The university researcher's comments on urban ghettos were seen as highly relevant to the Melbourne Yarra Leader as our inner city distribution area contains several major public housing high-rise estates.

The Leader was interested in the issue as a local story and whether the researcher's findings accurately reflected life in the city's high-rise estates.

The issue was first raised in a small way in a column in one of the metropolitan dailies. The Leader immediately took it up and pursued its own angles by speaking to those who live and work in the estates.

Our reporter spoke to Mr Ernest Healy. Those (others) interviewed did not see his report.

Generally race issues are of interest because of the great ethnic mix of Melbourne's inner-city suburbs. The Leader reports race issues as it does any other news issue, seeking to localise as much as possible."

Author of 'Welfare Benefits and Residential Concentrations Amongst Recently-Arrived Migrant Communities', Ernest Healy, says his report was misinterpreted by the media :

In my experience, it seems that the media have some difficulty in reporting complex issues and we end up reading and hearing simplistic reports without the relevant context or background.

For example, a complex issue about a history of conflicting government policies and their cause and effect is reduced to a sentence. This may be due to factors such as time constraints of researching the report or sub-editing to fit the report into the space or time allocated.

The context here is: a heavy reliance of Vietnamese immigrants, who are disadvantaged in the labour market because they are largely unskilled and not proficient English speakers, on an exploitative informal labour market.

In my report, we used data to find out how recently-arrived groups are faring in the labour market, not with a view to victimising those groups but to guide policy development which might prevent those groups from becoming further disadvantaged.

The aim is not to stigmatise the people themselves but to identify the problem that stems from Federal Government policy. It should be possible to legitimately debate the issue of a reduction in immigration on non-racial terms and without stigmatising migrants. Reconsideration of immigration and resettlement policies should not incur a slur on migrants.

The media need to use the information they have responsibly. They need to clearly distinguish news reporting from opinion.

The Federation of Ethnic Communities' Councils of Australia (FECCA) comments on what it sees as the harm done to communities through the use of loaded language and offensive terminology:

The articles on Healy's report use words incorrectly, for example 'ghettos'. Other inflammatory words such as 'rorts', 'abusers' and 'bogus' are used in a manner that appears to be aimed at instilling a sense of outrage in the reader.

The use of terms such as 'chronic welfare recipients' are more loaded than 'long-term recipients' and also seem to suggest at least an unsolvable problem.

The articles infer there is something unsavoury about various ethnic groups concentrating in a particular area. While the 1991 Census indicated that 11 per cent of the Fairfield population was born in Vietnam, nowhere near the proportions the article seems to imply, no effort is made to explain the reasons people of a particular birthplace group would want to live near each other. Some of these reasons are: the distribution of cheaper housing, initial place

of arrival, the desire to be close to family members and others from their home country and the likelihood of more appropriate services in areas where there are higher numbers of people from their birthplace.

While the unemployment rates for a number of the communities stated is high, these are related to a range of factors, which are not explained in the articles, and the rate tends to decline with length of settlement.

FECCA illustrates how news stories on research such as that presented in Ernest Healy's report could be more balanced, accurate, and sensitive to racial issues:

- less use of inflammatory language, in this case 'rorts' and 'bogus'
- avoidance of inaccurate use of terminology, eg. 'ghettos'
- inclusion of other academic views regarding the issues raised in the research and a more thorough and accurate use of data
- some exploration of the issues confronting the communities in question, such as the Vietnamese, when they arrive in Australia and why they might settle in particular areas
- inclusion of a community, Mayoral or Ministerial perspective
- less use of unpublished data and unnamed sources; it's pretty difficult for the reader to critique something that is unsighted and essentially unavailable.

Checklist

There are no clear-cut or definitive rules about reporting in this area.

As Robert Pullan highlights in his article, most news editors and senior journalists say they make relevance and sensitivity judgements on a case-by-case, story-by-story basis.

However, you may find the following checklist useful in coming to your own decisions:

- Is race, ethnicity or religion relevant to the story?
- Is the piece accurate and factual?
- Is the opinion/editorial comment clearly delineated from fact?
- Is there another side to the story and where possible have comments been sought from alternative sources?
- What is the impact of highlighting conflict, violence or crime within a particular racial, ethnic or religious group?
- Are the visuals or headlines relevant to and congruent with the story?
- Have sensitivities and protocols been checked in the use of language generally and particularly in the naming of individuals, organisations or cultural practices?
- Is the piece free of inflammatory language?

RACIAL HATRED ACT 1995

No. 101 of 1995

An Act to prohibit certain conduct involving the hatred of other people on the ground of race, colour or national or ethnic origin, and for related purposes

(Assented to 15 September 1995)

(Date of commencement 13 October 1995)

The Parliament of Australia enacts:

PART 1 - PRELIMINARY

Short title

1. This Act may be cited as the *Racial Hatred Act 1995*.

PART 2 - AMENDMENT OF THE RACIAL DISCRIMINATION ACT 1975

Principal Act

2. In this Part, "Principal Act" means the *Racial Discrimination Act 1975*.

(Note: *Racial Discrimination Act 1975* - No. 52, 1975, as amended. For previous amendments, see No. 91, 1976; No. 18, 1980 [as amended by No. 25, 1981]; No. 38, 1983; No. 126, 1986; No. 38, 1988; No. 115, 1990; Nos. 132, 165 and 179, 1992; and No. 13, 1994.)

Insertion of new Part

3. After Part II of the Principal Act, the following Part is inserted:

"PART IIA - PROHIBITION OF OFFENSIVE BEHAVIOUR BASED ON RACIAL HATRED

Reason for doing an act

"18B. If:

- (a) an act is done for 2 or more reasons; and
- (b) one of the reasons is the race, colour or national or ethnic origin of a person (whether or not it is the dominant reason or a substantial reason for doing the act);

then, for the purposes of this Part, the act is taken to be done because of the person's race, colour or national or ethnic origin.

Offensive behaviour because of race, colour or national or ethnic origin

"18C. (1) It is unlawful for a person to do an act, otherwise than in private, if:

- (a) the act is reasonably likely, in all the circumstances, to offend, insult, humiliate or intimidate another person or a group of people; and
- (b) the act is done because of the race, colour or national or ethnic origin of the other person or of some or all of the people in the group.

Note: Subsection (1) makes certain acts unlawful. Section 22 allows people to make complaints to the Human Rights and Equal Opportunity Commission about unlawful acts. However, an unlawful act is not necessarily a criminal offence. Section 26 says that this Act does not make it an offence to do an act that is unlawful because of this Part, unless Part IV expressly says that the act is an offence.

"(2) For the purposes of subsection (1), an act is taken not to be done in private if it:

- (a) causes words, sounds, images or writing to be communicated to the public; or
- (b) is done in a public place; or
- (c) is done in the sight or hearing of people who are in a public place.

"(3) In this section:

'public place' includes any place to which the public have access as of right or by invitation, whether express or implied and whether or not a charge is made for admission to the place.

Exemptions

"18D. Section 18C does not render unlawful anything said or done reasonably and in good faith:

- (a) in the performance, exhibition or distribution of an artistic work; or
- (b) in the course of any statement, publication, discussion or debate made or held for any genuine academic, artistic or scientific purpose or any other genuine purpose in the public interest; or
- (c) in making or publishing:
 - (i) a fair and accurate report of any event or matter of public interest; or
 - (ii) a fair comment on any event or matter of public interest if the comment is an expression of a genuine belief held by the person making the comment.

Vicarious liability

"18E.(1) Subject to subsection (2), if:

- (a) an employee or agent of a person does an act in connection with his or her duties as an employee or agent; and
- (b) the act would be unlawful under this Part if it were done by the person;

this Act applies in relation to the person as if the person had also done the act.

"(2) Subsection (1) does not apply to an act done by an employee or agent of a person if it is

established that the person took all reasonable steps to prevent the employee or agent from doing the act.

State and Territory laws not affected

"18F. This Part is not intended to exclude or limit the concurrent operation of any law of a State or Territory."

Consequential amendments

4. The Principal Act is amended as set out in the Schedule.

SCHEDULE

Section 4

CONSEQUENTIAL AMENDMENTS OF THE RACIAL DISCRIMINATION ACT 1975

Paragraph 20(1)(a):

Insert "or Part IIA" after "Part II".

Paragraph 20(1)(d):

Add at the end "or Part IIA".

Subsection 22(1):

Insert "or Part IIA" after "Part II".

Paragraph 24(1)(b):

Insert "or Part IIA" after "Part II".

Paragraph 24(2)(a):

Add at the end "or Part IIA".

Section 25W:

- (a) Insert "or Part IIA" after "Part II".
- (b) Omit "that Part", substitute "those Parts".

Section 25X:

Insert "or Part IIA" after "Part II".

Section 26:

Add at the end "or Part IIA".

(Minister's second reading speech made in - House of Representatives on 15 November 1994, Senate on 28 November 1994).

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