

National Human Rights Consultation Submission

AGWW-7PLCHM

Organisation: British People Against Racial Discrimination

Submission Text:

BRITISH PEOPLE AGAINST RACIAL DISCRIMINATION

B.P.A.R.D.

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Attorney General's Department

ATT; THE CONSULTATIVE COMMITTEE RE: HUMAN RIGHTS

Fr Frank Brennan (Chair) Mr Mick Palmer, Ms Mary Kostakidis and Ms Tammy Williams

SUBJECT: SUBMISSION TO THE COMMITTEE RE; HUMAN RIGHTS ISSUES

Dear Committee members,

BPARD has been in existence for over 6 years, our purpose is to ensure human rights as guaranteed within the UN Convention Australia agreed to, are upheld. Currently this is not so, especially in the areas referred to in this submission, and with particular emphasis on the English Racial Group, as the practice described herein is perpetrated against this group daily and NO other.

This review will have no credibility unless wholesale changes are made that both recognise and enforce within the regulatory system, the basic principle upon which human rights are founded and recognised as such in Australia's RDA and the International Convention it signed, namely:-

THE RECOGNITION AND ELIMINATION OF ALL FORMS AND MANIFESTATION OF RACIAL DISCRIMINATION.

The same two documents mention (Article 7,) States, Parties undertake to adopt immediate and effective measures, particularly in the fields of teaching, Education, culture and information. Note the words; effective measures teaching education culture and information. NONE of this has been done in reference to the Australian perception of the use of racial terminology, in particular the term POM. If it had, the incident described below could not have happened. That it has with seeming approval to do so is to Australia's shame. Subsequent complaints to the Advertising Standards Board, and the ABAC being dismissed as not breaching any code.

The latest incidence referred to re: racially offensive behaviour against the English people. This was the Fosters advert where the following dialogue was used by Shane Warne whilst his head was under a dummies arm:-

· THIS COULD BE YOU IF YOU WIN (Prize on offer) WITH YOUR HEAD UNDER A SMELLY POMMIES ARMPIT.

We ask that you answer this honestly. How many other racial groups have you ever known of in recent times, e.g. for the last 10 years, have been referred to in this manner in public life?

What do you think the reaction would be if the advert had used the term ABO instead of POM. We use this parallel to draw your attention to the fact that Ethnic groups rights are being denied through this selectivity of picking one racial group for a practice not perpetrated on ANY other.

This review has to guarantee to ALL Racial Groups with particular emphasis on the UK migrant in Australia. Whatever the outcome, such racially offensive obscenities will be stopped from ever happening again and terminology that is recognised as; Racial slurs, Derogatory / Offensive etc will no longer be allowed in public life.

You will note from the attachments, POM is recognised as Derogatory/ Offensive. Why are the media allowed to ignore rights that are guaranteed within the UN Convention Australia signed. Said practice is a denial of the following supposedly inalienable rights:-

Racial Equality, the necessity to treat all racial groups the same, there is a requirement that no distinction be made on grounds of race nationality etc.

The right of a racial group to self determination. It is the right of a racial group to decide what is acceptable, and not other Ethnic groups to arbitrarily dictate what they deem acceptable. CLEARLY DEFINED & CONFIRMED IN A TRIBUNAL RULING EOC(2001) 93 - 146 , AND SUBSEQUENTLY IGNORED BY all AUSTRALIAN SOURCES.

THE ABOVE MATTERS ARE THE CORE ISSUES OF BPARDS SUBMISSION TO THIS COMMITTEE. WE HAVE THE EXPECTATION, THAT THIS REVIEW, WILL FINALLY ENSURE HUMAN RIGHTS ARE NOT ONLY WORDS ON A DOCUMENT, BUT THEY WILL ACTUALLY BE OBEYED AND ENFORCEABLE BY THE GOVERNMENT AUTHORITIES EMPOWERED WITH ENFORCING HUMAN RIGHTS LEGISLATION.

The following is a further example of the Australian media bias against the UK expat. despite the human rights referred to above, they continue to discriminate in public life against this ethnic group, through the very public practice of using a racial slur (POM) as a descriptor. This terminology is recognised as a racial slur by HREOC (media release 30th November 2006.) This makes the UK expat the only ethnic group in Australia being described daily by use of a recognised racial slur, HREOC has also stated, they do not recommend the use of racial slurs in any context. Yet again the media choose to ignore this.

We put this question to the Committee. Why does HRCA not have the necessary jurisdiction to cover the rights stated, thus denying the means to protect the English, or should the need arise, any Ethnic group from this type of Racial Discrimination. Why does HRCA have jurisdiction over only one clause of the RDA, Clause 18, commonly recognised as the racial hatred provision, this being the more serious form of racial discrimination, and is a far cry from recognising and eliminating ALL forms and manifestations of Racial Discrimination as agreed by Australia under International law upon signing the UN Convention on human rights.

Proof that HRCA (formerly HREOC) can only enforce one clause is contained within their benchmark case on racial discrimination; Bryant v Queensland Newspapers. Note the Race Commissioners comment; THE ONLY PROVISION BY WHICH HREOC CAN ASSESS THIS CLAIM IS UNDER CLAUSE 18." Bryant clearly claimed Racial Discrimination NOT Racial Hatred.

Full Enforcement of the above mentioned necessary areas of human rights will also serve to prove Labors' credibility in this most necessary of issues, i.e. the right to racial equality for all groups, not just the ones the Australian media select. Racial selectivity is akin to racial discrimination. ALL ethnic groups have to be treated equally in public life, there can be NO exceptions. The English have a right to the same respect the media selectively accords other racial groups i.e. Indigenous Australian's, Germans, French, Scandinavian groups, South American groups, Indians, Pakistanis, Sri Lankans etc. None of these groups ever being referred to by a recognised racial slur by the Australian media (public life.)

To date there is not one Government Ministers' Department or Regulatory Body that has been willing in the last 6years, to provide guarantees of the above rights when requested. Why should this be, what have they to hide? If these rights are being observed how could they possibly object to giving guarantees, yet they have and continue to do so. They steadfastly refuse to provide said guarantees in relation to Australia's race laws, and their ability either now or future in fulfilling Australia's obligation to the UN covenant agreed to. We only seek confirmation that racial equality be guaranteed, as is our right under said convention. This review must not only recommend but ensure such rights are enforced.

As you will understand, this issue of equal treatment of all racial groups in public life, and the right to equality before the law, and a peoples right to self determination, is treated very seriously by UK migrant groups. It is supposed to be guaranteed as a fundamental human right, yet such guarantee is being treated with disdain by Australian media sources and regulatory authorities. This is undeniable fact as six years of campaigning have proven. We challenge anybody including the Federal Attorney General's Department to prove otherwise. We advocate open scrutiny of all case histories to date, should this be necessary.

Please ensure that ALL ethnic groups are represented, failure to do so would negate any findings or recommendations from the consultative process.

A consultative process without participation of all ethnic groups is no process at all.

We have high expectations that the current Rudd labor government will recognise the necessity that all racial groups must be treated equally in public life. There can be no exceptions, please do not treat this lightly, we are highlighting a serious breach of human rights. BPARD has the support of other UK migrant groups nationwide, these being:- T.E.A. (The English in Australia) Ozbrit (self explanatory) B.A.C. (British Australian Community.) We also have the support of the Ethnic Communities Council. All of these groups have web sites should you wish to confirm bona fides.

PLEASE REFER TO ATTACHMENTS AS THEY ARE IRREFUTABLE PROOF THAT THE TERMINOLOGY "POM.) IS A DEROGATORY OFFENSIVE RACIAL TERM IN THE COUNTRY OF ORIGIN OF THE MIGRANT GROUP IN QUESTION. ALSO REMEMBER, NOBODY CALLS THEMSELVES A POM IN ENGLAND. In accordance with the right to self determination and the fact this was upheld in an Australian tribunal, we state unequivocally, this practice by the Australian media of using POM as a racial descriptor for all things British/English is a breach of our

rights and unlawful under Commonwealth law as confirmed in section 10 of Australia's current race act (RDA.):-

The right to equality before the law

We have also included 2 attachments which serve to highlight and disprove the very many excuses that we have been given to attempt to justify a racist practice (use of POM) i.e Australians only ever say it in a friendly way, or it is only a term of endearment. as you will see from the attachments the reality is very different, these excuses are just that, excuses, and have no bearing on the true reality. It is offensive and meant as such!

We finish this submission on the following note, we are unaware of the terms of reference of this Committee and sincerely hope it has been formed to make a difference. Do you intend to respond to all groups making submissions, if so all contact details are at the top of the page.

Yours Sincerely, Mr David Thomason, BPARD Spokesperson.

BELOW IS AN ENDORSEMENT FROM ECCWA FOR BPARDS PREVIOUS APPROACH ON THIS SUBJECT TO THE FEDERAL ATTORNEY GENERAL. HAVING SOUGHT THEIR PERMISSION FOR ITS INCLUSION , THEREFORE, WE CAN CATEGORICALLY STATE IT IS STILL RELEVANT TO THE ISSUES RAISED HEREIN.

The Hon R McClelland MP
Attorney General

Commonwealth of Australia

Dear Minister

I write in support of the need to urgently address the concerns that David Thompson of BPARD has drawn to your attention with regard to the racial abuse of Australians of English origins. Many of us who work in the multicultural sector were hopeful with the election of the Rudd Labor government, the racial denigration and demonisation of ethnic groups which was rife during the tenure of the Howard government would be a thing of the past. The historic apology extended to the indigenous people by Prime Minister Rudd gave us added that his government is serious about restoring Australia's commitment to restoring its commitment to Human Rights within and outside the country. We therefore urge you to build on this positive beginning by addressing the concerns of BPARD that are central to an inclusive society which Australia is striving to achieve under the current government. The right to equality before the law is a fundamental human right and we are happy to work with you and organisations like BPARD to achieve this with regard to racial equality.

Yours Sincerely

Ramdas Sankaran
President
Ethnic Communities Council of WA