

## BEHIND THE WHITE PICKET FENCE

**Speaking notes for a seminar sponsored by the Office of Multicultural Interests, Western Australia**

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### *1. The difference a word makes.*

The original title of this speech was meant to be, 'behind the white picket fence'. This adjective mysteriously disappeared between my workstation and the Office of Multicultural Interest. This was just one of those unfortunate, coincidences, a mistake, but it had repercussions on the content of this speech. Reinstating the adjective opened up the 'portmanteau' of the phrase, in Lewis Carroll's words.[1]

Australia sees itself as a 'white' country – albeit with a 'black' history. That is why it is appropriate tonight, and on every public occasion, to acknowledge that there were and are still traditional owners of this land. It is also appropriate to acknowledge that this is the tenth anniversary of the Mabo decision, which reminds us about our failure to achieve reconciliation, and to turn our thoughts to the relationship between reconciliation and multiculturalism, indigenous rights and immigrants' issues, and to find the commonalities between them.

We are a nation in search of our identity. Our past, as all pasts are, has both horror and hope in it. But we must acknowledge our past if we are to forge our future. We are building a culture. It had better be based on truth and some universal principles.

A 'picket' can be a paling, part of the 'border protection' around a suburban home. It has another meaning, as a particular way of protesting outside an establishment. In the current environment – in a war against terror, after a race- and fear-based federal election, and as we are apparently being threatened with another one based on 'border protection' tub-thumping; as we are uncomfortably aware that dark skinned, non-European unlawful non citizens are either on their way in leaky boats or locked up behind cyclone and razor wire – 'behind a white picket fence' is a very apt description of fortress Australia.

But repelling boarders [2] requires a house undivided. Ours is a blended - ethnically, racially and religiously – household. This means there are jealousies and tensions; it is not entirely clear what to do with divided loyalties, or where authority lies, and what 'the rules' are. Yes, we are committed to a 'fair go,' but we're not entirely sure what that means, and perjorative terms like 'queue jumper', 'bludger' and 'racist' trip readily off the tongue.

A harmonious home needs to be solidly built. It has to have rules about how everyone gets along with one another. But it must have more than rules. Any parent of a teenager knows that rules mean nothing without trust and willing cooperation on the little things, not grudging compliance with the big ones. If, in the immortal words of Mrs Thatcher, 'There is no such thing as Society. There are

individual men and women, and there are families,' we must make sure that ours function properly. If, as governments say, the family is the smallest unit of democracy, it has to both reflect and protect the interests of all its members.

So I hope this will lead to a discussion about the real meaning of racial and religious and ethnic harmony. I hope that I will have at least made us think about our own individual and our government's role in dealing with 'racism', and even question the assumptions about 'race' that lead to discrimination and distrust. Eighty years ago, it was fashionable to use the language of eugenics when planners made laws and policies designed to promote healthy populations of citizens. Today, even its language makes us sneer: we realise now it was a pseudo science. I wonder whether, in future years, we will look back on our 'race' debate and wonder what kind of collective insanity made us classify other human beings on the basis of what they looked like, how they worshipped and what they valued in terms of 'blood'.

## ***2. Equality, discrimination and 'equal opportunity'***

I am the Acting Commissioner for Equal Opportunity, administering government legislation whose purpose is to 'promote equality of opportunity in Western Australia and to promote remedies in respect of discrimination' under various grounds, including sex, marital status, pregnancy, family responsibility or family status, gender identity, and shortly sexual orientation; and race, religious or political conviction, impairment, or age, or involving sexual or racial harassment.

I am, in other words, one of the agencies to whom someone may go and complain about being denied equality of opportunity because of an irrelevant personal attribute such as being Aboriginal; or a characteristic of race, such as speaking with an accent or having overseas qualifications and work experience, or different manners. I can initiate inquiries and consultations and carry out and publish research. I have an obligation to review the State's laws, governmental policies and programs. I report directly to Parliament each year I have a duty to educate the public about discrimination and equality of opportunity, without receiving a complaint at all. That's why I am talking to you tonight.

But I cannot make you obey the law directly. The effect of a contravention of the Act is the 'soft option' of confidential conciliation. If conciliation fails, or I dismiss a complaint, the issue goes through to another wicketkeeper, the Equal Opportunity Tribunal, which hears and determines complaints and can make interim orders to preserve the status quo and award damages if discrimination is established.

The Office is small, just 22 staff, but that's enough. To the end of May we were handling about 841 open complaints, but some of them came in previous years and had not been finished, for a range of reasons. They are being closed now. Of the total of these active complaints, 337 were of race discrimination: that is, more than 40% of our active complaints. Of these, 448 had come in during the current year and of those current complaints, 148 were of race discrimination: that's 33% of our current complaint load, the highest proportion we have ever had. Of those 148 complaints, about 100 were against government. But the complaints didn't change much. A recent review of complaints closed since 1996 shows that nearly 59% had 'lapsed' – that is, there was no resolution of the issues raised. The vast majority of these complaints were by Aboriginal people. Now that is an admission of failure.

I have a statutory role, to address and eradicate discrimination. That means, in this context, dealing with both direct and obvious racism – if a shopkeeper were to refuse to serve people from Vietnam, for example – and indirect or systemic racism. That's the kind of stuff that led in the USA to black citizens being discouraged from voting, and policies being applied 'to everyone' that actually adversely affected people because of their race. An example of indirect racism is the famous US case of a power company that required a high school diploma of all its employees who, before the Civil Rights Act, had been white. Most of the local African Americans had been unable to complete high school and so couldn't get jobs either. The US Supreme Court said that this was 'indirectly discriminatory' because it imposed a requirement or condition on people by reason of their race, which they could not meet, and which was not reasonable or proper in relation to the jobs.

The idea of anti discrimination law is to enable people who have been historically discriminated against, like these, to challenge the attitudes and behaviours that see such rules – sometimes they are unwritten but equally exclusive – that keep them from getting onto the level playing ground. That, too, is the basis for some temporary and special programs that are designed to break old habits and to get the excluded group into the community hall. These special programs are explicitly allowed if they are designed to remedy the proven disadvantage of a particular group, and do it ethically and in the right, effective, way.

This is a deliberate social policy that says that some kinds of discrimination are so pervasive that governments must take the lead, rather than simply leaving it to individuals. It is often not understood.

### ***3. Individualism and human rights***

About three years ago I was asked to talk to a meeting of businesswomen who get together regularly to 'network' for their mutual support. I was asked to take part in a debate. Its topic was: who is responsible for giving women the opportunity to have it all: government, the company and society - or the individual? To my astonishment, at the end of that debate the vast majority of the women there asserted the view that the individual is responsible for her own 'equal opportunity': that there is no role for institutions, such as the corporate world, or government, or the community to provide those opportunities. It was rather like the senior woman working in ethnic affairs who I heard, some years ago, oppose the establishment of a temporary policy that would ensure women were appointed to 30% of all policy positions in her organisation, claiming that 'she had made it on her own merits.'

We often hear successful people claim that they 'made it on their merits'. There is a Judge of the Court of Appeal in New South Wales, Roddy Meagher, who believes that he did, and that women barristers are 'no good' and 'the good ones' aren't appearing before him. He believes that he 'made it' on his merits. Only he didn't: he made it because his merits were recognised. And he doesn't recognise the worth of the women who appear before him. They are not, you see, like him. He can't recognise his own style in them.

There is no way that 'merit' even gets considered, when it is viewed through the prism of prejudice or cultural colour-blindness. There is just no way that those women in that room where I was talking would have executive responsibilities, or their own jobs, if their companies had not been forced to assess the cost of structures and practices that excluded them, or drove them away because of

family responsibilities. There would have been no change in women's status, if there had not been 'educative' laws that said that discrimination against women, and racial and religious minorities, was so anti-social that it was unlawful. These women did not make it on their own: they were standing on the shoulders of the women and some men who demanded the right to equality and the deconstruction of all the barriers that kept them out.

I was surprised. I was disappointed. I went away shaking my head. I put the special mug they gave me on my desk and thought, deeply. The gains that women have made can be so easily lost, by those who have no sense of history. Women need to understand the reality of historical discrimination, and think beyond their own particular experience. Discrimination is a universally difficult and anti social experience.

#### ***4. Migrant women***

Let me turn, then, to the role of women of racial and cultural minorities, focusing again on both Indigenous and migrant women, but also making the clear connection with women in more privileged positions, whose 'race' is not an issue. If you want a litmus test of your own racial sensitivities, ask yourself whether you are likely, when entering a room, to take note of how many of its occupants were 'white': I thought not. We notice the 'otherness' of dark skin.

Women have always contributed to society whatever cultural group they belong to. However, women's contributions have historically gone unnoticed, especially economically. That was first documented in Marilyn Waring's ground-breaking feminist economic analysis, *Counting for Nothing*, subtitled 'What Men Value and What Women are Worth.' She wrote about women's invisibility, though their work as producers - and reproducers - is crucial to national well-being. Women's voices have gone unheard. Women's issues are readily dismissed as 'welfare' problems - or a claim to charity - instead of a claim of right to be considered as a citizen - and will continue to be, unless powerful institutions are required to and do take them seriously. Pru Goward, the Sex Discrimination Commissioner, has said that in her consultations over proposals for paid maternity leave it is regularly suggested that all women, in paid employment or not, should receive a maternity 'leave' cash benefit. They do not, however, suggest that the money's worth of this and the other unpaid work of women - housekeeping, home-making and caring responsibilities - should be counted and valued as part of our GDP.

Women's worth is uncounted and so invisible. It is easy to deny what you have not recorded. I think that's why we find it so hard to use the language of racism when we see the problems associated with our real religious, racial and ethnic differences. We would rather pursue 'harmony'. We would rather not attain 'reconciliation' because that implies there was fault. We would rather smooth over the corrugations of race issues, because 'discrimination' implies 'racism' and that we are bad people. Recently I spoke to a Chief Executive of a large organisation who was deeply offended at the suggestion that there was evidence of indirect race discrimination in his organisation. He could only see it as a claim that he was personally 'racist'. But discrimination does not have to be intentional. Indirect discrimination, systemic discrimination, practices that seem fair and normal to the historically powerful group, exclude people whose interests and experiences are not heard.

Women know all about this. Women, by and large make the homes and care of the families behind those white picket fences, and ,especially Aboriginal women,

and women from immigrant backgrounds, know what it is like to be invisible. Women from immigrant backgrounds, who now make up such an important part of Australian community life face multiple difficulties: the problem of settling in, making the best of a novel set of economic and social circumstances, and finding a balance between the need to find paid work, and the need to support their families, and their men, as they, too struggle. Indigenous women face all the social disadvantages that come from a long history of dispossession that damaged parenting bonds and family connections.

I don't think we think enough of the problems of migrant and refugee women, desperately worried about families left behind or scattered, alienated or in custody, or embarking on dangerous voyages of dubious lawfulness and still less safety. There are women whose homelands are being laid waste by warlords; or whose homelands are being wasted by boredom, hopelessness, booze and drugs. They confront the difficulties of finding work, and the need to work, without easily identifiable skills and competencies or real choice in their employment, and – it seems increasingly likely - without the protections of safe and fair working conditions. They face the problem of maintaining their culture and their identity, in a community that proclaims tolerance, yet expects them to be 'less different'; which expects them to acquire language and social competence by some process of osmosis. They deal with the problem of bigotry, and the uninformed opinions of colourful personalities and no credentials to speak, such as mayor of a country town who managed to get headlines recently by threatening to kill 'badly behaved' refugees. I believe we all face the same problem of growing racial, cultural and religious intolerance, led by the foolish as much as the well-connected.

### ***5. The price of peace***

Most of us feel proud that multiculturalism in Australia has allowed people from diverse, and often antagonistic backgrounds, to settle more or less peacefully here. We have enjoyed a lack of evident tension among ethnic groups, in comparison with other 'developed' countries and the industrialised cities of the Western world. We have a nation whose major cities are made up of people who trace their origins to more than 140 different nations. Australia has a higher percentage of immigrants who came here and built decent lives and strengthened our country through hard work than almost any other country on earth.

When you drive down the streets of this city, look at all these different people making a contribution to this country. Think about all the people who live around the world who are still being persecuted because they are different from their neighbours, because they have different religious practices, or because they re from different racial, ethnic or tribal groups. Think of the appalling acts perpetrated on refugees, in Africa, in the middle East, and here, and of the wretched conditions in which too many children live because they are 'outsiders', defined by race. There are just six human 'families' around the entire world, according to relatively recent genetical research, and (according to an American sociological experiment) just 'six degrees of separation from one to another. What can possibly make 'racism' anything other than an illogical and damaging fantasy?

We are very lucky, here, that in Australia we have done so much better at embracing diversity, in respecting human rights and giving equal respect to different cultures. We could lose it overnight, especially if we leave it entirely to the conscience and goodwill of each individual.

## 6. *The role of government*

It may be each individuals' own responsibility to make their own paths. But sometimes those paths are beset with perils and obstacles. There is a role for government, too. Nobody can compete on a level playing field unless all of the team is on that field. That exclusion, however it arose, is evidence of institutional or systemic discrimination, and it is government's role to build the stile, and signpost it, and police its proper use.

No individual can change a culture. But ginger groups of individuals can, so long as the institutions of society do not crush their creativity, originality and energy. That is why it is proper for people to object to the perception that children who survived a difficult and dangerous journey to get here are, upon arrival, so dangerous to this enclosed community that they must be locked up with distressed, self-harming adults in a jail, indefinitely; or why we should challenge angry opinions that Aboriginal people are dirty and dangerous and all the same.

That is why governments have policies about our polyglot, multicultural and diverse societal aims, and discrimination laws and create offices such as the one I temporarily hold.

The Commissioner for Equal Opportunity is a statutory office whose purpose is to eradicate discrimination – a pretty tall order, if a worthy object. But what we can do best is use the Equal Opportunity Act as a Zen stick. A Zen master would, if he thought his meditating acolyte was drifting, crack a cleft stick that makes a terrific noise, around his ears, drawing his startled attention to the here and now. And that is what the Equal Opportunity Commission can do.

I have already talked about our race discrimination complaints. We have a wider role than just handling individual complaints.

- If, for example, we find that there is evidence of systemic or institutionalised discrimination against a group of people, we can handle these complaints as a group or class complaint, so that no one individual has to take the responsibility of 'fixing it. We have recently decided to attempt this with the majority of our race complaints in the Equal Opportunity Commission.
- We can take a role in community building. My staff recently visited Kalgoorlie, with HREOC's Race Discrimination Commissioner, Dr. Bill Jonas, at the invitation of both the Aboriginal community and the Council, to review the state of race relations in the Goldfields. It is not good, and the Commonwealth and State Commissioners are collaborating to address the lack of communication and understanding between the Aboriginal and non-Aboriginal community as a priority.
- We can advise government. The Commissioner is also a member of the Premier's Anti-Racism Strategy Steering Committee, a governmental responsibility. This committee is looking at 'racism' in the lives and experiences of culturally and linguistically diverse and Indigenous people. As part of the Anti Racism Strategy I have been asked to consult the community on what kind of vilification laws it thinks might be necessary. I wonder how willing we really are to modify what we say and do to avoid creating unnecessary offence? Perhaps, given the driving up of the 'race' issue by the refugee policies of the federal government, a lot less accepting than we were in the 1980s, when the Australian Nationalist

Movement's race hatred campaign caused us to agree to laws making incitement to racial hatred a criminal offence.

Discrimination on the ground of 'race' is a pervasive sickness. Acknowledging this should not result in competition for the status of the greatest victim, but a lesson in how we can all live better together. It is also the role of government to give moral leadership.

Whatever our population policies and however absolute our right to protect our white picket-fenced homeland, we also have an ethical obligation. We have provided accommodation for asylum-seekers, but meanly, and given genuine refugees temporary visas which deny them the right to visit their families or let them join them. Let us be thoughtful about what that says about us. We have celebrated harmony by eating the exotic foods of other cultures and relished their dances and adornments, while fearing their poverty and need. What are we so afraid of losing? We grudgingly acknowledge the historical facts of our possession of this land: why can't we provide equality of opportunity for the owners' children?

## ***7. What you can do***

I don't know what you expected to hear tonight. I wasn't sure, myself, until I came to write a paper to match a title – 'beyond the white picket fence' – and found myself preoccupied with it.

I have learned something. Veronica Brady has often written the fear that Australia's first settlers instinctively had of the vast unknown interior of this desert land. We huddle on its beaches, on its fringe. Australia is a migrant nation, and we are recent arrivals into a culture based on harmony with the environment, complex and strong bonds and sharing. What we have built is a Western society emphatically over-concerned with the pursuit of individual self-interest. It has not made us feel secure.

We may be genetically programmed to be selfish. However we are also programmed to survive. It takes education to see the benefits of listening to the experience of others, to form the close bonds, to tolerate and value what surprises and even shocks us, to provide economic and social support to each other for no other reason than we are citizens.. That is why we must not allow ourselves to relapse into seeing the claims of 'others' to inclusion and respect as special pleading, and the rights of minorities as in themselves 'selfish' and somehow dangerous, instead of adding to the reservoir of the common good.

We are a democratic society, and a democratic society provides a decent life for everyone. We must resist politics that enable those who are secure, socially and economically, to resent the claims of those who are not. It is also very important that the victims of discrimination make common cause, not competition for status as the biggest victims.

We should take our own individual experience of discrimination, and imaginatively transform this into a powerful force for the betterment of others. Where there is a hostile environment, a struggle for survival, where powerful interests systematically exclude groups or classes of people, it is a duty to become an advocate for those groups, as well as our own. Migrants and refugees who are already here know what it felt like, to long for safety and still to long for what has been lost. Aboriginals know what it is like to be feared and detested. Yet we also

know that without all of it, we will never have make a community and glue it together.

Let us praise the strength of the survivors and borrow it, crossing cultural, religious, ethnic and racial picket fences and lines, to commit ourselves to a home of relative peace and real respect for difference. Let us particularly honour those who have held, and still hold, their families and their cultures entire; the courage and endurance of all the homemakers who have come to this country and grown up in this country and silently sought to make it a tolerant and accepting place for all children, who teach our children by example to think and to accept and to challenge unfairness.

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[1] 'You see it's like a portmanteau – there are two meanings packed up into one word.' *Through the Looking Glass* (1872) Ch.6i

[2] The pun is intentional.