
Thank you for this opportunity of addressing this Seminar. I have been rather disappointed that there has been so little said so far from the point of view of ordinary human beings as it is the protection of their rights which is the topic of this discussion.

In speaking on behalf of the Anti-Slavery Society for the Protection of Human Rights which also incorporates the Aborigines Protection Society I would like to make it clear that there are special problems in the protection of the rights of Australian Aborigines that are particularly relevant to this discussion.

I would like to support strongly the comments made by Professor Stone and by Mr. Justice Barry and to point out that the problems they raise about protection of human rights apply even more acutely to Aborigines than to other Australians because of special circumstances of racial discrimination which, unfortunately, exist in this country. Here I crave the indulgence of the distinguished participants from South East Asia in raising a local problem. I am hopeful that those who do not have minority groups in their countries, whose rights need special protection will be sympathetic to the general problem of protection from racial discrimination.

In considering Items 3(b) and (c) in relation to Aborigines, it can be stated that Aborigines are much more liable to be arrested than other Australians and under conditions which are a violation of human rights. The background of this situation resides in the discriminatory laws that exist in Australia which apply only to Aborigines. These laws are most severe in the states of Queensland, Northern Territory and Western Australia where the majority of Aborigines live, but there are some legal restrictions in all states and even in our Federal constitution.

In some states, as in Queensland, it is also the custom for police officers to act as so-called "Protectors of Aborigines". This position gives them such dictatorial powers that an Aborigine must apply to the local policeman for permission to draw money from his own bank account. This is the sort of absolute power that is likely to corrupt those who possess it, and I can assure you that it does.

In isolated country districts there are often cases of misuse of authority, of Aborigines being arrested on flimsy pretexts, and of violent methods being used. To give a recent example, a young Aboriginal woman in Roseman, Northern Queensland, was arrested in January of this year, no charge was laid and both she and her child of 18 months were physically ill-treated. Some time later the same constable searched her family's home and is believed to have threatened them with a pistol. Efforts to have this case investigated have been made by interested organizations but have met with every opposition. This, despite the fact that another serious case of misuse of police authority concerning Aborigines was exposed at Mareeba, in the same state, last year.

Unfortunately, it is not only isolated country policemen who behave in a prejudiced manner in arresting Aborigines. In December, 1961, over thirty young aboriginal men were rounded up by the police in Redfern, a suburb of Sydney and charged with either offensive behaviour or indecent language. It appears that there had been some trouble with a small group of Aboriginal lads in that area. So the police had taken the step of rounding up a whole lot of innocent Aborigines who just happened to be around the streets at that time. Once again, interested organizations found it very difficult to get the appropriate police department to make an adequate examination of the actions of its officers.
As far as I am aware, Aborigines are the only people in this country who are liable to have their homes searched without warrants. Police have the legal authority to do this on most Aboriginal reserves or missions where they need only the permission of the superintendant. Unfortunately, there is also a tendency on the part of the police to intrude into Aboriginal homes outside reserves without a warrant. I have signed documents with me from Aboriginal residents of Victorian country towns and as of the Lake Tyers reserve which state that the police are in the habit of walking straight into their homes without even knocking, and going through all the rooms without any warrant or explanation.

It is advisable to remember that the "glaring spotlight of publicity" referred to by Major-General Porter does not operate very efficiently in those situations particularly on reserves and missions as ordinary people need a special permit to enter such places. Also, many reserves and missions have special Aboriginal policemen not under the control of the ordinary police authorities but under the control of the Superintendent of the reserve or mission who has much greater power than any other civil authority in Australia.

The most disturbing feature from the point of view of the protection of human rights is the enormous difficulties experienced in getting the authorities to investigate any complaints. I am active in several organisations concerned with the rights of Aborigines and we usually find that in order to get any complaint relating to police action investigated, it is necessary to conduct an all-states campaign of protest involving sympathetic organisations and individuals all over Australia. The traditional attitude taken by the authorities that the police are never wrong usually seems to be exaggerated when the complaint concerns an Aborigine.

The case of Rupert Max Stuart in South Australia illustrated many of the difficulties I have mentioned. This man's conviction on a murder charge rested on a confession obtained in very doubtful circumstances. The whole conduct of the case and the subsequent enquiries, including even the Royal Commission held, continue to be a subject of considerable controversy and dissatisfaction both to legal authorities and to those concerned with the rights of Aborigines. This case illustrates the views that have been put forward of the need for procedures by which interested organisations and independent authorities can make investigations to ensure that human rights would be protected. Rupert Max Stuart would have been hanged if it hadn't been for the intervention in the first place of sympathetic individuals who understood the special circumstances involved.

I was interested in what participants had to say about protecting human rights by choosing the best type of people for policemen and training them properly. That may be all right for the future but I wonder what would be their views as to what can be done with some older police officers, the type who have spent their whole working life in the position I have described which gives them dictatorial powers over Aborigines and who have come to believe that Aborigines are inferior people not entitled to human rights. A senior police inspector who recently retired from the Northern Territory police gave an interview with the press in which he boasted that he defied certain instructions of his own authorities and continued to use neck chains for Aboriginal prisoners for many years. He had also been involved in several enquiries involving ill-treatment. It was obvious from this man's comments on the need to be tough with Aborigines that he had absolutely no conception of the need for protection of human rights and would regard any criticism along these lines as new-fangled nonsense. In fact, he scoured as if he would probably regard the whole Declaration of Human Rights as new-fangled nonsense too. Nevertheless, he had retained a senior position until recently where he would have been responsible for the training of new officers under him.
In conclusion, I would point out that the police here are in the position mentioned in Section VII of this Agenda of having "to enforce a law which might be regarded as bad". In this respect, they have the sympathy of the majority of the Australian population who believe that these laws should be brought into line with the Articles of the Declaration of Human Rights.

Until this is done, it will be necessary to give more consideration to the safeguarding of human rights. I must state frankly that the Aboriginal people themselves tend to regard the police as the "instruments of tyranny" rather than our legislators because they come into contact with the police in their daily lives. There is an obvious need for re-examination of police methods.

The most important safeguard, however, would be provided by more efficient methods of dealing with complaints from organisations and individuals in touch with Aboriginal people, and ensuring that the views of any Aborigine concerned are properly heard in circumstances that safeguard his rights. After all, in any properly constituted democratic society, the people themselves must have the final say as to how they want their rights protected.