

although ethnic organisations are now changing their approach.

The cost to Australia of non-utilisation, or under-utilisation of overseas skills is hundreds of millions of dollars a year. That is not only the cost to the people concerned, that is also the cost to Australia.¹ It has to be seen as an Australian issue and debated as an Australian issue. It also has to be seen as an Australian public interest issue. It has not been, largely because people in ethnic communities lack the skill in mar-

keting the issue and in understanding the system sufficiently to be effective.

The second point that I would like to make is that there are enough people in many communities who would be prepared to work with organisations like PIAC in getting the issue known as a public issue and taking it to a successful conclusion. One of PIAC's principle objectives is policy-oriented litigation, but at the same time there is a focus on the promotion of community interest. If we can somehow better promote the

community interest so that the decision makers are better informed and make better decisions, then perhaps at least in the public sector the need for policy-oriented litigation would be much less.

Reference

1. See the subsequent 'Immigration Update' from the Bureau of Immigration and Population Research, February 1994, which makes this point - Ed.

Quang Luu is the Head of SBS Radio.

Social justice for Aborigines

*As we live with the legacy of economic rationalism,
the public interest demands that social justice be
restored to the agenda.*

PAT O'SHANE

In my very first moments in law school I saw, as I alighted from the lifts, a notice board on which appeared a Wizard of Oz cartoon. In the first frame, the character comes into the office and says 'I want justice'. In the second frame, the other character asks 'How much can you afford?'; the message of the cartoon, it seems to me, is even more valid today, 20 years later.

The local courts deal with more than 90% of matters that are being brought before the courts, and see a broad cross-section of people. The most common complaint is the cost of legal action. The complaints come from prosecutors, legal practitioners, defendants, complainants and court staff. I am particularly concerned about defendants in criminal matters: the overwhelming majority of them are poor, dispossessed and disadvantaged; black, white, and all shades in between. The majority of them are poorly educated, and substantial numbers have never had jobs since leaving school.

It is said with increasing frequency, that the crime rate is increasing. In some respects that is borne out by criminological data. But that same data shows that in some respects the crime rate is stable. Whatever the true situation, the public perception is that the crime situation is getting worse. The question for me is: what is crime? Whatever crime is, we all are concerned to ensure that the crime rate is contained. Each of us has a vested interest in maintaining a peaceful, ordered society, and the next question is: what constitutes such peace and order?

Social justice

In my view the public interest must encompass:

- the most basic right of all members of our community to live free from want and hunger,
- the right to adequate shelter, and
- the right to adequate and accessible medical services.

They are old-fashioned values but

they have to be repeated daily. If we accept that these are fundamental to good order and good government, then we have to be concerned about economic issues. We have to turn our attention to issues of unemployment, inflation, profiteering by stockmarket players, and theories of economic rationalism: adherence to economic rationalism has largely contributed to the recession and to the highest jobless rates this country has seen.

But governments insisted that economic rationalism was in the public interest. Indeed it was of overriding national interest to deregulate the money market and ensure that the inflation rate was drastically reduced. It seems that the public interest was being defined solely in terms of the interests of big capital: what is right for Mt Isa Mines is right for all Australians! I fail to see how. The overriding interest of capital is profit making, and profit making is inherently anti-social. There has been no regard to the extent that this process has contributed to other social ills that con-

tribute in no small part to the increasing crime rates; recently researchers at the University of New South Wales have published studies which show that there is, in fact, a correlation between these social phenomena.

Adherence to economic rationalism has seen governments in this country drastically reduce legal aid. The consequences have been, on the one hand, a slow down in the processing of cases through the courts and, on the other hand, increasing numbers of convictions. As far as Aboriginal people are concerned, unrepresented people are convicted more often than those who are represented. There is the concomitant result that economic hardship for those people and their families is heightened.

The effects of economic rationalism, in social costs and real dollar costs, have not been estimated or properly accounted for. The social costs have been increased by governments building more jails and by the criminal justice system filling those jails: the system creates those sort of imperatives.

As a community we must insist on a redefinition of the public interest in terms of social justice, in particular, the right to jobs and housing, decent and affordable food and medical services. With a human population explosion now evident, this agenda means we have to look at ecologically sustainable economic activities, and consider environmental uses and abuses. This agenda demands that governments be regulatory and directive agencies; not that they abdicate their responsibilities to business and commercial interests. Australia is rich in natural and financial resources. The poverty, disadvantage and dispossession we experience as a society are the direct results of how we manage, use and abuse those resources.

Aborigines

The Amnesty International report published in January 1993, and the reports of the International Commission of Jurists (Australian chapter), show that

during the Royal Commission into Aboriginal Deaths in Custody (1986-1990) Aboriginal imprisonment rates increased to the point where Aborigines now are 29% more likely than non-Aborigines to be imprisoned.

The Royal Commission made a number of recommendations about the extent to which Aborigines are apprehended, placed in custody and jailed as a result of convictions for criminal offences. That concerns me when I know that in the same time the Aboriginal and Torres Strait Islander Commission (ATSIC) was established with an annual budget of \$1.16 billion a year. Why is it that we are seeing these kinds of statistics?



Why is it that in June 1993 the National Health and Medical Research Council announced that Aboriginal women are more likely to die in childbirth than non-Aboriginal women, and that there is a serious deterioration in the health of Aboriginal mothers? Why is it that the same Research Council, at a conference in Darwin in 1992, described the Aboriginal health profiles in this country in terms of fourth world peoples? Why is it that in the *Bulletin* in early 1993 there was a major article on the serious Aboriginal housing crisis in Northern Australia.

In 1983 the then Minister for Aboriginal Affairs, Clyde Holding, announced that Aboriginal housing was so bad that it would take in the order of one billion dollars over a period of ten years to rectify; in a period when one

billion plus dollars a year is allocated to the authority which is charged with responsibility for the administration of Aboriginal affairs in this country (ATSIC), Aboriginal housing needs have actually increased.

We have seen in New South Wales in the last ten years a decrease in the retention rate of Aboriginal students in Year 12 at a time when there has been an increase in money for Aboriginal education. Aboriginal unemployment has always been generational – a phenomenon which is now apparent in the rest of Australia – but in the majority of Aboriginal towns and communities around this country the unemployment rates now are up to 100%.

ATSIC has not, in the four years of its establishment, published a policy paper or a policy statement. I am concerned about Aboriginal people's social and economic health. I am concerned that they can't get housing, and a decent education. I am concerned that they cannot get jobs.

We need resources for programs which are designed to identify the problem and set specific targets. We must concentrate on housing and simple sanitation issues which are fun-

damental to good health in any community. This kind of program is not being put in place anywhere by anyone. It can be used right across the board to overcome fundamental problems of housing and health, education and employment.

We have to talk about redefining the public interest in those terms.

Pat O'Shane is a New South Wales magistrate.