Queensland university case shows divisive agenda behind Australian “racial discrimination” law

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A protracted legal case, in which the Queensland University of Technology (QUT), some staff members and three ex-students are being sued by a QUT indigenous employee, highlights the reactionary role of the “offensive behaviour” provisions of Australia’s Racial Discrimination Act.

In May 2013, several QUT students allegedly wrote Facebook posts objecting to three students being asked to leave an indigenous-only computer room on QUT’s main Brisbane campus by a staff member, Cindy Prior. She is now seeking about $250,000 in damages in the Federal Circuit Court from the university and three of the students who posted comments. A decision in the case is still pending.

In a formal complaint to the Australian Human Rights Commission in May 2014, Prior accused QUT and the students of violating section 18C of the Racial Discrimination Act. This provision makes it an “unlawful act” to do anything “reasonably likely, in all the circumstances, to offend, insult, humiliate or intimidate another person or a group of people” because of their “race, colour or national or ethnic origin.”

The students were not informed of the complaint until just before a compulsory conciliation conference in August last year. After the commission failed to resolve the dispute, Prior launched her law suit. She is suing Alex Wood, one of the students she asked to leave the computer lab, for posting: “Just got kicked out of the unsigned indigenous computer room. QUT stopping segregation with segregation?”

Jackson Powell is being sued for writing: “I wonder where the white supremacist lab is.” Another student, Calum Thwaites, has denied posting the words “ITT Niggers,” saying a prankster set up a false Facebook site in his name.

Upon becoming aware of Wood’s post, Prior asked that QUT take action against the students. A university equity officer contacted Wood and asked him to delete the post, to which he agreed. QUT later ruled that the students had committed no disciplinary offence under the university’s rules.

In court affidavits, the students have denied any intent to racially vilify Prior or indigenous students. According to the court documents, one of the students raised issues about the funding of separate facilities for indigenous students. His post reportedly stated: “My Student and Amenity fees are going to furbish rooms in the university where inequality reigns supreme? I believe if we have to pay to support these sorts of places, there should at least be more created for general purpose use, but again, how do these sorts of facilities support interaction and community within QUT? All this does is encourage separation and inequality.”

These comments point to the frustrations among students over the deteriorating conditions in universities after years of funding cuts by successive governments. They also show such legitimate grievances can be channelled against other students, on the basis of race or colour, because of the establishment, alongside the overall cuts, of special programs for indigenous or other groups, in the name of “positive discrimination.”

Over the past five years, as universities and their students have suffered punishing cuts, there has been a growth of facilities, like QUT’s Oodgeroo Unit, reserved for particular groups of students, defined in terms of race, religion, ethnicity, gender or sexual preference.

Between 2011 and 2013, the previous Labor governments of Kevin Rudd and Julia Gillard, slashed a total of $6.6 billion from higher education and research. This intensified the fight between universities to attract

more fee-paying students, while retrenching staff, driving up class sizes and increasingly relying on lower-wage casual teachers.

Both the Coalition and Labor opposition are committed to further cuts. The government is seeking to slash $3.2 billion from the sector, and Labor has helped the government impose an initial wave of attacks on universities and students, having pledged to support at least $320 million in funding cutbacks during the campaign for the July 2 election.

Under federal funding rules, introduced by Labor, universities are also required to implement strategies to improve the access, retention and success of indigenous students, or they can be financially penalised. These programs are generally presented as progressive initiatives to assist Aboriginal and Torres Strait Islander students, who remain severely under-represented in tertiary education enrolments.

The truth is that these programs provide only pittances, compared to the needs of many indigenous students for personal and financial support. More fundamentally, all students should be entitled to decent facilities and services. This is particularly so for those from working class backgrounds, who suffer systemic disadvantages regardless of race or ethnicity, including in the funding of schools and other educational services.

First-class and free education is an essential social right that must be available to all young people, not rationed on the grounds of racial identity. Instead, students increasingly confront over-crowded facilities, massive class sizes, and the replacement of lectures and tutorials by on-line programs.

The elevation of supposed “positive” discrimination on campuses, based on race, ethnicity, gender or sexuality, is part of a broader promotion of identity politics. By provoking resentments against alleged special privileges, it serves to divide students and working people, and obscure the underlying class issues. This pits them against each other as public education and the basic rights and social conditions of the entire working class come under mounting attack.

The invocation of the Racial Discrimination Act against objections or criticism of these policies serves to reinforce this divisive agenda. It is a fundamental attack on freedom of political expression. In effect, any member of a racially or ethnically defined “group” can launch proceedings against anyone whose comments they claim have “offended” or “insulted” them, or any other member of that group.

For example, socialist commentary opposing “positive discrimination,” on the basis that everyone should have access to decent education, healthcare, housing and other social services, could become an “unlawful act” on the grounds that it offended a member of a certain group.

Already, section 18C has been used to threaten critics of Israel’s military aggression, such as former Fairfax Media columnist Mike Carlton, who has been falsely accused of anti-Semitism.

In 2011, right-wing commentator Andrew Bolt was found guilty of racial vilification for having accused "fair-skinned" Aboriginal people of taking advantage of indigenous programs.

In opposition to Labor, the Greens and pseudo-left groups, which proclaimed Bolt's conviction as a "victory," the Socialist Equality Party (SEP) insisted that the task of fighting racism could not be ceded to the very state apparatus that was founded on the oppression of Aborigines, and has always been central to the promotion of racism.

Now, the Murdoch media and the most conservative elements within the Liberal-National Coalition, led by Liberal Senator Cory Bernardi, are demanding that Section 18C be repealed, not in order to uphold free speech, but to encourage and fan racism and xenophobia to scapegoat the most vulnerable layers--Moslems, immigrants, refugees and Aborigines--for the ever-deepening social crisis.

The SEP opposes Section 18C from the left, and warns that any attack on the fundamental democratic right to freedom of speech, incuding punitive measures against the students at QUT, will be exploited as a precedent to muzzle any opposition to the political establishment from the working class, students and young people, and especially from socialists.