

# She says the black man can't win

From JOHN YEOMANS  
in Sydney

PEOPLE listen when Pat O'Shane stands up at a meeting to talk about the legal treatment aborigines get in Australia.

For Pat O'Shane is an aboriginal, a woman and a barrister, Australia's first aboriginal barrister, in fact.

And at a seminar on racial discrimination held this week in the State Office Block, Sydney, Miss O'Shane produced some very nasty figures.

Research being done by the N.S.W. Bureau of Crime Statistics indicated, she said, that at least 30 per cent of the male prison population was aborigine. And about 50 per cent of all juveniles coming before the courts were aborigines.

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the aboriginal population of Australia gradually being incarcerated? Miss O'Shane didn't go that far but she pointed out that aborigines made up a grossly disproportionate percentage of Australia's prison population.

Grossly is right. The latest national census taken (1971) showed 115,953 full bloods and mixed bloods who described themselves as aborigines and they ALL made up less than one per cent of the then total Australian population of 12,755,800. After the seminar I asked Miss O'Shane why so

many aborigines were in jail.

"Partly because their skin is black," she said.

"In Australia there is a national prejudice against people simply on the ground that they have black skin and as a generality this prejudice has spread to the police and the magistrates.

"Not all the police and magistrates are racist, but our legal system is racist — the aborigine gets a worse deal from the system than the white Australian."

Miss O'Shane agreed that one reason aborigines went to prison in such numbers was that they so often pleaded guilty to charges and made no effort to defend themselves in court.

"Many simply despair if they are arrested," said Miss O'Shane, "and they see no point in trying to

resist the force of the law."

She herself has been a remarkable resister against the forces which tend to hold back the aborigine in Australia.

Now 35, she is the daughter of a wandering Irish wharf-laborer and an aboriginal mother. Born in Queensland, she spent 10 years as a school teacher in Cairns, for eight of which she taught English and history in high school.



She was interested in aboriginal rights from her teens and as a member of the Aboriginal Advancement League played a part in the Queensland case in which two policemen were dismissed from the force (and one was jailed) for two years for brutality.

Miss O'Shane married Mick Miller, the Palm Islander who was Queensland's first qualified aboriginal schoolteacher,

but the marriage broke up. There are two children of the marriage, girls aged 13 and 14, one of whom lives with each parent.

Four years ago Mrs. Miller came to Sydney, resumed her maiden name, got an Aboriginal Study Grant and went to the University of N.S.W. where, after three years of unremitting slog, she graduated in law last year. Now she is a barrister with chambers in the city.

"I'm not being overwhelmed with briefs," she told me, "but I'm getting some, mostly criminal work and often representing an aboriginal."

At the seminar Miss O'Shane said that although the Federal Racial Discrimination Act prohibited discrimination on grounds of race or color, its practical value was minimal.

Mr. Justice Michael Kirby of the Conciliation and Arbitration Commission,



MISS PAT O'SHANE

who is also President of the Law Reform Commission, told the seminar that common law had proved a puny champion in protecting aborigines.

And Mr. Wran, the Labor Premier of N.S.W., came to the seminar to reveal that the government planned to introduce a state anti-discrimination Bill in Parliament soon. It would cover discrimination on grounds of sex, age or marital condition.

As to skin color, Mr. Wran himself a Q.C., said: "It is fatuous to claim that an aborigine who does not know his legal rights and who cannot afford to consult a lawyer is equal before the law."

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