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## Submission into Inquiry into Migrant Settlement Outcomes

### The media, 'Apex Gang' and coded racism

Dear Committee,

Our submission to the Standing Committee's Inquiry into Migrant Settlement Outcomes concentrates upon the media coverage and media portrayal of ethnicity & crime in Victoria and its influence upon community perception, policing practices, outcomes for migrant communities and government policy.

This community legal centre has worked upon issues pertaining to the media portrayal of ethnicity, crime, youth and policing for over 30 years and brings specific and important insights into the nexus between racialized media coverage, punitive criminal justice policies and discriminatory policing practices.

#### 1. Media coverage of crime

Media coverage of crime in general distorts the public's perception of crime. Intense coverage of particularly violent crimes, although rare in real life, appear ubiquitous.

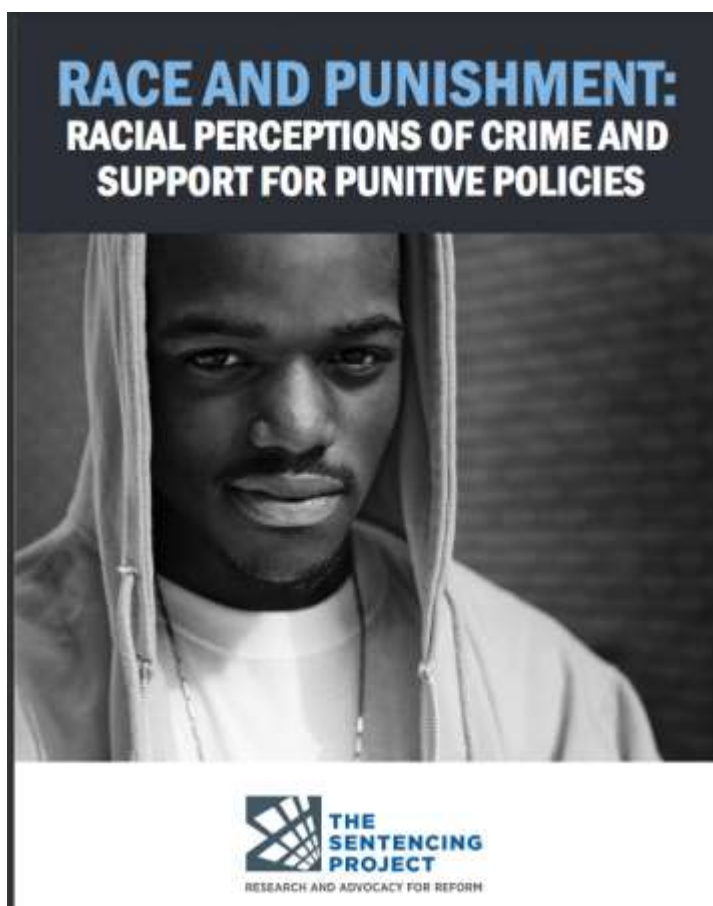
Saturation coverage of violent crime generates fear and a distorted sense of actual safety. This in turn alters public behaviours, generates public demand for security paraphernalia, and drives security responses from local councils, government and calls for more police.

The depiction of racial minorities in crime reporting tends to expand and heighten the fear and impact of the media coverage beyond normal tabloid crime reporting. It does this by tapping into *existing racist 'scripts.'*

Studies conducted by [The Sentencing Project](#) in the United States found that journalists had the tendency to gravitate towards crime stories where Caucasians were the victims and cases where the assailant was African American. Studies drew the conclusion that newsworthiness is not a product of how representative or novel a crime is, but rather how well it can be “scripted using stereotypes grounded in racism.”

[Research](#) on stereotyping in the United States reveals persistent racial prejudice among white people, particularly regarding the characterization of African Americans as violent and aggressive.

African American crime suspects are presented in more threatening contexts than Caucasians; African American suspects were more often left unnamed and were more likely to be shown as threatening by being depicted in physical custody of the police.



Media coverage, such as we have seen in Victoria since 2005 reinforces the public’s perception about crime by presenting Africans or other people of colour differently from whites. These perceptions manifest in a heightened fear of victimization at the hands of racial minorities, specifically young, Black males. In their extensive [content analysis](#) of US television news, Travis Dixon and Daniel Linz found that media exposure contributes to the construction and perpetuation of these perceptions by disproportionately depicting racial/ethnic minorities as criminal suspects and Whites as victims. It creates and reinforces strong associations of crime with racial minorities. In turn, skewed racial perceptions of crime have bolstered harsh and biased criminal justice policies.

Nazgol Ghandnoosh, Research Analyst at The Sentencing Project and author of [‘Race and Punishment: Racial](#)

[perceptions of crime and support for punitive policies’](#) (2014) found that *“White Americans who associate crime with blacks and Latinos are more likely to support punitive policies – including capital punishment and mandatory minimum sentencing – than whites with weaker racial associations of crime.”*

In Victoria, ‘Apex Gang’ crime coverage has directly led to calls for [deportations](#) under character test grounds in the Migration Act, a form of punishment unthinkable even a few years ago, being introduced into mainstream media commentary.

Media coverage, both online and offline, has also bolstered anti-immigration sentiment and has fed, in no small part, the active rise of fringe far-right anti-Muslim and anti-immigration networks and groups. In fact numerous far-right networks and groupings have been directly and very actively promoting deportation to their local members as a key part of the political advocacy.

## 2. Decoding the term 'Apex Gang'.

Since the Moomba long weekend in March last year, 'Apex Gang' has become a code word. A unifying term a code word used by journalists, commentators and politicians to link a series of criminal acts into a particular narrative that has been driving community fear, vigilante responses, racial profiling, criminal justice and damaging law and order policies that will have far reaching impacts upon our criminal justice system.

So why is this happening?

The crimes described in media articles are indeed horrific and they should be reported on and the subject of commentary. Home invasions and car-jackings are shocking forms of violence. The serious nature of these crimes is not in question by anyone. But the context in which these crimes are being reported – and the way in which the 'Apex Gang' label has been utilised is deeply disturbing.

Despite clear police exhortations that the criminal activity is not centred around any particular ethnicity, the term 'Apex Gang' has been racialised, by persistent association with African and sometimes Islander young people and with descriptors such as "predominantly of South Sudanese descent", 'predators', and 'thugs' and 'terrorising' or "sweeping Melbourne".

In this way 'Apex Gang' was made into a substitute word. 'Apex Gang' now allows journalists, commentators, and politicians, to use the term *instead of* "African", Ethnic, "Black" or "Immigrant" but still provide the same message. This is but one reason why the term has obtained such extraordinary currency.

## 3. Gang labels

Gang labels are routinely misrepresented and misconstrued by both police and media.

The 'Broady Boys' tag has been used as a self-descriptor by each subsequent generation of young 14-17 year old boys growing up in the suburb of Broadmeadows for many decades now.

Young men in Flemington have reported how the term 'Flem Boys' was applied to them by local police despite them not using it or relating to it.

The term 'Apex Gang' now has a mainstream media profile that has minimal, if any, similarity with its original conception.

It also has little correlation to the image of New York street gangs of the 70's and 80's Hollywood. Since the Moomba brawl incident, Victoria Police have been trying to hose down these stereotypical gang perceptions, insisting the gangs aren't based on ethnicity but rather their desire to commit criminal acts. Assistant Commissioner Robert Hill has stated *"They don't have a club house, they don't have colours. These are a group of young people committing these offenses, engaged in thrill-seeking behavior"* ([9 News April 28, 2016](#))

Assistant Commissioner Hill has said the focus on Apex had led to other criminals latching onto the term, saying that media coverage has been *"providing this group with oxygen."* Hill goes on to say that *"We are promoting this criminal enterprise for no particular reason...A lot of [reported crime] is attributed to the Apex gang and I don't think it's warranted."* ([ABC news](#))

David Kemp in his article [‘Media response to ‘Apex gang’ tells its own story’](#), (Focus, April 2016) writes *“This all amounts to a toxic, dangerous and deeply irresponsible environment...In the worst case scenario it could become a self fulfilling prophecy, where the negative sentiment leads to increased widespread feelings of alienation.”*

The framing of the ethnic-youth-gang-conflict problem in Victoria has existed for many years, long before the term ‘Apex Gang’ was ever used.

#### **4. Political use of racial perceptions of crime**

Racism is not an individual defect or failure. It serves a psychological, cultural, economic or political purpose.

Portrayal of ethnicity & crime has been and will continue to be used politically. Politicians or political candidates since the 1980’s have exploited public fear of crime to promote law and order or ‘tough on crime’ agendas to carve out an electoral advantage; a well documented political dynamic that leads inexorably to bad public policies, and an expansion of the extraordinarily costly prison-industrial complex.

Victorian Opposition leader Matthew Guy used the term ‘Apex Gang’ to make not-so-subtle political point at the appointment of MP Lisa Neville as Police Minister when he stated *“The Apex Gang will hardly be quivering in their boots about the appointment.”* (23 May 2016 AAP). Politicians and commentators who would ordinarily find it unpalatable to write “African” or “Ethnic Gang” can use ‘Apex Gang’ with few qualms and therefore speaking directly to appease sections of the community who have also been taken in by the saturation coverage.

When asked about the *“recent gang activity in Victoria involving youths of African – in particular, Sudanese – background”*, Immigration Minister Peter Dutton deftly attributed much of the blame to the state Labour government, whom he labelled “weak” on law and order” mirroring what his state Liberal party counterparts have been claiming.

That politicians deliberately use fear of crime to score political points is as despicable as it is predictable. (Herald Sun, Nov, 17, 2016).

Converting fear of crime into votes has been developed into an electoral strategy in the West since it was pioneered by Thatcher and Reagan in the 1980’s. Whilst racially biased media coverage of crime may start with personal and cultural biases, this functional/political application of fear forms the primary driver for such saturation coverage. Whenever a politician or candidate brings up crime, particularly ethnic crime, you can be certain they will be fishing for support from a community already attuned to racist frames and messaging.

It is vital that this Standing Committee’s current Inquiry into Settlement Outcomes is not constructed as an attempt to further gain political points for the intense racial perceptions of crime within Victoria.

#### **5. Discriminatory policing and racialised media coverage**

The work of the Police Accountability Project, run by the Flemington Kensington Community Legal Centre in Melbourne’s inner West, has focused on addressing systemic racial profiling by Victoria Police since at least 2005.

A significant aspect of this work has necessarily involved challenging the 'Black-crime association' as a primary bias within both the mainstream community, the media and the police. (Fridell, 2008).

The 'black-crime association', the erroneous set of beliefs that a person of colour is more likely to commit a crime, or more likely to be threatening or violent than a white person is very old racist stereotype and has its roots in biological racism and social Darwinism of the 19<sup>th</sup> century. Whilst media and modern culture are not the only contributing factor to discriminatory law enforcement, it is a significant one.

These beliefs were mainstream at the time when our modern criminal justice system and policing institutions were being formed. It should come as no surprise that endemic levels of racial bias are expressed consciously or unconsciously (implicitly) by the justice system today. We see this bias in disproportionate police stop rates, use of force, sentencing and imprisonment. But racist associations and implicit biases are not just limited to policing.

Joel Windle, in his excellent 2008 study, ['The racialisation of African Youth in Australia'](#), argues that the intense media portrayal of African youth in the 2006-07 period *"reveals the adaptation of pre-existing institutional racism and racialising narrative frames [such as those focused upon Indigenous Australians, asylum seekers and Muslim, Arabic/Lebanese] to a new target."*

## **6. Racial bias is shaped & replicated by media / culture**

The 'narrative frames' to which Windle refers are derived from [Framing and media-influence](#) (or agenda-setting) theory which posits that the media is not neutral but has biases and is shaped by and shapes public opinion, and that media has [framing, priming, and agenda-setting roles](#).

In analyzing the intense media coverage of crime in Melbourne around 2007, Windle argues that media effectively defined African youth and their communities as a 'problem group'. He highlights the density and frequency of the racial, collective and migration status descriptors of African youth used in every news article of the period, their tendency to be negative and to set up the narrative ethnic-youth-gang-conflict frame of invasion by outsiders and that the group, collectively, poses a problem for society.

Where you locate the cause of the problem generally determines what sort of solutions come to mind. Whether it was crime or unemployment or lack of 'integration', the media firmly located the 'problem' within newly arrived communities rather than in mainstream Australian culture or institutions.

This 'problematising' was expressed most famously by then Minister of Immigration Kevin Andrews, who suspended humanitarian migration intake from African countries after the murder of [Liep Gony](#) in Noble Park declaring that *"some groups don't seem to be settling and adjusting into the Australian life as quickly as we would hope"*.

The 'frame' being reinforced here is chillingly familiar; that the existing dominant society is rational, virtuous and mature, and that the non-white, newly arrived 'problem group' are 'warlike', 'less civilized,' 'hunting in packs', and prone to violence. It's a frame that has accompanied and excused centuries of colonialism.

This has now been mirrored 10 years later by the current Federal Government's [inquiry](#) into Australia's migrant "settlement issues". The inquiry is almost solely prompted by 2016's biased media coverage and will inform Federal government migration policy including deportation. It will examine "whether visas can be revoked if migrants become involved in gangs" and the ability to

cancel visas of migrants who have served time in prison. Extrajudicial deportation is the final expression of this racial perception of crime.

Problematising has often been inadvertent and well-meaning as espoused by community leaders, youth workers, agencies, or government officials looking for or proposing 'solutions' for kids from war-torn backgrounds", that "had to survive in refugee camps", suffered from a "lack of education", "parenting" or "cultural differences". Anecdotes endlessly repeated quickly become stereotypes.

But locating problems only in the migrant community lets mainstream society off the hook. It allows mainstream Australia to say its not 'our fault'. It allows media, government and even progressive organisations to maintain the self-image of a wonderful tolerant and harmonious country, and that the problems are all about 'them'. The effect of this is to leave newly arrived young people and their communities to face Australia's cultural and institutional racism largely by themselves.

The problematising by media has exacerbated the racialised and discriminatory nature of policing. Back in 2007 Victoria Police spokespeople were quick to highlight what amounted to folk theories of a 'culture of violence' amongst African youth. These statements were dutifully reported and became a key part of the public's perceptions.

Kot Monoah, who was then an Ethnic Liaison officer with Victoria Police in 2010 when he attended a police cross-cultural training seminar in Dandenong that described young Sudanese as having a strong 'warrior ethic' and aggressive attitudes to police due to their refugee and tribal backgrounds. Monoah described the seminar as "gross professional negligence" and "not cultural awareness, but... misinformation and ridicule", which only depicted stereotypical images. This training seminar was delivered to over a thousand members of Victoria Police between 2007 and 2010.

By 2007 it was becoming apparent that the media coverage of African youth and related crime stories was affecting and intensifying policing in particular suburbs of Melbourne. In turn, the over-policing of ethnic and indigenous communities was generating even more heightened media portrayals as journalists looked to police commentators to define incidents.

The Police Accountability Project has attempted to disrupt this nexus over the past decade by focusing on the practice and nature of policing itself. It sought to draw research, and critical media attention to policing itself as a key but under-recognized problem and hereby 'changing the frame'.

## **7. Discriminatory Policing in Victoria**

In early 2007, after an incident described by one media outlet as a 'riot' between African residents of Flemington and police, solicitor Tamar Hopkins instead named police prejudice as 'the problem' and pointed out that local youth "are heavily targeted and under constant police surveillance." Hopkins describes that time as like being "*caught up in a 24/7 nightmare.*"

*The estates became a wire-less detention centre....police made it quite clear that Africans were not welcome here. "Get back to Africa" was a frequent phrase quoted by young people in making their complaints.*

This legal centre had by 2010 filed twenty-three formal police complaints on behalf of African youths and was increasingly seen as an expert and critical voice by journalists.

Published in March 2010 by the Springvale Monash Community Legal Service the [\*Boys Want to Give Us Some Action\*](#) report was somewhat of a watershed. It was treated likely a bombshell by the media in part because it provided journalists with a new angle on an ongoing story which already had a great deal of currency. It received front page treatment by The Age when then Chief Commissioner of Victoria Police, Simon Overland admitted publically on breakfast radio that "some police are racist."



*Victoria's police chief admits there is racism in the force after an explosive report accused his officers of taunting and bashing African youth...*

*Police officers are accused of labelling young African men "monkey" and "black c\*\*\*", taking photographs of them gathered on the streets for intelligence purposes and, in one case, taking off their uniforms to bash black men in a public park. (AAP, 16 March 2010.)*

Essentially the *Boys Want to Give Us Some Action* report told a different story to that portrayed in the media up to that point. It told a story of a police force targeting, abusing, terrorizing, harassing and over-policing. It was powerful because it recorded the words of marginalized young African men and put them in a research context with studied commentary. The controversy it generated was a signal that that dominant narrative was being challenged by a new story of how communities were being policed.

*Boys want to give us some action* was followed by a series of reports by the Victorian Equal Opportunity and Human Rights Commission and other community agencies and each generated associated media stories. Research that asked and gathered evidence from vulnerable and hard to reach young people told a very different story to the one told by mainstream media.

Coverage of each of these reports forced the media attention onto what police were doing, rather than what was 'wrong' with newly arrived communities. Collectively they provided a persistent counter-narrative to the dominant "back-crime association."

Victorian Police LEAP data from Flemington and North Melbourne (2005-2008) was analysed during The [Haile-Michael v Konstantinidis](#) Race Discrimination case by an eminent statistician, Professor Ian Gordon from the University of Melbourne. The results proved what young African people have known and reported for years – that they were about two and a half times *more likely* to be subject to an arbitrary "stop and search" than their numbers in the area suggests likely.

The justification given for such policing rests on their supposedly high representation in local crime statistics. Yet Professor Gordon found that the same police LEAP data revealed a significant *under-representation* of the stopped young African Australians in the crime figures. A summary of the findings are below.

[Summary of Experts Report – English \(PDF\)](#)

## **8. The impact of the Race Discrimination Case**

The [Haile-Michael v Konstantinidis](#) Race Discrimination case was settled in the Federal Court on Monday 18th February 2013 with a landmark agreement for Victoria Police to publicly review its training and field contact practices.

Media coverage of the case and its immediate outcomes was substantial for a number of reasons. The settlement was seen as a win for the six young men who brought the case and somewhat of a vindication. Coverage of the case brought a cumulative audience of 2,773,726 within Australia. Editorials in both the Age and Herald Sun noted the significance of the case and called for real change. The Herald Sun declared, "the rights of ethnic minorities must be upheld by an unbiased police force."

In the photos accompanying articles about the case it was notable that the imagery had changed. Photos of the two lead applicants Daniel Haile-Michael and Maki Issa, who were later jointly

awarded the Australian Youth Human Rights Medal in 2014 for their work against racial profiling, were often taken from below, expressing pride and confidence. They were depicted as heroes rather than victims or offenders even by the traditionally hostile elements of the media.



It appears that the combined reach of these counter-narrative stories in the media over many years was enough to shift the approaches of other 'influencers' such as those in police command, parliament and media outlets. Important reforms such as stop and search receipting are now underway and Victoria Police have an anti-racial profiling policy and anti bias training.

In the three years since this race discrimination case the media coverage of African and other newly arrived communities and the language and descriptors used in articles noticeably improved

That is, until March 2016, when the Moomba Brawl broke into the headlines.

Ironically the Race Discrimination case and ensuring reforms were quickly [blamed for the rise](#) of the 'Apex Gang'. Editorials of both major papers blamed 'political correctness' and the 'fear of being labeled racist' for police not acting fast enough. Our response to this can be found online [here](#)>

Racial profiling is a concept applied to police behaviour in their interactions with racial and ethnic groups. The concept originated in the USA and dates back approximately two decades. It began in the context of traffic stops by police, and gained prominence when a New Jersey judge commissioned a study to determine whether state troopers working on the New Jersey turnpike were guilty of racial profiling (State of New Jersey v. Pedro Soto, 1996).

In the Sotocase the defendants alleged that the motivation for the traffic stop was racial profiling. The central legal question in most of the subsequent US cases has been whether the police have enforced the law to the benefit of all members of society or placed racial minorities at a special disadvantage.

Racial profiling is the adverse use of police discretionary decision-making based on assumptions concerning the racial characteristics of individuals. It involves police making decisions to initiate contact with individuals on the basis of their race or ethnicity. These decisions typically involve police stopping, searching, questioning or requiring individuals to 'move-on' on the basis of their race rather than decisions based on reasonable suspicion. Racial profiling may be underpinned by perceptions that particular racial and ethnic minorities are members of (criminal) gangs. It may also involve harassment and the use of excessive force against individuals of particular racial or ethnic backgrounds. These discretionary decisions lack legal justification. Adverse use of police discretion on the basis of race can involve decisions after police intervention including the use of arrest and charge rather than process by summons, or, in the case of juveniles, the failure to use diversionary options such as warnings, cautions or youth justice conferences.

Racial profiling is a form of discrimination which violates basic human rights and contributes to inefficient and ineffective policing. There is little evidence that racial profiling is an effective approach to combating crime.

Racial profiling causes alienation, exclusion, unnecessary criminalisation, disengagement, detrimental health and socio-economic impacts. Furthermore it inhibits minority groups from reporting crimes and seeking assistance from police and generates high levels of distrust.



For a more detailed examination of racial profiling in Victoria please see:  
<http://www.policeaccountability.org.au/issues-and-cases/racial-profiling/>

## 9. Improving media reporting of ethnicity and crime

Raising ethnicity of alleged offenders in the media without any crime detection purpose is fraught and almost always unhelpful.

Misguided and inaccurate public associations between ethnicity and crime can lead directly to increasing forms of discrimination, including employment discrimination and has well-established psychological harms and social exclusion impacts upon the community itself.

To their credit, Victoria Police have generally been careful, especially in recent years, in *not* publicly highlighting the ethnicity of offenders when it is not required for identification or investigative purposes.

The basic rule of thumb is this: When there is no need to highlight ethnicity – *it does not need to be highlighted*.

Journalists in particular should be aware that there is absolutely *no causal link* between ethnicity and criminal behavior. This question has been studied by the Australian Institute of Criminology and similar institutes around the world. Consistently researchers find that a person's ethnicity or race has no determination on their likelihood of being involved in crime.

Race is not discussed in the media coverage of New Year's brawls on Phillip Island or schoolies week on the Gold Coast. Knowing that these young people are predominately fair-skinned or Caucasian does not help the police or the community understand or respond to these incidents.

When seeking prevent or reduce criminal behaviour most police and justice agencies now recognise, at least formally, that socio-economic factors, gender, age or situational related factors are what needs to be focused upon.

Journalists, parliamentarians and political commentators should expand their sources beyond criminal justice professionals when covering crime and contextualise crime within broader social problems. Being aware of personal cognitive biases is an important aptitude for ethical and effective journalism. Media professionals, MPs and opinion leaders can also undertake training around implicit bias like that expected of magistrates, lawyers and police.

Accusations of 'political correctness' are often leveled at people who point out the impacts of irresponsible reporting of crime and ethnicity. In reality however, nothing prohibits police or agencies to focus upon ethnic or cultural specific groups to problem-solve the socio-economic and age related risk behaviours.

Journalists, police, agency workers and writers can and do raise issues of ethnicity in considered, well-researched and appropriate ways. Independent journalist Michael Green, Fairfax writers Denise Ryan and others have written extensively about the multiple issues effecting newly arrived African communities in Victoria. Journalist Ralph Johnstone received a Victorian African Community Award for his article '[Across the African Divide](#)' (Inside Story 2012) which explored these complex intersecting issues directly and intelligently.

The onus is also upon service agencies, government policy makers and NGO media spokespeople not to buy into the racialised media framing. Agencies should support community leaders and clients who are deeply sick of the toxic stereotyping and feel that they have to accept blame for the actions

of a relative few young people. The stress upon immigrant and refugee families and their community leaders is immense.

Those to whom the media turn to for alternative viewpoints have a responsibility to question where they themselves 'locate the problem' and to challenge racist assumptions and generalisations. We should not be afraid to call out racism whether it be from a journalist, a commentator, a politician or a Federal inquiry.

More intelligent, nuanced, reflective, and ethical media coverage and public commentary around these issues will go some way towards reducing the 'black crime association' in mainstream Australian society.

## 10. Racial Profiling still occurs within Victoria

This centre still receives serious complaints and has several cases running that indicate police have stopped people based upon their perceived race than on any other factor. There is still lots more work to be done.

Police are not "frightened" to engage with African youth. This is a rumour, often raised by the Police Association, which is designed to undermine important initiatives such as [stop and search receipting](#) that aim to stop bad policing. As they should, Victoria Police continue to work respectfully with community leaders and communities around local issues. Individual police members should continue to be trained to make decisions based upon evidence and 'reasonable suspicion' rather than assumptions based upon a person's perceived race or ethnicity.

We have [known](#) for many years now that the targeting of ethnic minority youth actually reinforces a 'climate of conflict' in which 'social differences and disreputable status are generated'. ([Guerra and White, 2001](#))

'Old school' policing and increased brutality will, without doubt encourage more young people to seek the safety of large groups or 'gangs'.

To claim that recent efforts to prevent discriminatory policing, such as the [new anti-racial profiling policy](#) and receipting trials are somehow to blame for a weekend brawl demonstrates how little most people understand about these issues and how far we still have to go.

As for our work to stop racial profiling, it is evident we will not be able to reduce discriminatory policing practices unless we are able to challenge racial perceptions of crime across media and society.

The Victoria Police Manual now defines racial profiling as "*making policing decisions that are not based on objective or reasonable justification, but on stereotypical assumptions about race, colour, language, ethnicity, ancestry or religion*".

It states that such profiling is "*a form of discrimination*" and is illegal. It requires officers to consider under what law or authorisation they are acting when they stop someone.

But there is still a significant gap between the aspirations of Victoria Police to uphold the human rights of all Victorians regardless of race or ethnicity, and daily operational policing techniques, strategies and approaches.

[The More Things Change, The More They Stay The Same](#) report (July 2015) claims racial discrimination by Victoria Police continues throughout Metropolitan Melbourne despite recent

efforts to curb racial profiling. Co-authored by Daniel Haile-Michael and Maki Issa — the lead applicants in the 2013 Federal Court racial discrimination case against Victoria Police — the report explores the policing experiences of young men of African and refugee backgrounds from Flemington, Sunshine, Noble Park and Dandenong.

Mr Haile-Michael said that despite their own experiences, he and Mr Issa were shocked by the extent to which police inflicted serious assault, harassment and public ridicule on young African men, as well as by how widely accepted such practices were within their communities.[\[Herald Sun\]](#)

Despite the two years of the *Equality is Not The Same* action plan and the great work of the Priority Communities Division of Victoria Police, the cultural change required to see these changes endure will require ongoing commitment at every level of Victoria Police command.

There is still a long way to go. There are critical steps ahead towards a modern, professional police force that is trusted by and treats all Victorians with dignity and respect.

[Download the Next Steps document here \(PDF\).](#)

## **11. Calls for deportation**

Calls by various parties for the deportation of people convicted of crimes associated with ‘Apex Gang’ take place in the context outlined above. This is a vital factor to note in *any discussion* of deportation by this Inquiry.

We believe that such proposals are founded within the same bias and ‘racist script’ influencing journalists, police, commentators and some parliamentarians and should analysis in this light.

Extrajudicial deportation fundamentally undermines our criminal justice system. It sets up a two track system dependent upon a person’s country of birth.

Two people convicted of the same offence would receive vastly different sentences for the same crime simply due to the accident of their birth place. (ie One imprisoned for 6 months ; the other imprisoned for 6 months then deported for life from family and support networks). Such a system constitutes an unjustifiably unfair process.

The threat of deportation removes integrity from court sentencing as well as dangerously distorts prosecutions, defenses, and pleas. Already police and some Magistrates have been observed using the threat of deportation as a coercion to influence statement or to alter pleas. This is unacceptable. The threat of deportation has absolutely zero value as a deterrence to crime. Threat of severe punishment does not influence young people decision-making or behavior.

The threat of deportation also undermines the integrity of Australian citizenship itself and the responsibility we have for all citizens – no matter their country of birth. Any proposals to enforce, call for or threaten deportation for any crime should be rejected outright as a matter of principle. We believe that it is fundamentally racist in nature and in application.

31 January 2017.

Please feel free to contact this centre for further information and we would be happy to present any of the above in person at a public hearing.

Yours Sincerely

Anthony Kelly  
Executive Officer  
Flemington Kensington Community Legal Centre