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Senate Standing Committees on Environment and Communications

Department of the Senate
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AUSTRALIA

Cindy Prior

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Submission : Media diversity in Australia

My name is Cindy Prior, I am a Nyungar woman from the south west of Western Australia, a descendant of the Ballardong and Wadjuk peoples. I understand the terms of reference for this inquiry.

My experience with the media in Australia and particularly the Murdoch media when they reported on my racism case has been one that has been riddled with inconsistencies, misrepresentation and biased reporting which resulted in harmful outcomes to my family and myself as a human being and an Aboriginal woman.

The Australian Newspaper embarked on an unprecedented campaign against me and former and former President of the Australian Human Rights Commission, Professor Gillian Triggs in an effort to abolish the Commission itself. The campaign by *The Australian* began on 6 February 2016, they persistently reported on my case every day for 13 months, and constituted hundreds of articles, columns, and opinion pieces culminating in tens of thousands of words aimed at repealing section 18C and tearing down the Commission. They failed.

This then led to the section 18C culture wars whereby the Abbott/Turnbull government and former Attorney General George Brandis, among others, set about attempting to repeal section 18C over two separate taxpayer funded inquiries both of which failed due to the engagement, activation and resistance of the multicultural electorates of Australia including that of Craig Laundy MP. Mr Laundy threatened to cross the floor on any vote to repeal 18C.

During the QUT case, I was subjected to thousands of death threats, rape threats and racist hate from hard right activists around Australia and in the United States.

A lot of this was fueled by the adverse and vitriolic coverage in the Newscorp/Murdoch press and a lot of the racist and hateful comments were put up on the moderated website of *The Australian* and not taken down.

Media plays a significant role in disseminating information to the public about current issues, and therefore has a responsibility in the interest of a diverse Australia, to report without biases and their own political agenda.

Rape threats and racist hate followed discrimination case but police not investigating

Exclusive by [Josh Robertson](#)

Posted SatSaturday 30 MarMarch 2019 at 6:11am, updated SatSaturday 30 MarMarch 2019 at 6:49am



Cindy Prior said she was astounded at the volume of hate messages sent to her.*(Facebook)*

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An Aboriginal woman has become the target of abuse by overseas neo-Nazis and white supremacists after her discrimination lawsuit was embroiled in a high-profile campaign to water down Australia's racial hatred laws.

Key points:

- Cindy Prior says she has received a torrent of "devastating" racist abuse

since her discrimination case

- She says the AFP told her they did not have the resources to examine the material
- Despite losing her court case, Ms Prior says she had no regrets about filing the complaint

But the Australian Federal Police (AFP) have so far declined to investigate the matter.

Cindy Prior, who this week was temporarily spared bankruptcy over legal costs in her ill-fated \$250,000 lawsuit, said she reported "thousands" of death and rape threats to AFP.

Ms Prior had [unsuccessfully sued her employer, the Queensland University of Technology \(QUT\), and a group of students](#), over Facebook comments that she alleged breached Australia's racial vilification laws.

A blogger for US-based neo-Nazi website the Daily Stormer was among those who singled out the former QUT staffer for abuse online because of her discrimination complaint.

Ms Prior and her lawyer told the ABC that AFP officers said they did not have the "resources" to go through the threats, and instead asked Ms Prior to return to them when she had identified comments that breached federal laws.

On Monday, Ms Prior gave testimony in the Federal Court in Brisbane about the impact of publicity around her case, which "free speech" campaigners seized on to argue for changes to the Racial Discrimination Act.

The Western Australia-based Noongar woman said she was "absolutely astounded" by the attention she received from outside Australia, including the US and Europe, much of it directed at her via Facebook's private messaging service.

"I particularly made mention [in court] that due to my case being such a high-profile case, I received death threats, rape threats and hate mail," she told the ABC.

"It's violence, it's ugly, malicious and it's devastating for any person of colour who is subjected to that kind of abuse.

"I recall not sleeping during the night, just because I was so scared that these people [who made] death threats would actually carry out those threats.

"I wouldn't leave my house without looking out the window before I open the

door to go out, walk outside."



Ms Prior lost her Federal Court discrimination case in 2016.(AAP: *Darren Cartwright*)

Despite the racist backlash, Ms Prior said she had "no regrets" about filing her complaint because "what I went through [has] proven we need" laws against racial vilification.

Ms Prior's loss in court was hailed by some as a victory for "free speech", however section 18C of the Racial Discrimination Act remains in place, making it unlawful to "offend, insult, humiliate or intimidate" because of race, colour or ethnicity.

Her lawyer Susan Moriarty said the irony of the case was that the racist backlash against Ms Prior was far worse than the initial Facebook comments that prompted her discrimination claim.

"The ultimate irony for me, is that all of these words about free speech that involved violence, towards Cindy Prior rendered her speechless in terror,' she said.

The torrent of abusive comments followed national publicity around Ms Prior's claim against QUT and seven students who commented on Facebook after she asked a group of them to leave an Indigenous-only computer room.

They included [a comment referring to "nig****" that one student, Calum Thwaites, denied making in a Facebook account bearing his name.](#)

Ms Prior provided no evidence he was behind the Facebook account, and her case was thrown out by the Federal Court in 2016.

Her claim was contentious because it sought financial damages not just from QUT but from the students who made the Facebook comments, after the university declined to indemnify them.

Judge Michael Jarrett ruled the initial comment by student Alex Wood — who posted that asking white students to leave the Indigenous computer lab was "QUT stopping segregation with segregation" — was in fact "rallying against discrimination".

In January, Mr Wood petitioned for Ms Prior to go into bankruptcy over legal costs she was ordered to pay, which was accepted by the court.

But on Monday Judge Jarrett temporarily quashed her bankruptcy, finding she had not been properly served with documents.



Calum Thwaites (L) denied making an abusive comment toward Ms Prior on Facebook.(ABC News: Sharnie Kim)

Ms Prior, a widow who cares for her disabled son, said bankruptcy would force her to quit her role as a director of a non-profit Aboriginal corporation that

helps homeless people.

She said she had "no regrets" about filing her complaint, despite publicity around the case resulting in her being "a figure that [some] people can project their anger and their hate [on]".

"Some of those messages were really atrocious and violent. I recall one particular message on the day that my brother passed away, telling me that I should just kill myself," she said.

Ms Prior said she and Ms Moriarty took "a suitcase full of those threats" to AFP headquarters in Brisbane to report them under federal laws against using a carriage service to menace, harass or offend.

"They said they didn't have the resources to go through them and told us basically, that we needed to identify [the unlawful threats] and bring them back.

"I was actually numb."

Hate speech a state matter: AFP

A spokeswoman for the AFP said she was "unable to confirm the details of this matter from 2016" but that reports of "online threats, hate speech or trolling are generally handled by state and territory police".

"The AFP understands that cyber bullying and online threats can be devastating for victims, and encourages those who fall victim to these acts to report the matter through the Australian Online Cybercrime Reporting Network or to their local police, who are best placed to investigate these matters," she said.

Ms Moriarty backed her client's account of the meeting with AFP officers and said they were not directed to Queensland police.

"I didn't pick up a great deal of interest [from the AFP] to be honest," she said.

Ms Moriarty said they held back details of Ms Prior's ongoing employment during the case for fear of backlash from white supremacists, who embarked on "a crusade" against her alongside "thousands and thousands of trolls ... asking for her to be maimed and injured and publicly humiliated".

"One particular one said that they wanted the ovaries torn from her body and set on fire so that 'the bitch would never breed again'."

Posted 30 MarMarch 2019, updated 30 MarMarch 2019

Ex-QUT staffer Cindy Prior avoids bankruptcy by paying court ...

www.theaustralian.com.au › nation › nation

Jul 26, 2017 — **Cindy Prior**, the former QUT administration worker who lost a ... Ms Prior, a Noongar woman from the Ballardong nation in Western **Australia**, ...

Cindy Prior seeks funds to help pay bills in failed ...

www.theaustralian.com.au › nation › nation

Jun 7, 2017 — Ms **Prior** — a Noongar woman from the Ballardong nation in Western **Australia** — has currently raised almost \$4000 of her \$14,870 goal on crowd ...

Cindy Prior bankrupt: QUT worker unable to pay \$250,000 ...

www.news.com.au › finance › work

Feb 1, 2019 — **Cindy Prior** declared bankrupt years after telling QUT students to leave ... under the Racial Discrimination Act.Source:News Corp **Australia**.

The Australian - Cindy Prior, the QUT employee who lost a ...

www.facebook.com › theaustralian › posts › cindy-prior-t...

Cindy Prior, the QUT employee who lost a \$250000 racial discrimination lawsuit against three students, has escaped bankruptcy.

The Australian - Cindy Prior wants the court and QUT ...

www.facebook.com › theaustralian › posts › cindy-prio...

- **Cindy Prior** wants the court and QUT students to let her appeal proceed, despite her missing a legal deadline.

Student sued under 18c confronts 'deeply sorry' Gillian Triggs ...

www.smh.com.au › Politics › Federal

Dec 5, 2017 — In May 2013, **Cindy Prior**, an Indigenous woman and administrative ... interventions in debates on free speech and of **Australia's** treatment of ...

'The Australian' cons the capable as well as the cranks on ...

independentaustralia.net › politics › politics-display › th...

- Aug 30, 2017 — **Cindy Prior's** Section 18C case may be over but the malicious ... Former **Australian** Human Rights Commission President Gillian Triggs (screen ...

ALL'S WELL THAT ENDS WELL | Daily Telegraph

www.dailytelegraph.com.au › tim-blair › news-story

Feb 1, 2019 — Things haven't gone according to plan for **Cindy Prior**, who used 18C legislation in a bid to wreck the lives of three QUT students. Tim Blair.

Bankruptcy action against Cindy Prior in QUT racism case ...

www.couriermail.com.au › [crime-and-justice](#) › [news-story](#)

Jun 7, 2017 — Bankruptcy action against **Cindy Prior** in QUT racism case ... **The Australian** reports Ms Prior – a Noongar woman from the Ballardong nation in ...

QUT discrimination case exposes Human Rights Commission ...

[theconversation.com](#) › [qut-discrimination-case-exposes-...](#)

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Nov 6, 2016 — ... the Federal Circuit Court has dismissed **Cindy Prior's** case against ... a complaint in **the Australian** Human Rights Commission (AHRC).

18C complainant facing bankruptcy | Observer

www.gladstoneobserver.com.au › [news](#)

Dec 4, 2018 — Alex Wood is suing **Cindy Prior** for costs. **Cindy Prior** at a previous court appearance. Prior unsuccessfully sued the students for \$250,000 in .

Threats Against Cindy Prior's Lawyer in QUT Case | NIRS ...

nirs.org.au › [News](#) › [featured](#)

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Dec 13, 2016 — Solicitor Susan Moriarty has been representing **Cindy Prior**, whose ... extensive coverage of the case by the newspaper **The Australian** has ...

QUT 18C Case: Cindy Prior appeal rejected : auslaw - Reddit

www.reddit.com › [auslaw](#) › [comments](#) › [qut_18c_case_...](#)

16 votes, 32 comments. 26.9k members in the auslaw community. This is a subreddit for **Australians** (or anyone interested in **Australian** law) to ...

18c: The Cindy Prior case should force amendments - News

morningmail.org › 18c-cindy-prior-case-force-amendm...

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The **Cindy Prior** case, should be more than sufficient cause for serious review of a law created by people without a vision to far reaching ramifications.

Cindy Prior hit with bankruptcy action – The Australian ...

www.insolvencynews.com.au › 2017/05/10 › cindy-pri...

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May 10, 2017 — **Cindy Prior** hit with bankruptcy action. **The Australian** In documents filed in the Federal Court, the pair alleged Ms Prior failed to comply with a ...

Lawyer forgets the “distress” her case | Herald Sun

www.heraldsun.com.au › blogs › andrew-bolt › news-story

Feb 2, 2017 — **Cindy Prior's** lawyer claims weakening the Racial Discrimination Act will expose people to “distress and anxiety”. But what of the “distress and ...



Ex-QUT staffer Cindy Prior avoids ...

theaustralian.com.au



[Cindy Prior denied leave to appeal 18C ...](#)
sbs.com.au



[Cindy Prior seeks funds to help pay ...](#)
theaustralian.com.au



[Online hate over discrimination case ...](#)
abc.net.au



[Cindy Prior - ABC News \(Australian ...](#)

abc.net.au



Judge denies QUT staff member's appeal ...

theguardian.com



Cindy Prior QUT case: Human Rights ...

theaustralian.com.au



Cindy Prior delayed seeking legal ...

theaustralian.com.au



[Cindy Prior bankrupt: QUT worker unable ...](#)
news.com.au



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news.com.au



[QUT: Student data investigation amid ...](#)
couriermail.com.au



QUT discrimination case exposes Human ...
theconversation.com



Indigenous admin officer should drop ...
heraldsun.com.au



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smh.com.au



[Australian student sued by Indigenous ...](#)
nydailynews.com



[18c and the cult of victimhood | The ...](#)
spectator.com.au



Rape threats and racist hate followed ...

abc.net.au



Judge dismisses case against QUT ...

theaustralian.com.au



18C complainant reports 'racist' online ...

sbs.com.au



QUT students back in court for Freedom ...
brisbanetimes.com.au



Change section 18C? Critics should do ...
newsroom.unsw.edu.au



Articles – The Centre for Independent ...
cis.org.au



[QUT discrimination case exposes Human ...
search.informit.com.au](#)



[18C case: Court to hand down Queensland ...
smh.com.au](#)



[Tony Morris QC and Calum Thwaites on ...
aip.asn.au](#)



[18C complainant reports 'racist' online ...](#)
[sbs.com.au](#)