

## Media release

Monday 18 February 2013

### Racial discrimination action settles

The long running *Haile-Michael and Others v. Commissioner of Police and Others* Federal Court racial discrimination action settled today, following an historic accord reached between police and six young African-Australian men who bravely initiated the action five years ago, by lodging a complaint in the Australian Human Rights Commission.

An expected eight-week trial is now averted, and the Victorian general public will be invited to take part in an important Victoria Police enquiry that will examine Victoria Police policy on person checks and its cross-cultural training system. The Applicants will also be allowed, if they so choose, to tell the story in the public arena of what happened to them, using redacted versions of documents from the proceeding.

Following an unsuccessful mediation in the Australian Human Rights Commission, the original action in the Federal Court was commenced in 2010 by seventeen young African-Australian men against the Commissioner of Police, the State of Victoria and various individual police officers, with joint legal representation from Arnold Bloch Leibler and Flemington Kensington Community Legal Centre.

The case stemmed from allegations that the young men were regularly stopped by police, mostly in Flemington and North Melbourne for no legitimate policing reason, and were subjected to racial discrimination, including assaults, racial taunts and abuse, and racial profiling.

By the time of the settlement eleven Applicants had withdrawn, frustrated and overwhelmed by the traumatic experience of seeking redress through the courts for what occurred to them.

Tamar Hopkins, Principal Solicitor Flemington Kensington Community Legal Centre, said the claimants deserved to be acknowledged as true champions of justice and that she and her colleagues were inspired by them. "They have stood up to what they and their community maintain has been years of ongoing and systemic racial discrimination meted out by Victoria Police," she said.

"Some of the discrimination, they say, has been blatant, but for the most part it's been institutional racism, based on unthinking and irrational responses to the challenges that a multicultural society poses."

Peter Seidel, Public Interest Law Partner at Arnold Bloch Leibler said it has been an honour for his firm to represent these courageous men. "We have done so largely through pro-bono contributions by our solicitors and counsel – a commitment that runs into millions of dollars – because we believe in the fundamental importance to civil society of their brave and tenacious struggle for justice," he said.

An agreed statement was read into Court by lead counsel for the Applicants, Jeremy Rapke QC, flanked by his junior counsel, Emrys Nekvapil and Phoebe Knowles. It states in part:

*The Chief Commissioner of Police and the State of Victoria and the individual police officer Respondents acknowledged that any policing involving discrimination on the basis of race is unacceptable.*

*In April 2006, Victoria Police commissioned a review of relations between police and the Horn of Africa Community in Flemington, following the receipt by Victoria Police and the Office of Police Integrity of a significant number of complaints by members of the*

Australian-African community of racial discrimination. In June 2006, Victoria Police produced a report from that review and recognised the need to implement certain strategies and programmes to meet the recommendations contained in the report.

Subsequent to the report and the implementation of some of the recommendations made in the report, further complaints of racial discrimination by members of Victoria Police were made by members of the Australian-African community.

By 1 June 2013, Victoria Police will invite community comment on the following two matters, and will then undertake an examination of those matters:

1. The policy of Victoria Police on field contacts, including the collection of data concerning field contacts; and
2. Cross-cultural training provided within Victoria Police.

By 31 December 2013, Victoria Police will publish a report on the results of that examination and will announce what action will be taken in response to the report.

Peter Seidel said the acknowledgements made by the Chief Commissioner of Police and the State were refreshing in their frankness, potentially reflecting a genuine willingness to right wrongs and to do things better from now on. "It is obvious that past reviews into relations between African-Australian community in Flemington and the police have failed dismally," he said. "The announcement of this enquiry is a watershed moment in Victoria's history, which will benefit both Victoria Police and the community generally, particularly minority groups."

Anthony Kelly, Executive Officer, Flemington Kensington Community Legal Centre, said the Victorian public will be actively encouraged to contribute to the enquiry, to build on the strong momentum generated by previous efforts to stamp out racial profiling.

"The opportunity exists now for all concerned Victorians to fully engage in the enquiry process, to insist on nothing less than the introduction of clear and transparent laws and policies that prevent the abhorrent things that we say occurred here from ever happening again in the future."

"International experience confirms that the disease of racial discrimination can and will be exposed through statistical collection and public dissemination of the results, complemented by a stop and search receipting system. Racial profiling must be specifically trained against, and those who engage in it strongly disciplined, with legislative backing" he said.

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## Contacts

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## About Arnold Bloch Leibler

Arnold Bloch Leibler is a premier Australian commercial law firm that provides strategic legal and commercial advice nationally to a diverse range of leading Australian corporations, high-net-worth individuals and large family businesses as well as international corporations. Arnold Bloch Leibler also has a dedicated pro bono practice providing advice on social, environmental and cultural issues to more than 150 charitable and not-for-profit organisations.

Arnold Bloch Leibler is particularly known for its expertise in banking & finance, commercial & corporate, competition, litigation & dispute resolution, insolvency, property, taxation and workplace advisory. In these areas, the firm is regularly involved in landmark matters and transactions.

## About Flemington & Kensington Community Legal Centre

Flemington and Kensington Community Legal Centre (FKCLC) commenced in 1980. The Centre has a history of working closely with its community to address legal issues of concern. FKCLC assists people who live, work or study in the Flemington and Kensington area and may at times take on casework from other agencies on a referral basis. The Centre has expertise in relation to young people's issues, police powers and working with people from non-English speaking backgrounds. The Centre undertakes casework focusing on: consumer; debts; fines; criminal law; police issues; social security; tenancy; and wills.