



Australian Government
**Australian Communications
and Media Authority**

Investigation Report No. 1485

File no.	PF2006/126
Licensee	Harbour Radio Pty Limited
Station	2GB (Sydney)
Type of service	Commercial radio broadcasting
Name of program	<i>Breakfast with Alan Jones</i>
Dates of broadcasts	5, 6, 7, 8 and 9 December 2005
Relevant legislation/ code	Clauses 1.3 (a), 1.3 (e) and 1.4 of the <i>Commercial Radio Codes of Practice, 2004</i>

Investigation conclusion

The licensee of 2GB, Harbour Radio Pty Ltd, in relation to the broadcasts of the program *Breakfast with Alan Jones* on

5 December 2005

- did not breach clause 1.3(e) of the *Commercial Radio Australia Codes of Practice 2004* (the Code), in that it did not broadcast a program which was likely to incite or perpetuate hatred against or vilify people of Lebanese background or people of Middle-Eastern background on the basis of ethnicity or nationality.

6 December 2005

- between 9.00 am and 10.00 am, did not breach clause 1.3(a) of the Code, in that it did not broadcast a program that was likely to incite, encourage or present for its own sake violence or brutality; and
- did not breach clause 1.3(e) of the Code, in that it did not broadcast a program which was likely to incite or perpetuate hatred against or vilify people of Lebanese background or people of Middle-Eastern background on the basis of ethnicity or nationality.

7 December 2005

- breached clause 1.3(a) of the Code, in that it broadcast a program that was likely to encourage violence or brutality; and
- breached clause 1.3(e) of the Code, in that it broadcast a program which was likely to vilify people of Lebanese background and people of Middle-Eastern background on the basis of ethnicity and the program was not presented reasonably and in good faith for one of the purposes specified in clause 1.4 of the Code.

8 December 2005

- did not breach clause 1.3(a) of the Code, in that it did not broadcast a program that was likely to incite, encourage or present for its own sake violence or brutality; and
- breached clause 1.3(e) of the Code, in that it broadcast a program which was likely to vilify people of Middle-Eastern background on the basis of ethnicity and the program was not presented reasonably and in good faith for one of the purposes specified in clause 1.4 of the Code.

9 December 2005

- did not breach clause 1.3(e) of the Code, in that it did not broadcast a program which was likely to incite or perpetuate hatred against or vilify Lebanese people or people of Middle-Eastern background on the basis of ethnicity or nationality.

The complaints

On 17 January 2006, 24 January 2006, 1 February 2006 and 16 March 2006 the Australian Communications and Media Authority (ACMA) received four separate complaints regarding the program, *Breakfast with Alan Jones*, broadcast by Harbour Radio Limited, the licensee of 2GB. The complainants, (Complainants A, B, C and D) had each complained to the licensee¹ and, being dissatisfied with the respective responses they received, complained to ACMA. ACMA has dealt with the four complaints in one investigation as the complaints cover similar issues and programs.

During early December 2005, a number of days of civil unrest occurred in and around the beachside suburb of Cronulla in Sydney's south.² The complaints relate to editions of the program broadcast during the week 5 – 9 December 2005.

Taken together, the complainants³ alleged that editions of the program broadcast in the week of 5 – 9 December 2005 included material which encouraged violence and incited hatred against or vilified people of Lebanese background or people of Middle-Eastern background on the basis of their ethnicity, nationality or race in breach of clauses 1.3(a) and 1.3(e) of the *Commercial Radio Codes of Practice 2004* (the **Code**).

Complainant B also alleged that comments made during the broadcast had breached the *Anti-Discrimination Act 1977 (NSW)* (the **ADA**). In particular, complainant B alleged that the licensee had breached section 20C of the ADA.

Section 20C (1) of the ADA states:

It is unlawful for a person, by a public act, to incite hatred towards, serious contempt for, or severe ridicule of, a person or group of persons on the ground of the race of the person or members of the group.

ACMA considered whether failure to comply with this provision might constitute breach of the licence condition at clause 8(1)(g) of Schedule 2 to the *Broadcasting Services Act 1992* (the **licence condition**). The licence condition provides that a commercial radio broadcasting licensee must not use the broadcasting service in the commission of an offence against another Act or a law of a State or Territory. Failure to comply with section 20C of the ADA may give rise to a civil outcome such as compensation, but is not an offence. ACMA notes that the ADA contains another provision, section 20D, which provides for the offence of serious racial vilification. However, that offence requires both conduct of a degree of seriousness akin to that which threatens physical harm or incites others to threaten physical harm and also that the State Attorney-General give consent for any prosecution. ACMA is not aware of any grant of consent to prosecution in respect of the broadcasts. In these

¹ Complainant A's letter to the licensee dated 19 December 2005, Complainant B's (undated) letter responded to by the licensee on 10 January 2006, Complainant C's letter to the licensee dated 28 December 2005, Complainant D's (undated) letter to the licensee responded to by the licensee on 2 March 2006.

² 'Police cuts blamed for beach gang attack' Sydney Morning Herald, 6 December 2005 and 'Bad Blood boils in the Cronulla Stomp' Sydney Morning Herald, 8 December 2005, 'Race Riots Explode' Sydney Morning Herald, 12 December 2005.

³ Further details of the complaints are set out in the body of the report.

circumstances, ACMA has not considered the application of the licence condition and has considered the matters raised by complainant B under clause 1.3(e) of the Code.

The program

The program, *Breakfast with Alan Jones*, is broadcast Monday to Friday from 5:30 am to 10:00 am. A substantial programming element is talkback. However, the program also includes commentary by the presenter, discussions and interviews relating to current events.

Some complainants complained about material included in particular editions of the program, while others made general reference to the week in which comments of a particular character were made.

ACMA has considered each edition of the program broadcast in the week of 5 – 9 December 2005 as a separate program for the purposes of assessment against the provisions of the Code.

ACMA has considered the following broadcast material identified as relevant and provided to it by the licensee:

- Tuesday 6 December 2005 – 9.00 am to 10.00 am;
- Thursday 8 December 2005 – 5.30 am to 10.00 am;
- Friday 9 December 2005 – 5.30 am to 10.00 am;

and the following material identified as relevant by the complainants and provided by *Media Monitors*:

- Monday 5 December 2005 – 5.30 am to 10.00 am;
- Wednesday 7 December 2005 – 5.30 am to 10.00 am.

In accordance with matters raised in the complaints, ACMA has assessed each of the above programs against clause 1.3(e) and the programs of 6, 7 and 8 December 2005 against both clauses 1.3(a) and 1.3(e) of the Code.

Assessment

In assessing the complaints, ACMA has had regard to:

- the Code;
- relevant licence conditions for commercial radio broadcasters at clause 8 of Schedule 2 to the *Broadcasting Services Act 1992*, as noted above;
- submissions from the complainants;⁴
- submissions from Macquarie Radio Network Limited (the Network) on behalf of the licensee;⁵

⁴ Complainant A's letters to the licensee and to ACMA dated 19 December 2005 & 17 January 2006, Complainant B's undated letter to the licensee and letter to ACMA received on 24 January 2006, Complainant C's letter to the licensee and to ACMA dated 28 December 2005 & 1 February 2006, Complainant D's letters to the licensee and to ACMA dated 7 February 2006 & 16 March 2006.

⁵ Two letters from Macquarie Radio Network Limited to ACMA both dated 9 February 2006.

- submission of 31 January 2007 from solicitors for Harbour Radio Pty Limited, the licensee (including erratum of 9 February 2007);
- audio-recordings (compact discs) and transcripts of the relevant parts of the program editions;
- the 2GB website and the link to the *Breakfast with Alan Jones* information page, sourced on various occasions via <http://www.2gb.com>.

Relevant code provisions

Clauses 1.3(a), 1.3(e) and 1.4 of the Code relevantly provide:

1.3 A licensee must not broadcast a program which:

(a) is likely to incite, encourage or present for its own sake violence or brutality;

...

(e) is likely to incite or perpetuate hatred against or vilify any person or group on the basis of age, ethnicity, nationality, race, gender, sexual preference, religion or physical or mental disability.

Clause 1.4 of the Code provides limits on the operation of clause 1.3(e):

1.4 Nothing in sub-clauses 1.3(c)(ii), 1.3(d) or 1.3(e) prevents a licensee from broadcasting a program of the kind or kinds referred to in those sub-clauses if the program is presented reasonably and in good faith for academic, artistic (including comedy or satire), religious instruction, scientific or research purposes or for other purposes in the public interest, including discussion or debate about any act or matter.

Interpretation of clauses 1.3 and 1.4 of the Code

ACMA adopts the general approach set out below in applying clauses 1.3(a), 1.3(e) and 1.4 of the Code.

Ordinary reasonable listener test

In assessing whether the requirements of the Code have been met, ACMA has considered what an ‘ordinary, reasonable listener’ would have understood the program concerned to have conveyed⁶. Courts have considered an ordinary, reasonable listener to be:

A person of fair average intelligence, who is neither perverse, nor morbid or suspicious of mind, nor avid for scandal. An ordinary, reasonable listener does not live in an ivory tower, but can and does read between the lines in the light of that person’s general knowledge and experience of worldly affairs.⁷

Clause 1.3(a)

The issues raised by the complainants concern incitement or encouragement of violence, rather than the presentation of violence or brutality.

⁶ ACMA adopted this approach in Investigation Reports numbered 1665 and 1562.

⁷ *Amalgamated Television Services Pty Limited v Marsden* (1998) 43 NSWLR 158 at 164-167.

When a statute or a code contains no definition, the ordinary English language meaning is used. ACMA adopts the ordinary English language meaning of the words ‘incite’ and ‘encourage’ as set out in the *Macquarie Dictionary*:

incite

incitation /insuy'tayshuhn/, *noun*. **inciter**, *noun*. **incitingly**, *adverb*.

/in'suyt/ *verb (t)*, **incited**, **inciting**.

to urge on; stimulate or prompt to action.

[late ME, from L *incitare* set in motion]

encourage

encourager, *noun*. **encouragingly**, *adverb*.

/en'kurij, uhn-/ *verb (t)*, **encouraged**, **encouraging**.

1. to inspire with courage, spirit, or confidence.

2. to stimulate by assistance, approval, etc.

Consequently, in deciding whether there has been a breach of clause 1.3(a) of the Code, ACMA has considered whether an ordinary reasonable listener would regard the program as likely to:

- urge on violence, stimulate violence, prompt a person to take violent action; or
- inspire a person inclined to violence with courage, spirit or confidence; or
- stimulate violence by assistance or approval.

Clause 1.3(e)

‘hatred’ and ‘vilify’

The Code requires that the licensee not broadcast a program which is likely to either incite or perpetuate hatred or vilify a person or persons on specified grounds.

ACMA considers that the Code presents alternatives. A program must not be ‘likely to incite *or* perpetuate hatred against *or* [likely] to vilify any person or group...’

Consequently, it is sufficient for the purposes of clause 1.3(e) that the broadcast was likely to vilify any person or group on one of the specified grounds. Where a finding may be made that a program was likely to vilify a person or group on one of the specified grounds, it is not necessary for ACMA to also make a finding on the question of whether that program was also likely to incite or perpetuate hatred against that person or group on one of the specified grounds.

The licensee has submitted⁸ that ‘vilify’ be interpreted for the purposes of the Code by reference to State and Commonwealth case law regarding section 20C of the ADA and sections 18C and 18D of the *Racial Discrimination Act 1975* (Cth) (the **RDA**). ACMA has not taken this approach because the terms of those provisions differ from the terms of the Code. This issue was recently addressed in Investigation report number 1665 regarding this licensee, in which ACMA stated:

However, provisions have to be interpreted having regard to their purpose and the context in which they operate. The purpose of the Code is to prevent the broadcast of programs that, in accordance with community standards, are not suitable to be

⁸ Submission of 31 January 2007.

broadcast by commercial radio licensees. On the other hand, an important purpose of State and Territory racial vilification provisions is to provide civil and criminal redress for conduct proscribed by the Parliament by individuals or corporations.

It is noted that while the term 'racial vilification' is used in the heading to provisions in NSW ADA, neither it nor any other State or Commonwealth Acts directly define vilification or hatred. Rather they proceed to proscribe conduct specified in other terms such as incitement of 'hatred', 'serious contempt' or 'severe ridicule' in section 20C of the NSW ADA and acts reasonably likely to 'offend, insult, humiliate or intimidate' in section 18C of the RDA. There are other significant differences between the wording of the Code and statutory provisions because they are drafted in different terms. For example, the Code uses the concept, '*likely* to incite...hatred against or vilify', whereas the NSW ADA uses 'incite hatred' and the RDA uses 'reasonably likely'.

As noted above, when a statute or a code contains no definition, the ordinary English language meaning is used. The Code does not include definitions of the terms, 'hatred' and 'vilify'. Accordingly, ACMA gives these terms their ordinary English language meaning. In recent years Australian Courts have shown a preference for the *Macquarie Dictionary* in construing Australian documents.

The *Macquarie Dictionary* includes the following definitions:

hate

hater, *noun*.

/hayt/verb, **hated, hating**

(verb) (t)

1. to regard with a strong or passionate dislike; detest.
2. to dislike; be unwilling: I hate to do it.

verb (i)

to feel hatred.

noun

4. hatred; strong dislike.
5. the object of hatred: * *The jeans Judy wore were a pet hate of Olga's*
RICKI FRANCIS, 1973.

adjective

6. devoted to expressing resentment or dislike: *a hate session*.

phrase

7. **have a hate on (or against)**, to feel strong antipathy to or dislike for.
[ME *hat(i)en*. OE *hatian*, c. G *hassen*]

vilify

vilification /viluhfuh'kayshuhn/, *noun*. vilifier, *noun*.

/viluhfuy/verb (t), **vilified, vilifying**

1. to speak evil of; defame; traduce: **Existing standards say radio and television broadcasts must not incite hatred or vilify a group on the grounds of race and other factors*. – WEST AUSTRALIAN, 1992
2. *Obsolete* to make vile.

[ME, from LL *vilificare*]

traduce

traducer, *noun*, **traducingly**, *adverb*

/truh'dyooohs/ verb (t). **traduced**, **traducing**

to speak evil or maliciously and falsely of; slander, calumniate, or malign: *to traduce someone's character*. [L. *traducere* transport, disgrace]

Considering the Dictionary meanings, it is noted that while the terms 'hatred' and 'vilification' overlap, there is more intensity in 'hatred'.

'Likely'

The word 'likely' has been interpreted to convey the notion of a real and not remote possibility; something which is probable.⁹

Clause 1.4

Reasonably and in good faith

Clause 1.4 of the Code provides that nothing in clause 1.3(e) prevents a licensee from broadcasting a program if it is presented reasonably and in good faith for 'academic, artistic (including comedy or satire), religious instruction, scientific or research purposes in the public interest, including discussion or debate about any act or matter'.

Section 18D of the RDA uses the comparable phrase, 'reasonably and in good faith' to exempt conduct which might otherwise breach vilification provisions in a similar context to its use in the Code.

The concept of reasonableness, in relation to the broadcasting of a program of the kind referred to in clause 1.3(e) implies elements of rationality and proportionality.¹⁰ Matter likely to vilify will be presented 'reasonably' if it bears a rational relationship to the 'public interest' purpose of the broadcast.

The concept of 'good faith' in relation to the broadcasting of a program of the kind referred to in clause 1.3(e) implies both *subjective* and *objective* good faith.¹¹ One way a person will act in good faith in the presentation of material is if "he or she is subjectively honest, and objectively viewed, has taken a conscientious approach"¹² to minimise any vilification likely to occur in the course of discussing a particular topic. Where material is presented in a manner which carelessly disregards or is wilfully blind to the potential for vilification, good faith may be absent.¹³ The licensee's submissions regarding matters demonstrating good faith in respect of particular

⁹ See the discussion in *Re Vulcan Australia Pty Ltd and Comptroller-General of Customs* (1994) 34 ALD 773 at 778-779.

¹⁰ See for example, *Bropho v Human Rights and Equal Opportunity Commission* (2004) 135 FCR 105; [2004] FCAFC 16; at [80] (French J).

¹¹ See *Bropho v Human Rights and Equal Opportunity Commission* (2004) 135 FCR 105; [2004] FCAFC 16; at [96] (French J), [141] (Carr J).

¹² *Bropho v Human Rights and Equal Opportunity Commission* (2004) 135 FCR 105; [2004] FCAFC 16; at [102] (French J).

¹³ *Bropho v Human Rights and Equal Opportunity Commission* (2004) 135 FCR 105; [2004] FCAFC 16; at [102] (French J).

broadcasts are considered in the context of those broadcasts at pages 25, 26, 35 and 36.

Issue 1: Whether on 5 December 2005, the licensee broadcast a program which was likely to incite or perpetuate hatred against or vilify people of Lebanese background or people of Middle-Eastern background on the basis of ethnicity or nationality

The broadcast – 5 December 2005

The relevant broadcast took place on Monday 5 December 2005. On Sunday 4 December 2005, two volunteer surf lifesavers were involved in an altercation with visitors to the beach at North Cronulla. As a result, the two lifesavers sustained injuries requiring hospital treatment.

The entire program (5.30 am to 10.00 am) has been reviewed. It is noted that in addition to the comments highlighted by the complainant (see below), the program included a number of discussions about, and references to, the events at Cronulla the previous day. A transcript of relevant extracts is at Appendix 1. However, for ease of reference, the discussion referred to by the complainant included the following exchange (see Caller B2 at page 41 of Appendix 1):

B2: Alan, um, just saw some snippets from the news, Channel 9, of the horrendous bashing...

AJ: ...appalling

B2: ...or if you like, gang attack on the beach in Cronulla yesterday. I mean what type of grubs do we have in this ... (indistinct)

AJ: What kind of grubs? Well, I'll tell you what kind of grubs this lot were. This lot were Middle-Eastern grubs.

B2: There we go.

AJ: And, you're not allowed to say it, but I'm saying it...

The program subsequently included a number of stories from listeners detailing alleged brutality on the part of individuals alleged to be of Lebanese background or of Middle-Eastern background.

The complaint

Complainant C, in his complaint to the licensee,¹⁴ attached a quote which referred to the discussion between the presenter and Caller B2 (see above).

Finding

ACMA finds that, on 5 December 2005, the licensee did not broadcast a program which was likely to incite or perpetuate hatred against or vilify people of Lebanese background or people of Middle-Eastern background on the basis of ethnicity or

¹⁴ See C's letter to the licensee dated 28 December 2005.

nationality. Accordingly, ACMA finds that the licensee did not breach clause 1.3(e) of the Code.

Reasons

ACMA has examined whether the program broadcast on this day was likely to incite or perpetuate hatred against or vilify people of Lebanese background or people of Middle-Eastern background on the basis of ethnicity or nationality. ACMA's reasons for considering the relevant basis for any vilification in respect of the above groups to be 'ethnicity' are set out in detail at Issue 5 page 21.

Was the program likely to incite or perpetuate hatred against or vilify people of Lebanese background or people of Middle-Eastern background on the basis of ethnicity?

ACMA is of the view that the discussion between the callers and the presenter did not contain the elements necessary to amount to vilification or hatred on one of the specified bases.

The caller B2 appeared to have been using the term 'grubs' in the broad sense, to ask what sort of people, generally, could be responsible for the attack being discussed. The presenter then described the perpetrators as 'Middle-Eastern grubs'. Later, in conversation with caller M, the presenter again emphasised the ethnicity of the alleged perpetrators of an assault:

AJ: These were Middle-Eastern kids ?

However, the discussions concerned a number of specific incidents and ACMA is of the view that it is unlikely that the ordinary reasonable listener would have understood, in the context of the discussions, that a person or group was being vilified or hatred was incited against them on the basis of their ethnicity. Rather, an ordinary reasonable listener would have understood that the individual perpetrators of particular acts were being criticised on the grounds of the behaviour of those individuals. This was not sufficient to defame or malign and thereby vilify a person or group on the basis of their ethnicity in the particular context of the discussions. ACMA has also taken into account that the presenter and callers were attempting to understand a recent event at a time when the facts of the event were still emerging.

Given that no breach of clause 1.3(e) has been found, it is not necessary to consider the application of clause 1.4 in relation to the program of 5 December 2005.

Issue 2: Whether, on 6 December 2005, the licensee broadcast a program¹⁵ which was likely to incite, encourage or present for its own sake violence or brutality

The broadcast – 6 December 2005

Relevant extracts of the broadcast on 6 December are at Appendix 2. For ease of reference, it is noted that the broadcast included the following discussion with Caller J (see full discussion at Appendix 2, pages 45-47).

J: Now the police can't do the job, even though we've put faith in them and we want them to do the job, that means to me the next step is vigilantes and personal protection by ourselves.

AJ: Yup

J: Now, we may be breaking the law but if you're to protect your family would you break the law?

AJ: Well...

J: I'm up here on the Northern Beaches and we don't have the same problem as Cronulla at the moment, yet, because we don't have a rail line but I'll tell you what, its coming. I've had three recent incidents up here lately, police called, nothing done. Malicious damage of property, police called, nothing done... I can't see much of any other ways to eradicate these... (indistinct).

AJ: Yeah, well I'll tell you what, that is a worry, we don't have enough police and, you know, when you've got people resigning at the rate they're resigning and as the earlier caller said or the email that I wrote – being dragged out of local area commands to serve specialist squads then it leaves a short-fall doesn't it?
...

J: If the police can't do the job, the next tier is us.

AJ; Yeah, good on you, J...

J: Now, my grandfather was an old digger and he used to say to me when we were growing up, 'Listen, shoot one, the rest will run'.

AJ: [laughing]

J: Right?

AJ: ...yes [laughing]

¹⁵ The segment between 9.00 am and 10.00 am on 6 December was regarded, by the licensee, as containing the quotes relevant to the complaint.

Complainants' submissions

Complainant A identified, as a matter of particular concern, Caller J's comments to the effect, 'If the police can't do the job, the next tier is us' and 'shoot one, the rest will run'.

Complainant D said:

As can be seen, at 9:20 am male talkback caller (J) says NSW Police cannot prevent crime so the next step is vigilantes and self protection. Jones says, 'we don't have enough police' (Jones did not dissent thereby indirectly affirming the message and intent)...later on the caller states, 'Shoot one, the rest will run' – Jones roars with laughter.

Complainants B and C did not quote specifically from the 6 December 2005 broadcast but did put forward arguments broadly relevant to a consideration of clause 1.3(a).

For example, complainant B said:

Alan Jones, by his comments and lack of dissent towards people who have called in making racist comments suggesting violence, has promoted racism in the community which in turn played a major role in encouraging the riots in Cronulla.

Licensee's submissions

The licensee submitted that 'complaints about isolated comments during the broadcasts should be considered in the context of the broadcasts as a whole'.

The licensee also put forward that 'the primary focus of the broadcasts was on law and order issues, and the fact that a greater police presence was needed following gang violence and the threat of violence at Cronulla beach and in other areas' and that this is made 'very clear when the broadcasts are reviewed in full'. In relation to the presenter's discussion with Caller J, the licensee submitted:

It is clear that the main message in this segment of the broadcast was that more police were needed to respond to gang violence. Caller 'J' and the listener whose letter was read out (by Mr Jones) were expressing concerns that if this issue is not addressed, people would start taking the law into their own hands. However, the broadcast was not suggesting that people should do so.

The important message that addressing gang violence is a police matter was continued in subsequent broadcasts on 8 and 9 December...

Also...it is clear from the record of the broadcast that the 'shoot one, the rest will run' comment was not intended to be taken seriously. Mr Jones made it clear to the audience that this caller comment was said in jest by laughing at it.

For these reasons, our view is that there was no breach of Code 1.3(a), as the broadcast did not, and was not likely to incite, encourage or present for its own sake violence or brutality...

Finding

ACMA finds that, in broadcasting the segment of *Breakfast with Alan Jones* on 6 December 2005 between 9.00 am and 10.00 am, the licensee did not breach clause

1.3(a) of the Code by broadcasting a program that was likely to incite, encourage or present, for its own sake, violence or brutality.

Reasons

As stated above, in deciding whether there has been a breach of clause 1.3(a) of the Code, ACMA has considered whether an ordinary reasonable listener would regard the program as likely to:

- urge on violence, stimulate violence, prompt a person to take violent action; or
- inspire a person inclined to violence with courage, spirit or confidence; or
- stimulate violence by assistance or approval.

The complaints concerned the comments made by Caller J together with the presenter's apparent failure to discourage the caller. ACMA is generally of the view that an ordinary reasonable listener would give more weight to words spoken by a presenter than those spoken by a talkback caller. However, whether this is true in respect of a particular broadcast must be considered on a case-by-case basis.

The caller J's comments were such that they could have been interpreted as recommending some form of vigilante action. However, while the presenter's comments did not actively discourage the caller from presenting his views, in the context of the program it could not be said that an ordinary reasonable listener would have regarded the program as likely to urge, prompt or stimulate a person to violent action, inspire or encourage violence by way of assistance or approval.

At the opening of the discussion at approximately 9.20 am, the presenter emphasised that:

AJ: Yeah, well I'll tell you what, that is a worry, we don't have enough police and, you know, when you've got people resigning at the rate they're resigning and as the earlier caller said or the email that I wrote – being dragged out of local area commands to serve specialist squads then it leaves a short-fall doesn't it?

The discussion included the presenter reading an email from a listener who had likened the Cronulla situation to his experience in California. There was a degree of discussion about the relative ineffectiveness of the police in this type of situation but no approval by the presenter that a vigilante approach was the answer. The caller then said:

J: If the police can't do the job, the next tier is us.

On this occasion, the presenter's response was:

AJ: Yeah, good on you, J

After the above exchange which occurred between 9.20 and 9.30 am, Caller J made the comments including the quote from his grandfather, 'shoot one, the rest will run', followed by laughter from the presenter.

On listening to the broadcast, ACMA considers that, on balance, the presenter's comments 'yeah, good on you' and laughter do not have a tone indicating approval of the comments, but rather would be heard by the ordinary reasonable listener as signalling closure of the conversation and that the closing comments were not to be taken seriously or as an endorsement of such action. Consequently, an ordinary

reasonable listener would not have heard these comments as encouraging a person to violence by way of approval.

The program also contained subsequent discussions that offered alternative views to those put by Caller J including Caller A at approximately 9.30 am, who advocated stronger parental discipline. During discussion with Caller A, the presenter again talked about the need for stronger police intervention. The discussion with Caller A is transcribed at Appendix 2, pages 47-48.

Issue 3: Whether, on 6 December 2005, the licensee broadcast a program¹⁶ which was likely to incite or perpetuate hatred against or vilify people of Lebanese background or people of Middle-Eastern background on the basis of ethnicity or nationality

The broadcast – 6 December 2005

A transcript of relevant extracts of the broadcast is at Appendix 2.

Complainant's submissions

Complainant D submitted that the broadcast included an email from a listener who said that his son had been attacked at Cronulla Beach. (Appendix 2, page 46.) Complainant D noted that the presenter also talked 'about other cases of violence at Cronulla Beach that listeners (had) reported to him'.

Licensee's submissions

The licensee by way of general submission stated that complaints about isolated comments made during the broadcast should be considered in the context of the broadcasts as a whole.

Finding

ACMA finds that, on 6 December 2005, the licensee did not broadcast a program which was likely to incite or perpetuate hatred against or vilify people of Lebanese background or people of Middle-Eastern background on the basis of ethnicity or nationality. Accordingly, ACMA finds that the licensee did not breach clause 1.3(e) of the Code.

Reasons

ACMA has examined whether the program broadcast on this day was likely to incite or perpetuate hatred against or vilify people of Lebanese background or people of Middle-Eastern background on the basis of ethnicity. ACMA's reasons for considering the relevant basis for any vilification in respect of the above groups to be 'ethnicity' are set out in detail at Issue 5 page 22.

¹⁶ The segment between 9.00 am and 10.00 am on 6 December 2005 was regarded, by the licensee, as containing the quotes relevant to the complaints. This was the segment provided to ACMA by the licensee and accordingly it is regarded as 'the program' for the purposes of clause 1.3(a).

Was the program likely to incite or perpetuate hatred against or vilify people of Lebanese background or people of Middle-Eastern background on the basis of ethnicity?

The relevant email was read out at approximately 9.20 am. While it was read out by Alan Jones, most of the email related the author's experience in the United States. The author's comments appear to be intended as a warning that the situation in Australia should not be allowed to deteriorate further. The content of the email itself does not include material that would vilify or incite hatred against people of Lebanese background or people of Middle-Eastern background.

In addition to the email with which Complainant D took issue, it is noted that the broadcast included a number of subsequent remarks made by callers which were capable of giving offence, for example caller J quoted his grandfather as saying "shoot one and the rest will run." Some of these comments are transcribed at Appendix 2. However, throughout the program there were also some alternative views given by callers and more moderate remarks by the presenter. Just prior to 9.30 am, a caller discussed the issue of parental control and noted that there "are bad apples in a bunch". (Appendix 2, page 47.) Towards the close of the program at approximately 9.55 am, the presenter made the following comments:

Alan Jones: ...stack of Lebanese Christians and they're good people. There are a lot of Lebanese people that made a hell of a contribution to this country and they are angry at all this nonsense.

On balance, ACMA finds that, while the program included a number of comments which were capable of giving offence, when considered together with surrounding comments, these were not of such gravity as to be likely to vilify any person or group on the basis of ethnicity. ACMA has had regard to the fact that the comments capable of giving offence were made directly by callers (for example, the passing comment of Caller J shortly after 9.20 am, 'They've got infected minds...they don't live like the Australian way') rather than by the presenter (whose comments and readings are more influential), and to the inclusion of more moderate commentary, particularly on the part of the presenter, towards the conclusion of the program at 10 am.

Given that no breach of clause 1.3(e) has been found it is not necessary to consider the application of clause 1.4 in relation to the program of 6 December 2005.

Issue 4: Whether on 7 December 2005, the licensee broadcast a program¹⁷ which was likely to incite, encourage or present for its own sake violence or brutality

The broadcast – 7 December 2005

The broadcast on 7 December included a number of references to Cronulla-related incidents. A transcript of a number of the relevant extracts is at Appendix 3. At approximately 9.00 am, the broadcast included the following comment on the part of the presenter regarding a letter/email sent in by a listener (see Appendix 3, page 57):

AJ: 'J' has a good answer, he says police and the council are impotent here all rhetoric and no action. My suggestion is to invite the biker gangs to be present at

¹⁷ The segment between 9.00 am and 10.00 am on 6 December was regarded, by the licensee, as containing the quotes relevant to the complaint.

Cronulla Railway station when these Lebanese thugs arrive, the biker gangs have been much maligned but they do a lot of good things – it would be worth the price of admission to watch these cowards scurry back onto the train for the return trip to their lairs...and wouldn't it be brilliant if the whole event was captured on TV cameras and featured on the evening news so that we, their parents, family and friends can see who these bastards are...Australians old and new should not have to put up with this scum. Peters of Kensington...

The complainant's submissions

Complainant C, in his complaint to the licensee¹⁸ attached a quote which referred to the above comments.

Finding

ACMA finds that, on 7 December 2005, the licensee broadcast a program that was likely to encourage violence or brutality. Accordingly, ACMA finds that the licensee breached clause 1.3(a) of the Code.

Reasons

As stated above, in deciding whether there has been a breach of clause 1.3(a) of the Code, ACMA has considered whether an ordinary reasonable listener would regard the program as likely to:

- urge on violence, stimulate violence, prompt a person to take violent action; or
- inspire a person inclined to violence with courage, spirit or confidence; or
- stimulate violence by assistance or approval.

The suggestion to invite bikers gangs to intimidate Lebanese rail passengers was made in the context of other comments which gave the impression that people of Lebanese background or people of Middle-Eastern background were forming gangs intent on causing harm to 'Australians', had no respect for the law and that existing law enforcement agencies were powerless. ACMA is of the view that, in these circumstances, an ordinary reasonable listener would regard the endorsement of the biker gang invitation as likely to encourage violence and thereby stimulate violence by approval.

Between 8.30 and 9 am the presenter read a letter from a policeman:

AJ: ...a policeman writes and says as all policemen write, 'please do not mention my name...then he says, 'I've been a police officer for 16 years and unfortunately the only language which the Middle-Eastern youth understand is a good hiding. I know it's not politically correct but until we're allowed to discipline them with a good smack, these problems will get worse. Police are too afraid to act due to the complaints system. If we're allowed to act the way we want to we can solve a lot of problems ...the way I see it is once you break the law you lose the right to be protected with respect. These Middle-Eastern people must be treated with a big stick, it's the only thing they fear, they don't fear fines and they laugh at the courts.

¹⁸ See Complainant C's letter to the licensee dated 28 December 2005.

Shortly after reading the above letter, the presenter read the letter/email from Listener J.

It is considered that, in the context of pre-existing community tension and the surrounding comments in the program which invoked fear, it is likely that an ordinary reasonable listener would have taken the endorsement of Listener J's invitation to biker gangs as likely to encourage violence among some members of the community and thereby stimulate violence amongst some members of the community by way of approval.

The licensee has submitted¹⁹ that the comments of J were open to interpretation and the presentation was either merely speculative; reflected an expectation that the bikers' presence would discourage violence; or that those looking for trouble would be shamed in the eyes of the broader Australian community including their parents, family and friends. The licensee submits that 'comments can only be characterised as a "call to action" if they are clearly comprehensible as such' and that these statements were ambiguous. ACMA does not accept the submission that the words are ambiguous as it is clear that the invitation to the bikers is intended to intimidate 'these Lebanese thugs'. Further, it is not necessary that material constitute a 'call to action' in order to come within the scope of the Code. It is sufficient that the material be likely to encourage violence or stimulate violence by way of approval. Here the presenter selected the letter and conveyed approval of the statement by his comment "J has a good answer".

ACMA notes that the licensee has submitted that the role of a talk-back presenter is not that of a moderator of debate and that listeners expect to hear the views of the presenter and the views of other listeners who call or contact the presenter. Nevertheless, it is ACMA's view that, in so far as a presenter selects and presents material for broadcast, the presenter is in a key position to contribute towards the licensee's compliance with the Code.

The licensee also submitted that:

- any application of clause 1.3(a) of the Code should refer to the ordinary reasonable listener of the relevant program;
- 2GB's "core listener demographic" is aged 55+, 'which may be considered to be less susceptible to incitement than other age groups';
- an ordinary reasonable 2GB listener would not have been 'urged on to stimulate violence' because they listened to the broadcast on 7 December 2005; and
- no likely causative link between the broadcast and probable or possible consequential violence has been demonstrated.

However, ACMA does not accept that the correct question is whether the ordinary reasonable listener, having heard the program, would have been 'urged on to stimulate violence' because that listener heard the broadcast.

¹⁹ Submission of 31 January 2007.

The correct question is whether the ordinary reasonable listener would regard the program as likely to urge on or stimulate violence (or prompt violent action, inspire a person inclined to violence with courage, spirit or confidence, or stimulate violence by assistance or approval). In assessing the likely effect of the program, the ordinary reasonable listener can be expected to consider not only the actual effect of the program on the listener himself or herself, but also the likely effect on other persons, including persons with characteristics, experiences or other attributes beyond those of the core listener demographic.

The Code relevantly requires that a licensee not broadcast a program which is likely to incite or encourage violence. The assessment of likelihood must have regard to the time of the broadcast. At the time of the broadcast of 7 December 2005, an altercation had occurred at Cronulla Beach the preceding weekend which had been the subject of considerable media coverage, as the discussions considered in this report demonstrate. As noted above, comments both invoking and expressing fear were made by listeners. It is against this background that the judgment is to be made as to whether or not something is likely.

No 'likely causative link' between the broadcast and 'probable or possible consequential violence' need be demonstrated. All that must be demonstrated is that the ordinary reasonable listener would regard the broadcast as likely to have one or more of the effects²⁰ discussed above. Further, no causative link need be shown between the broadcast and the violence that actually occurred in the aftermath of the broadcast. Whether or not the events actually transpire is not relevant for ACMA's assessment under the Code.

ACMA notes that, during the program, both the presenter and a number of callers warned about the dangers of vigilante action and also emphasised the importance of increased police resources as a matter of urgency. For example, in his interview with BS, who talked about his experiences in Huntington Beach, the presenter, on two occasions asked BS what should be done:

AJ: So do we throw our hands up in the air and say, 'We'll do what people are doing with Cronulla Beach, pack up and move on and leave it to the thugs?'

BS: Well, no...there's some things the police can do...obviously you gotta recognise that Cronulla has a problem – also you've got to realise that there are various focal points like Bondi and Cronulla and Manly where large numbers of people go and obviously they attract this type of element.

AJ: And that's where the police should be?

BS: Yes, you've got to recognise that.

.....

²⁰ That is, whether the ordinary reasonable listener would regard the program as likely to urge on or stimulate violence (or prompt violent action, inspire a person inclined to violence with courage, spirit or confidence, or stimulate violence by assistance or approval).

AJ: And, they've had a gut full of this and banded together and become more militant...because the police won't do the job we want the police to do and most probably don't have the police resources to do the job...so the tension will build it's a recipe for more violence. What should be done?

BS: Straight away you're going to need a dramatic police increase

AJ: A dramatic police increase, you're quite right, we've got a growing city and fewer and fewer police.

Towards the conclusion of the program, the presenter received a telephone call from Caller F who made an explicit plea for caution:

F:...now it's all well and good ...that we band together and do something socially against this but we've got to be very careful about vigilante groups as good as they may sound at this particular time. Because we gotta remember that what'll happen is or what may happen is that these type of rat-bags will start to utilise more lethal means to combat such activity.

....

AJ: Yes. Look we've got to have appropriately trained law enforcement authorities to do the job.

F: Definitely, and allow them to use whatever means necessary...

AJ: And we should feed that information to our authorities and local government and all that sort of thing we should be saying to the Police Minister and the Police Commissioner, Carl Scully, get people out here, we need people.

F: Definitely...And those people in those parts of society that do want to form vigilante groups, once again, we have to be careful because all that may happen is that these gang members because they have no budget, or no amount of money that...that no limit to the amount of money they can spend...they may just throw money in the faces of these people we end up turning them...

AJ: ...I think what we're saying is that there is a gang problem and we want the police commissioner to direct resources to that problem and if he hasn't got the resources, tell us what he needs and the taxpayer will be prepared to stump up extra money...

The licensee has submitted that considerations of listener behaviour should be based on empirical research. However, in recognition of the fact that there is no guarantee that a listener will hear a program in its entirety, ACMA places more weight on comments in proximity to those complained of than those made at a significantly earlier or later time. ACMA has relied on the knowledge and experience of its members in forming its view that it is unlikely that all of the program's listeners would, on the balance of probabilities, listen to the entire program. Consequently, while the above comments may mitigate the emphasis of the program, it is considered that, weighed against the more proximate comments which invoked fear and endorsed an invitation to violence, they were not sufficient to ameliorate the overriding message.

Issue 5: Whether, on 7 December 2005, the licensee broadcast a program which was likely to incite or perpetuate hatred against or vilify people of Lebanese background or people of Middle-Eastern background on the basis of ethnicity or nationality

The broadcast – 7 December 2005

The broadcast on 7 December included a number of references to Cronulla-related incidents. A transcript of a number of the relevant extracts is at Appendix 3. At approximately 9.00 am, the broadcast included the following comment on the part of the presenter regarding a letter/email sent in by a listener (Listener J)(see Appendix 3, page 57.)

AJ: ‘J’ has a good answer, he says police and the council are impotent here all rhetoric and no action. My suggestion is to invite the biker gangs to be present at Cronulla Railway station when these Lebanese thugs arrive, the biker gangs have been much maligned but they do a lot of good things – it would be worth the price of admission to watch these cowards scurry back onto the train for the return trip to their lairs...and wouldn’t it be brilliant if the whole event was captured on TV cameras and featured on the evening news so that we, their parents, family and friends can see who these bastards are...Australians old and new should not have to put up with this scum. Peters of Kensington...

The complainant’s submissions

Complainant C, in his complaint to the licensee,²¹ attached a quote which referred to the above comments.

Finding

ACMA finds that, on 7 December 2005, the licensee broadcast a program which was likely to vilify people of Lebanese background and people of Middle-Eastern background on the basis of ethnicity. As the program was not presented reasonably and in good faith for one of the purposes specified in clause 1.4 of the Code, ACMA finds that the licensee breached clause 1.3(e) of the Code.

Reasons

ACMA has examined:

- whether the program was likely to incite or perpetuate hatred against or vilify people of Lebanese background or people of Middle-Eastern background on the basis of ethnicity; and
- if so, whether the program was presented reasonably and in good faith for a purpose in the public interest.

Was the program likely to incite or perpetuate hatred against or vilify people of Lebanese background or people of Middle-Eastern background on the basis of ethnicity?

Relevant group and basis

It is necessary to identify the individual or group who is the target of the alleged vilification and/or hatred. ACMA has identified the relevant groups as people of

²¹ See Complainant C’s letter to the licensee dated 28 December 2005.

Lebanese background and people of Middle-Eastern background. The presenter and other contributors to the program use a combination of terms (emphasis added by ACMA):

AJ: The truth is they're **Lebanese** gangs and the **Lebanese** leadership in this state needs to have something to say about it....let's identify who these people are...you are telling me in your correspondence, they're **Lebanese** gangs...(Approximately 7.15 am)

AJ: ...and you say the ingredients are here, we've got the pack mentality, these gangs, **Lebanese** gangs...what you saw were Hispanics, here its **Middle-East**. Now, you know a bit about the local thing, your 16 year old son was attacked by two **Middle-Eastern** youths about two weeks ago. (Shortly after 7.20 am.)

AJ (reading a letter) The locals do not use the picnic areas of Cronulla because of the **Middle-Eastern** visitors to the Shire....but you know it's the **Middle-Easterners** that are aided in the surf...(Approximately 8.40 am.)

AJ (reading a letter)...the only language the **Middle-Eastern** youth understand is a good hiding...These **Middle-Eastern** people must be treated with a big stick...(Shortly after 8.40 am.)

AJ (reading a letter) ...My suggestion is to invite the biker gangs to be present at Cronulla Railway station when these **Lebanese** thugs arrive...(Shortly before 9.00 am.)

The Code requirement is that the likelihood of any incitement or perpetuation of hatred or vilification be on the basis of one or more of the specified grounds. ACMA finds that the basis relevant to this matter is ethnicity.

In coming to this conclusion, ACMA considered the following *Macquarie Dictionary* definitions of ethnicity:

ethnic

ethnically, *adverb*. **ethnicity** /eth'nisitee/, *noun*.

/'ethnik/

adjective

1. relating to or peculiar to a population, especially to a speech group, loosely also to a race: **pushing for absolute Fijian ethnic domination of Fiji*. - HERALD, 1987.
2. relating to the origin, classification, characteristics, etc., of such groups: **Almost 40 per cent of New York pupils are black, 34 per cent Hispanic, 21 per cent white and 7 per cent from other ethnic backgrounds*. - HERALD, 1988.
3. of or relating to members of the community who are migrants or the descendants of migrants and whose native language is not English.
4. recognisable as coming from an identifiable culture: *ethnic music*.
5. for the use of ethnic groups: *ethnic radio*.
6. *Colloquial*
 - a. relating to those who seek an older and more simple life style, usually involving the practice of handicrafts and supposed folk ways.
 - b. relating to the life style itself.
 - c. odd; quaint.

- noun*
7. (*sometimes derogatory*) a member of an ethnic group whose native language is not English.

...

ethnic group

/ethnik 'groohp/

noun a group of people, racially or historically related, having a common and distinctive culture.

ACMA has also taken into account the submission of the licensee,²² which emphasised the relevance of shared cultural characteristics and drew attention to judicial interpretation of section 18C(1)(b) of the RDA. That section proscribes the doing of acts, otherwise than in private, which are reasonably likely to result in specified outcomes where the act is done 'because of the race, colour or national or ethnic origin of the other person or some of the people in the group'. While the proscribed acts in the section differ from those envisaged by the Code, the requirement that the acts be done 'because of...ethnic origin' would appear comparable to the role of the phrase 'on the basis of ...ethnicity' in the Code.

In interpreting the meaning of 'ethnic origin' for the purposes of section 18C of the RDA, the Federal Court²³ has approved the passage set out below from *King-Ansell v Police*,²⁴ which follows a description of historical bonds sufficient to constitute national origins:

In the same way a group is identifiable in terms of its ethnic origins if it is a segment of the population distinguished from others by a sufficient combination of shared customs, beliefs, traditions and characteristics derived from a common or presumed common past, even if not drawn from what in biological terms is a common racial stock. It is that combination which gives them an historically determined social identity in their own eyes and in the eyes of those outside the group. They have a distinct social identity based not simply on group cohesion and solidarity but also on their belief as to their historical antecedents.

ACMA notes that the above passage is capable of accommodating several of the meanings given to the word 'ethnic' in the *Macquarie Dictionary* (including meanings 3 and 4) and also the meaning given to 'ethnic group'. ACMA also notes that the passage acknowledges that ethnicity might be discerned from 'a sufficient combination' of factors (which may involve matters of fact and degree) and that a common past might be presumed. In ACMA's view, this approach is consistent with the community understanding of ethnicity and ACMA adopts this meaning for the purposes of the Code.

ACMA considers that people of Lebanese background living in Australia constitute a specific ethnic group, being a segment of the population distinguishable from other members of the community by a sufficient combination of characteristics derived from a presumed common past. The shared history as migrants and descendants of migrants from Lebanon, including shared direct and indirect association with the

²² Submission of 31 January 2007 as amended by email of 9 February 2007.

²³ *Jones v Scully* (2002) 120 FCR 243; [2002] FCA 1080; at [111]-[112] (Hely J).

²⁴ [1979] 2 NZLR 531 at 543 (Richardson J).

traditions and culture of that country, provides an historically determined social identity within Australia. While people of Middle-Eastern background are a broader group, they are still identifiable as the descendants of people who come from a particular region of the world with elements of shared culture, including a common first language, or language spoken by relatives, being primarily Arabic²⁵. These factors in combination are sufficient to demonstrate that the basis for the comments which distinguished the group from the rest of the community was ethnicity.

ACMA notes the submission of the licensee that '[t]he cultural differences among people of Middle-Eastern background are manifold, and possibly greater than the points of commonality'. However, it does not follow, from the existence of differences and possibly sub-groups among a wider group, that the wider group does not also have an historically determined social identity in their own eyes and in the eyes of those outside the group.

ACMA also notes that the licensee submits that the broadcast comments were directed towards the behaviour of certain individuals and were not made on the basis of ethnicity. The licensee submitted that the distinction was reinforced by the presenter's references to the family and friends of gang members (indicating that only gang members were the subject of the comments); old and new Australians; and his disapproval of gang violence. However, ACMA is of the view that comments such as those relating to the use of picnic grounds by visitors of Middle-Eastern background are too broad to support a construction that they were directed only to the behaviour of particular individuals.

In addition to the above comments the presenter also made references to the rest of the community as 'Australians'. For example:

AJ: (towards the end of the letter from J)...Australians old and new should not have to put up with this scum.

By referring both to 'Lebanese gangs' and 'Middle-Eastern people' on the one hand and 'Australians' on the other, the presenter implied that the first two groups were not Australians. ACMA considers that an ordinary reasonable listener would have formed the impression that the negative comments made during this broadcast concerned people of Lebanese background and people of Middle-Eastern background on the basis of their ethnicity.

Vilification

As set out above, ACMA has looked to the ordinary English language meaning of the term, 'vilify'.

The message conveyed throughout this edition of the program was the need to 'protect' people from visitors to the area of Lebanese background and Middle-Eastern background generally. This is particularly apparent when the statement endorsing the

²⁵ According to the SBS World Guide, Hardie Grant Books, Prahran, 2006, Arabic is the principal language of Bahrain (page 58), Egypt (page 218), Iraq (page 341), Jordan (page 380), Lebanon (page 419), Libya (page 430), Oman (page 542), Saudi Arabia (page 623), Syria (page 698) and Yemen (page 694), Kuwait (page 404), the United Arab Emirates (page 754) and Qatar (page 586).

invitation to the bikers is considered in the context of other comments made during the broadcast, as selected and read out by the presenter himself, including:

AJ: (reading a letter from a listener) The locals do not use the picnic areas of Cronulla because of the Middle-Eastern visitors to the Shire, they are dangerous...But you know, it's the Middle-Easterners that are aided in the surf by my hero and his fellow lifesaving heroes. Please, Alan, don't let this incident fade away for the sake of our future Aussie adults (approximately 8.40 am)

AJ: (reading a letter from a policeman) unfortunately...the only language which Middle-Eastern youth understand is a good hiding...These Middle-Eastern people must be treated with a big stick, it's the only thing they fear, they don't fear fines and they laugh at the courts (follows on from above)

The latter two comments were made shortly before the endorsement of the suggestions in the letter from Listener J. ACMA is of the view that an ordinary reasonable listener would consider these comments to mean that people of Lebanese background and people of Middle-Eastern background presented a danger to 'locals', had no respect for the law, were beyond the control of law enforcement authorities and deserved to be intimidated by bikers.

ACMA considers that these statements, in the absence of any proximate qualifying statements, had the necessary maligning content to constitute vilification of persons of Lebanese background and persons of Middle-Eastern background generally.

Having found that the program vilified a group or groups on one of the enumerated bases, it is not necessary for ACMA to also consider whether the program incited or perpetuated hatred.

Was the program presented reasonably and in good faith for a purpose in the public interest?

Purposes in the public interest

Clause 1.4 of the Code provides that nothing in clause 1.3(e) prevents a licensee from broadcasting a program if it is presented reasonably and in good faith for 'academic, artistic (including comedy and satire), religious instruction, scientific or research purposes or for other purposes in the public interest, including discussion or debate about any act or matter'.

At the time of the program's broadcast, the incident at Cronulla had taken place the previous Sunday. There is no dispute it was a matter of public interest and a valid topic for discussion. To that extent, the subject matter of the program met the public interest test embodied in clause 1.4. However, the licensee's obligation was, in addition, to present such material 'reasonably and in good faith'.

'Reasonably'

As set out at page 8 above, the concept of reasonableness, in relation to the broadcasting of a program of the kind referred to in clause 1.3(e), implies elements of rationality and proportionality.²⁶ Matter likely to vilify will be presented 'reasonably'

²⁶ See for example, *Bropho v Human Rights and Equal Opportunity Commission* (2004) 135 FCR 105; [2004] FCAFC 16; at [80] and [141] (French J).

if it bears a rational relationship to the ‘public interest’ purpose of the broadcast, and if such matter is not disproportionate to what is necessary to the achievement of that purpose.

The licensee has submitted:

While we agree that that material is likely to be presented ‘reasonably’ if it bears a rational relationship to the relevant matter of public interest under discussion, we consider that the ACMA has defined the relevant matters of public interest far too narrowly in these circumstances. The ACMA appears to have limited the relevant public interest matter...to discussion of the ‘incident at Cronulla’.

However, there were a range of other relevant public interest matters under discussion during the broadcasts, including the issue of significant and longstanding community divisions and tensions more generally, and the police management of and response to those divisions and tensions, and related policing issues. This formed the context for all the relevant comments. On this basis, the required “rational relationship” clearly can be demonstrated.²⁷

ACMA accepts the licensee’s submission that, in addition to the incident at Cronulla, discussion of issues regarding community tensions and policing matters were relevant matters of public interest in the discussion. Indeed, ACMA acknowledges the importance of discussion of such topics in the media. However, it was possible to conduct these discussions in a manner which did not result in the vilification of people of Lebanese background and people of Middle-Eastern background generally, on basis of ethnicity. In this respect the program complained of was not presented reasonably, as the vilification of people of Lebanese background and people of Middle-Eastern background generally, on grounds of ethnicity, did not bear a rational relationship to the purpose of conducting the discussion.

‘In good faith’

The concept of ‘good faith’, in relation to broadcasting a program of the kind referred to in clause 1.3(e), implies both *subjective* and *objective* good faith.²⁸ One way of acting in good faith is both to present material without subjective dishonesty or malice and, objectively viewed, to take a conscientious approach to minimise any vilification likely to occur in the course of discussing a particular topic. However, where material is presented in a manner which carelessly disregards or is wilfully blind to the potential for vilification, good faith may be absent.²⁹

The licensee has submitted that good faith may not only be shown by the making of discouraging or positive remarks in response to a controversial or negative comment but may also be demonstrated by considering the context of the comments and whether they were relevant to matters that were discussed during the broadcast. ACMA accepts that it is possible for objective good faith to be demonstrated in a

²⁷ Submission of 31 January 2007.

²⁸ See *Bropho v Human Rights and Equal Opportunity Commission* (2004) 135 FCR 105; [2004] FCAFC 16; at [96] and [101] (French J).

²⁹ *Bropho v Human Rights and Equal Opportunity Commission* (2004) 135 FCR 105; [2004] FCAFC 16; at [102] (French J).

manner other than conscientious intervention by a presenter and that the surrounding context of remarks may reflect the requisite good faith. However, the program of 7 December 2005 did not contain sufficient material to demonstrate objective good faith.

Having found the program wanting in respect of the objective limb of good faith, it is not necessary to consider the subjective limb.

Issue 6: Whether, on 8 December 2005, the licensee broadcast a program³⁰ which was likely to incite, encourage or present for its own sake violence or brutality

The broadcast – 8 December 2005

A transcript of all relevant extracts of the broadcast is at Appendix 4. In particular, the broadcast contained five references, on the part of the presenter, to a text message inviting participation in further disturbance that had reportedly been widely circulated (see Appendix 4, pages 59, 60, 61, 68 and 72). The broadcast also contained comments made by the presenter in the context of a discussion with Caller C, in which he referred to 'Pacific Island people' (see Appendix 4, pages 75-76).

The text message

The following is a transcript of one of the references to the text message:

AJ: And the message urges Aussies yesterday to take revenge against Lebs and Wogs. Now, it's got pretty nasty when you start talking like this. It says, "This Sunday, every Aussie in the Shire get down to North Cronulla to support Leb and Wog bashing day".

The presenter's discussion with Caller C included the following:

AJ: I tell you who we want to encourage, 'C'.

C: Yes.

AJ: All the Pacific Island people. Because you want to know something, they don't take any nonsense.

C: That's right.

AJ: They're proud to be here. All those Samoans and Fijians, they love being here.

C: Yep.

AJ: Proud to be here. And they say you step out of line look out, and of course cowards always run, don't they?

C: They will run like scalded rats.

³⁰ ACMA staff reviewed the entire program broadcast on this date.

Complainants' submissions

Complainant A alleged that Mr Jones 'was very keen to get a riot going at the beach'. In addition, Complainant A's submissions included the following:

...Mr Jones assured his audience that he knew all about and I put it that he clearly supported the riot by constantly reminding his audience, 'Come to Cronulla this weekend to take revenge. This Sunday every Aussie in the Shire get down to North Cronulla to support the Leb and Wog bashing day'. As a result we know what this has led to, a clear incitement of violence. And he doesn't stop there: He even brings in another section of the community to support the riot against another. 'I tell you who we want to encourage...all the Pacific Islander people...'

Complainant B submitted, generally, that:

Alan Jones, by his comments and lack of dissent towards people who have called in making racist comments suggesting violence, has promoted racism in the community which in turn played a major role in encouraging the riots in Cronulla.

Complainant C posed a series of general questions about the 'questionable mannerisms' and 'innuendos' of Alan Jones. The questions included the following:

Did he (Alan Jones) incite a group of Australians to use violence against another group of Australians?

...

Did the incited group use violence against the victimised group?

...

Was the use of violence or force carried out upon the victimised group?

Complainant D, in his letter to ACMA, said of the broadcasts including details in the text message:

It was not in the public interest to know the date, time, location and purpose of the riots. He was informing the 'hooligans' among his listeners about the event. He has already prepared them with hatred, revenge and anger. He has invited the Pacific Islanders and the bikie gangs. He could not have done any more damage except to attend in person and show support. He convinced his audience that the riots were an expression of an irresistible mass patriotic mass movement against people of 'Middle Eastern Extraction' and that it was in their interest to join.

Licensee's submissions

The licensee put forward, generally, that they considered it important that complaints about isolated comments made during the broadcasts be considered in the context of the broadcasts as a whole:

As explained in our letter to the complainant, the primary focus of the broadcasts was on law and order issues, and the fact that a greater police presence was needed following gang violence and the threat of gang violence at Cronulla beach and in other areas. This is made clear when the broadcasts are reviewed in full.

In relation to reading the text messages on 8 December 2005, the licensee's comments included the following:

...The complainant (Complainant A) alleges that by reading out the text messages, 'Mr Jones clearly supported the riot' and that repeating the text message 'constantly' reminded his audience of this... We reject these allegations. From the record of broadcast, Mr Jones said, 'What led to the police reaction yesterday was a text message... Now it's got pretty nasty when you start talking like this. It says, 'This Sunday, every Aussie in the Shire get down to North Cronulla to support Leb and wog bashing day'. I mean this has got to a horrendous state, where our law and order, our official law and order authorities, the police, have so abdicated the scene'.

The licensee then went on to say:

In the same segment, Mr Jones read out a more detailed extract from the text message and stated:

That's what we're heading to. That's got to be stopped. And I say to all those young people: hey, you're not in charge of law and order; we do have law and order people. Boys, don't get down there and come at this nonsense. This'll only make things worse.

Mr Jones went on to say 'If we don't have enough police, get the police'.

These passages from the record of broadcast illustrate that the complainant's (Complainant A's) allegations are unsubstantiated. It appears that the complainant (Complainant A) has referred to an incomplete press report about the broadcast, rather than what was actually said on air.

While Mr Jones indicated that he understood the sentiments behind SMS messages, he made it very clear that he did not support such sentiments. Mr Jones repeatedly stated that the police should be left to do their job, and that 'we don't want these vigilante groups'. Mr Jones cautioned people not to take the law into their own hands.

For example, after Mr Jones read out the SMS message on 8 December 2005, he stated, 'Now, I don't subscribe to that language' before going on to state, 'we have to step back. We don't want vigilante groups. We don't want vigilante retribution'. This was repeated during the interview with the Premier that morning when Mr Jones stated:

You can understand the anger, the red hot anger of people, but you don't take the law into your own hands. The police will be there in force. The streets, the beaches, enough for everyone. No-one has got the right to take the law into their own hands.

The licensee submitted that if ACMA should take a 'different view' about the matter, then its response would be that the defence in code 1.4 applies. In this regard, the licensee's argument included the following:

In the relevant circumstances, the public interest test in code 1.4 clearly was met. Mr Jones read out what was contained in the SMS messages so that his listeners would know what was being proposed by the senders of those messages. The content of the relevant SMS messages was a matter of public concern and public interest, and a significant news and current affairs issue.

In relation to Mr Jones' discussion with Caller C, the licensee said:

...the complainant (Complainant A) has alleged that the following passage 'brings in another section of the community to support the riot against another'...the complainant (Complainant A) states that Mr Jones 'urges the Pacific Islander people to show support and encouraged their attendance at the riots'...these comments were made after caller C stated that he wanted to encourage people to go to Cronulla to be around the lifesavers and clap them and encourage them. It is very important to note that this is the context for the statements...By stating he wanted to encourage 'all the Pacific Island people', and making the point that they 'love being here', are 'proud to be here' and indicating that they are respected, Mr Jones clearly was not inciting violence...instead Mr Jones was indicating that gangs who were looking for trouble would be deterred from the beach by people who present positive role models, like Pacific Islander people. Mr Jones did not suggest Samoan and Fijian people should join in vigilante violence, instead he was agreeing that they are positive role models and that they are respected (and in the context of the broadcast), implying that the police were not so respected.

Finding

ACMA finds that on 8 December 2005, the licensee did not broadcast a program that was likely to incite, encourage or present, for its own sake, violence or brutality. Accordingly, ACMA finds that the licensee did not breach clause 1.3(a) of the Code.

Reasons

The text message

On 8 December 2005, the presenter referred to and quoted the text message encouraging people to attend 'a Leb and wog bashing day'. The references included five direct quotes specifying the day and venue interspersed throughout the program.

The very difficult question for ACMA was whether in all of the circumstances, the five clear quotes of the text message constituted encouragement of violence. ACMA believes that the use of the quotes was ill-judged when considered against the pre-existing background of community unrest.³¹ However, on balance, ACMA does not consider that an ordinary reasonable listener would have considered the quotes in their contexts as likely to prompt to violence, encourage violence or stimulate violence by way of assistance or approval as the Code requires.

ACMA considers it significant that the presenter did not endorse the text messages and that the effect of these quotes was sufficiently mitigated by the clear statements of the presenter discouraging the course of action suggested by the message.

For example, the first mention of the text message was predicated with:

AJ: ...Now it's got pretty nasty when you start talking like this.

The presenter clearly indicated that he did not support the action and highlighted the urgent need for increased police presence and resources. For example, the second quote from the text message was accompanied by:

³¹ ACMA notes, but does not accept, the licensee's submission that this statement of ACMA's view is unnecessary.

AJ: And I say to all those young – hey you’re not in charge of law and order, we do have law and order people. Boys, don’t get down there and come at this nonsense, this will only make things worse. The police are genuinely concerned now that the SMS is going to inflame things even further – we’re talking about vigilante retribution.

The third quote from the text message was immediately followed by:

AJ: Well now, that’s not the way. I do understand what you’re saying...but we’ve just got to back off a bit here. We’re not giving any ground to them. I’m saying backing off and letting, backing off and let the police do the job.

On the fourth mention, the quote from the text message is put to the Premier Morris Iemma, who also dissuaded people from taking the law into their own hands and warned that the full force of the law would apply.

The fifth quote is in the course of an interview with an author and is immediately followed by:

AJ:...Tim, we don’t condone that stuff, we’ve got to allow the police to do their job...

The presenter’s discussion with Caller C

The discussion concerning the encouragement of “Pacific Island people” occurred towards the end of the broadcast. While ACMA does not necessarily agree with the licensee’s interpretation of the implications of the relevant comments, having reviewed them in context, it is unclear what Mr Jones was attempting to say or imply. Given this lack of clarity, ACMA is of the view that an ordinary reasonable listener would not have considered it likely that the comments urged or prompted violent action or encouraged persons of ‘Pacific Island’ background to violence by way of assistance or approval. As a consequence, ACMA does not find a breach of the Code on this point.

Issue 7: Whether, on 8 December 2005, the licensee broadcast a program which was likely to incite or perpetuate hatred against or vilify people of Middle-Eastern background on the basis of ethnicity

The broadcast – 8 December 2005

The discussion with Caller B

The principal concern of complainants A, B and D were the comments made by Alan Jones to a caller, Caller B, during the broadcast of 8 December 2005. The discussion included the following exchange between a caller (Caller B) and the presenter:

B: Hello, Alan, look I’ve just been listening to this whole issue on Cronulla and I don’t condone violence but – and I’m not from a Middle-Eastern family, but all I say to you is there are two sides to everything, and when I’ve been down there I’ve heard some really derogatory remarks towards the Middle-Eastern people and I’ve heard a lot of egging going on against them, and I think honestly, there has to be an issue there that has to be fixed up, but there are two sides to everything, and I ...

AJ: Mmm. Well, that’s – we’ve got police to do all that

B: Well, I hope it’s brought out that there are two sides to everything.

AJ: Yeah, let's not get too carried away 'B', we don't have Anglo-Saxon kids out there raping women in Western Sydney. So let's not get carried away with all this mealy-mouthed talk about there being two sides. I can tell you, because my correspondence here from mums and dads I am inundated, and I don't hear people complaining about Catholics and Protestants and Anglicans, I'm sorry, but there's this religious element in all of this and we've got to make sure that we welcome people into our community but we welcome them in on certain terms and certain standards and those standards are not being met. So let's not have this mealy mouth talk about oh well, everyone's to blame. All across Sydney there is a universal concern that there are gangs, the gangs are of one ethnic composition, and they have one thing in mind and I've read some of the correspondence from here. These people are not stupid, so they are actually at the coalface, they see it and they hear it, and we've got to respond to that, and we have a police force that is armed and equipped to do that job, we've got to give it the chance to do it... N, hello?

The email – Cronulla's a very long beach

In addition to the above discussion between the presenter and Caller B, Complainant A objected to the following statement made by the presenter (reading an email) during the program - see Appendix 4, top of page 62:

AJ: Yeah, well I've got , I've just got a stack of emails in front of me, let me read you this one, 'Alan, it's not just a few Middle-Eastern bastards at the weekend, its thousands, Cronulla's a very long beach and it's been taken over by this scum, it's not just a few causing trouble, it's all of them, it's an attitude that you feel whenever you go down there, it's just straight out racism against the skippies, it will not go away, the police have their hands tied – I'll come to that later in the program...

Complainants' submissions

Complainants A, B and D were all concerned about the presenter's remarks in response to Caller B.

Complainant B said of the presenter's comments to Caller B:

This was in response to a caller trying to talk about racism against Middle-Eastern people at Cronulla Beach. A stark contrast to his laughing and praise for people who called in to suggest that we should take the law into our own hands.

Complainant D said:

And when a caller, 'B', tried to argue that there were two sides to this story, Jones cut her off...He thereby destroyed the credibility of this caller that was attempting to engage in a rational debate.

Licensee's submissions

The discussion with Caller B

The licensee put forward, generally, that code 1.3(e) sets a high test for the likely effect of proscribed material, in that the broadcast must have been likely to have incited or perpetuated hatred against or have vilified a person or group.

The licensee's submission in relation to Mr Jones' response to Caller B included the following:

Mr Jones did not say that there was a particular group of a particular ethnicity, nationality, race or religion that were responsible for rapes in Western Sydney. He simply asserted a view about Anglo-Saxon kids.

While caller 'B' referred to 'Middle-Eastern people' (which could arguably be description of ethnicity, although there are arguments to the contrary) Mr Jones did not refer to these people. Mr Jones' comment was of a generalised nature.

The licensee submitted by footnote that its understanding is that the concept of ethnicity is marked by shared nationality, language, cultural and traditional origins and backgrounds. It submitted that the term, 'Middle-Eastern' would appear to be much broader than this.

The licensee argued that the comments Mr Jones made to Caller B after his initial remarks³² 'reinforce the fact that the main focus of the broadcast was on police responses to gangs and gang violence' and that the comments should be considered in this context.

The licensee said that it had considered whether 'the ordinary reasonable listener' would have assumed that Mr Jones was talking about a particular group with identifiable racial, religious, national or ethnic characteristics:

For instance, Mr Jones' listeners would be aware that he has been a strong supporter of victims of gang rapes in Western Sydney (whose attackers have been convicted in well-publicised and recent criminal trials). In this context, a relevant question could be whether listeners would have linked the comment to those trials, and to any particular characteristics of those convicted of those serious crimes.

Our conclusion is that the comments were too generalised in order for such a connection to be clear. This conclusion may have been different if caller 'B' had referred to 'Lebanese people' or 'Muslim people' for example, rather than referring to 'Middle-Eastern people'. However, as B's comment was general, and as Mr Jones did not refer to the racial, national, religious or ethnic origin of the relevant perpetrators of the rape, we do not consider that Mr Jones' comment breached the high threshold in code 1.3(e).

The licensee noted, as a separate issue, that it was not clear under the Codes, whether a radio presenter can by implication rather than direct comment, 'incite or perpetuate hatred or vilify any group on the basis of ethnicity, nationality, race or religion':

Our view is that the alleged vilification needs to be clear in order for these high threshold tests to be breached, and this was not the case here. Also, we note that it is not enough that the complainant considered that the words used were unpleasant or offensive – this is not the test in code 1.3(e).

The licensee submitted that in the event the high threshold test can be met by implication and if ACMA finds that Mr Jones' comment did breach code 1.3(e), then:

³² The licensee quoted Mr Jones' comments commencing: 'I am inundated and I don't hear people complaining about Catholics and Protestants and Anglicans' up to the end of the conversation.

...it would appear that such a finding would need to be based on a connection between the comment, and the particular nationality or religion of the perpetrators of the gang rapes in Western Sydney. As outlined above, we do not think that such a connection is clear.

The email – Cronulla’s a very long beach

The licensee made submissions in respect of the identification of the relevant ethnic group which have been addressed under issue 5 above.

Finding

ACMA finds that, on 8 December 2005, the licensee broadcast a program which was likely to vilify people of Middle-Eastern background on the basis of ethnicity. As the program was not presented reasonably and in good faith for one of the purposes specified in clause 1.4 of the Code, ACMA finds that the licensee breached clause 1.3(e) of the Code.

Reasons

ACMA has examined:

- whether the program was likely to vilify people of Middle-Eastern background on the basis of ethnicity; and
- if so, whether the program was presented reasonably and in good faith for a purpose in the public interest.

Was the program likely to incite or perpetuate hatred against or vilify people of Middle-Eastern background on the basis of ethnicity?

Relevant group and basis

ACMA considers that an ordinary reasonable listener would have identified the relevant group, in relation to both sets of comments complained of above, as people of Middle-Eastern background because the term, ‘Middle-Eastern’, was clearly used by Caller B, to whom the presenter responds, and by the presenter in relation to the email as read out.

ACMA has considered the licensee’s argument that the presenter’s comments (to Caller B) were of a ‘generalised nature’ and that it was unclear to whom Mr Jones is referring. The licensee’s submission included the following:

...the presenter did not say that there was a particular group of a particular ethnicity, nationality, race or religion that were responsible for the rapes in Western Sydney. He simply asserted a view about ‘Anglo-Saxon kids’.

While caller ‘B’ referred to ‘Middle-Eastern people’ (which could arguably be a description of ‘ethnicity’, although there are arguments to the contrary), Mr Jones did not refer to these people. Mr Jones’ comment was of a generalised nature.

ACMA does not agree with the licensee when it says, in relation to this discussion, that the comments are too generalised to make a connection between the comments and any particular group. The comments are in direct response to Caller B’s mention of Middle-Eastern people and the situation in Cronulla. Furthermore, Mr Jones states that the gangs are ‘of one ethnic composition’. Mr Jones, by refuting Caller B’s defence of Middle-Eastern people with the statement, ‘we don’t have Anglo-Saxon

kids out there raping women in Western Sydney’ and then commenting on the gangs being ‘of one ethnic composition’ is making a clear connection between certain highly publicised incidents of rapes of women in Western Sydney involving a notorious offender reported to be of Lebanese background and people of Middle-Eastern background.

As noted in its discussion of issue 5, ACMA has considered the meanings of ‘ethnic origin’ set out in *King-Ansell v Police*,³³ and has concluded that, while people of Middle-Eastern background are a broad group, they are still sufficiently identifiable as the descendants of people who have migrated to Australia from a particular region of the world with elements of shared culture, including a common first language, or language spoke by relatives, being primarily Arabic.

As both sets of comments complained of highlighted the ethnicity of the groups described, ACMA considers those comments to have been made on the basis of ethnicity.

Vilification

As noted above at pages 6-8, ACMA has used the *Macquarie Dictionary* definition of the term ‘vilify’.

In deciding that the broadcast under consideration included material likely to vilify a person or group on the basis of ethnicity, the following matters were taken into account in respect of the conversation with Caller B:

- the comments made by the presenter to Caller B were highly indignant and definitive in tone; and
- the implication that one ethnic group (people of Middle-Eastern background) is responsible for raping women in Western Sydney and the statement that members of the Anglo-Saxon community do not commit such acts.

ACMA considers that this association of a particular ethnic group generally with such serious crimes constitutes vilification of that group.

In respect of the email, on the first occasion the email is read, it is clear that it is a quote without apparent endorsement, although selected and read by the presenter. However, some time later in the program, during the interview with author TP, the following statement is made:

AJ: But it’s not new, is it? I mean, that’s the problem. To talk about it being Cronulla – you see I’ve got correspondence here, it’s not just a few Middle Eastern bastards at the weekend, it’s thousands. Cronulla’s a very long beach and it’s being taken over. It’s not a few causing trouble, it’s all of them. I mean. It’s a big problem this, isn’t it? [Appendix 4, page 70.]

On this occasion, an ordinary reasonable listener would have taken the statement to be either the direct views of the presenter as based on correspondence he has received or an endorsement of the earlier email. In either

³³ [1979] 2 NZLR 531 at 543 (Richardson J).

case, the statement carries more weight than on the initial reading of the email and would be understood by an ordinary reasonable listener to say that people of Middle-Eastern background, as a group, are trouble-makers.

While other statements in the program warn against violence and vigilante action, these statements do not negate the impression that people of Middle-Eastern background generally are more likely to be responsible for trouble and serious crimes such as rape than members of the broader community. ACMA considers that the comments were likely to vilify people of Middle-Eastern background on the basis of ethnicity.

Having decided that the program was likely to vilify a group on one of the enumerated bases, it is not necessary for ACMA to decide whether or not the program was also likely to incite or perpetuate hatred.

Was the program presented reasonably and in good faith for a purpose in the public interest?

Licensee's submissions

The licensee submitted to ACMA that:

... the defence in Code 1.4 applies. This is clear when the comment is considered in the context of Mr Jones' subsequent comments, which again discussed the issue of gang violence and the police response.

Our view is that discussion of these topics met the public interest test in Code 1.4. Further, the comment was made without malice (i.e. in good faith), and it was reasonable for this comment to be made in the context of an ongoing debate and discussion about gang violence as it was a relevant further example of violent gang activity.

It should also be noted that in the context of the gang rape trials referred to above, cultural issues have been directly referred to before the courts. For instance, in October 2005 a barrister representing a convicted gang rapist argued that his client should have been given a lesser sentence partly because he was a 'cultural time bomb' whose attacks were inevitable as he had emigrated from a country with traditional views of women. This kind of public discussion needs to be remembered when assessing whether the comment was made in good faith for the purposes of code 1.4 and supports our view that Mr Jones did so.

'Purposes in the public interest'

At the time of the program's broadcast, the incident at Cronulla had taken place the previous Sunday. There is no dispute it was a matter of public interest and a valid topic for discussion. To that extent, the subject matter of the program met the public interest test embodied in clause 1.4. However, the licensee's obligation was, in addition, to present such material 'reasonably and in good faith'.

'Reasonably'

The program complained of was not presented reasonably. The vilifying material applied to people of Middle-Eastern background generally and nothing in the program

demonstrated a rational relationship between the implication that only persons of this ethnicity commit such serious crimes as gang rape and the purpose of conducting a discussion about the disturbances at Cronulla and associated topics.

'In good faith'

The program of 8 December 2005 was not presented in good faith as it demonstrated carelessness with respect to the risk of vilification. In particular, carelessness was shown when Caller B telephoned to put forward the view that there are 'two sides to everything' and the presenter interrupted the caller, proceeded to imply that the relevant group was also connected with serious crimes (the gang rapes) and ultimately cut the caller off. ACMA is of the view that this and the cumulative effect of the presenter's comments throughout this program indicated a lack of concern regarding the possibility of vilification.

For example the presenter made such generalising statements as:

AJ: The police are now preparing for the grim possibility that Cronulla will become a focus of tension between gangs made up of Middle-Eastern descent and local surfers. That's where we've come. That's where we got to. And that's not just at North Cronulla, but at least it's highlighted the fact that this is a problem and it's a major problem and let's start saying it as it is. These are Lebanese gangs, simple. Forget all this nonsense about not saying who they are. And they are violent, and they hate.

Having considered the objective limb of good faith and found the program wanting, it is not necessary for ACMA to consider the subjective aspect of good faith.

Issue 8: Whether, on 9 December 2005, the licensee broadcast a program which was likely to incite or perpetuate hatred against or vilify people of Lebanese background or people of Middle-Eastern background on the basis of ethnicity or nationality

Complainants' submissions

The complainants did not identify specific quotes from this broadcast. However, Complainants A and B referred in their respective complaints to this broadcast date.

Licensee's submissions

The licensee did not refer in its response to any specific comments made on 9 December 2005. As discussed above, the licensee's response included the general submission that the broadcasts should be considered in context. The licensee also noted that the former ABA had acknowledged that the relevant Code provision establishes a high test for the likely effect of the proscribed material.

Finding

ACMA finds that, on 9 December 2005, the licensee did not broadcast a program which was likely to incite or perpetuate hatred against or vilify Lebanese people or people of Middle-Eastern background on the basis of ethnicity or nationality. Accordingly, ACMA finds that the licensee did not breach clause 1.3(e) of the Code.

Reasons

The complainants did not identify specific quotes from the program broadcast on 9 December 2005. ACMA has reviewed the entire program. It is noted that the program included a number of comments that were capable of giving offence; for example, the comments of caller P suggesting that people of Muslim faith wanted to “take over Australia”. A transcript of some of these comments is at Appendix 5.

However, the program included a number of more moderate remarks by both the presenter and contributors to the program. For example, the comments of caller K who explained that people of Muslim faith did not wish to “change Christmas” and respected the tradition. See Appendix 5.

ACMA considers that while some of the material may have been capable of giving offence, when considered in the context of the program, it was not so strong as to be likely to vilify or incite or perpetuate hatred as required by the Code.

In view of the fact that no breach of clause 1.3(e) has been found, there is no need to consider the application of clause 1.4 of the Code.

Decision

The Australian Communications and Media Authority determines for the above reasons that the licensee of 2GB, Harbour Radio Pty Ltd, in relation to the broadcasts of the program, *Breakfast with Alan Jones*:

5 December 2005

- did not breach clause 1.3(e) of the *Commercial Radio Australia Codes of Practice 2004* (the Code), in that it did not broadcast a program which was likely to incite or perpetuate hatred against or vilify people of Lebanese background or people of Middle-Eastern background on the basis of ethnicity or nationality.

6 December 2005

- between 9.00 am and 10.00 am, did not breach clause 1.3(a) of the Code, in that it did not broadcast a program that was likely to incite, encourage or present for its own sake violence or brutality; and
- did not breach clause 1.3(e) of the Code, in that it did not broadcast a program which was likely to incite or perpetuate hatred against or vilify people of Lebanese background or people of Middle-Eastern background on the basis of ethnicity or nationality.

7 December 2005

- breached clause 1.3(a) of the Code, in that it broadcast a program that was likely to encourage violence or brutality; and
- breached clause 1.3(e) of the Code, in that it broadcast a program which was likely to vilify people of Lebanese background and people of Middle-Eastern background on the basis of ethnicity and the program was not presented reasonably and in good faith for one of the purposes specified in clause 1.4 of the Code.

8 December 2005

- did not breach clause 1.3(a) of the Code, in that it did not broadcast a program that was likely to incite, encourage or present for its own sake violence or brutality; and
- breached clause 1.3(e) of the Code, in that it broadcast a program which was likely to vilify people of Middle-Eastern background on the basis of ethnicity and the program was not presented reasonably and in good faith for one of the purposes specified in clause 1.4 of the Code.

9 December 2005

- did not breach clause 1.3(e) of the Code, in that it did not broadcast a program which was likely to incite or perpetuate hatred against or vilify Lebanese people or people of Middle-Eastern background on the basis of ethnicity or nationality.

The Common Seal of the
Australian Communications and Media Authority
was affixed to this document in
the presence of:

Signature of Member

Signature of Member

Name (please print)

Name (please print)

Dated this 8th day of March 2007.

5 December 2005

At approximately **5.51** am Alan Jones said:

Alan Jones: Police...are investigating an attack on 2 surf lifesavers at North Cronulla Beach at 3 o'clock yesterday afternoon. 4 males of Middle-Eastern appearance confronted the male lifeguards, a verbal altercation occurred. One of the lifesavers was then punched in the face. And then what happens? They get on their mobiles, these cowards. And then a large number of them, Middle-Eastern males converged on the area and surrounded the guards. So they kicked the tripe out of these two surf lifesavers, several blows to the heads, it was eventually broken up, I'm damned if I know how, I'm just reading from the Police report. The offenders dispersed, the victims are 19 and 20, they were taken to Sutherland hospital. Police from Miranda Local Area Command attended the scene, spoke with a large number of witnesses in an effort to identify the offenders. Enquiries are continuing. If you can ring *Crimestoppers*...we've all got to do something...

Shortly before **6.30** am, a discussion took place between Alan Jones and caller B1³⁴. It included the following:

Caller B1

B1: ...let's not also forget these lifesavers that were assaulted at Cronulla.

AJ: Absolutely... 3 o'clock, broad daylight.

B1: Exactly...what I want to say is this, and you've said it already...and beautifully this morning, the government's priorities are not the same as ours. And, the 3 questions I want to put is: Do we have enough police with the necessary powers? and does the current legislation assist or hinder these police?

AJ: ...And do the other instrumentalities support the police, like the courts?

B1: Exactly.

AJ: Or do we round these people up and give them a slap on the wrist and leave the policemen to go out and do the job again?

B1: Alan, just last week my son was at Cronulla Beach, he's 15, was there with a group of mates from school. They weren't even there outside school hours, it was during a surf-training exercise. Three youths were in the change rooms and I'm going to tell you, they were not only Middle-East...they were identified and caught by the police, they were Lebanese, they bashed the 3 children, including my son. His 2 friends were knocked unconscious. Do you know what's going to happen to them, according to the police? They will be counselled.

³⁴ There is a subsequent call from a separate listener, identified here as B2

AJ: Like hell they will

B1: ...I rang my local MP and he said, 'that's the law'.

AJ: Like hell they will, you hang on...and give me those details...hang on and Gavin'll take your call, I want those details.

Shortly before **9.00** am, Alan Jones conducted a discussion with Caller B2.

Caller B2

B2: Alan, um, just saw some snippets from the news, Channel 9, of the horrendous bashing...

AJ: ...appalling

B2: ...or if you like, gang attack on the beach in Cronulla yesterday. I mean what type of grubs do we have in this ...(indistinct)

AJ: What kind of grubs? Well, I'll tell you what kind of grubs this lot were. This lot were Middle-Eastern grubs.

B2: There we go.

AJ: And, you're not allowed to say it, but I'm saying it...

B2: Well Alan, this is wake-up call time...this was orchestrated...it must be a planned orchestrated attack by members of the Lebanese community, youth, Lebanese youth community who have infiltrated Sydney and they have planned an attack against people of Anglo-Saxon appearance. And, guess what? Obviously, lifesavers tend to be that.

AJ: Mmmm...and then they get on the mobile phone see...coz they're all cowards...this was at 3 o'clock yesterday, 4 of them confronted 2 young blokes who were lifesavers on North Cronulla Beach, 19 and 20.

B2: It's an outrage.

AJ: It is an outrage and there was a verbal altercation and then one of the lifesavers was punched and then suddenly, get the mobile phone out eh?...and the cowards multiply their numbers so they then converged, a whole stack of them, a large number of Middle Eastern males converged in the area, surrounding the guards. The 2 young fellows were set upon, they got blows to their heads, how the thing was broken up I don't know but they were taken to Sutherland hospital suffering lacerations and bruising. Police from Miranda Local Area Command attended the scene and spoke with a large number of witnesses. And enquiries into the incident are continuing. Let's hope they get locked up or do they get a slap across the wrist...we had a caller earlier this morning who rang me about this and me that there was a similar incident like this and didn't think those responsible were being prosecuted...

At approximately **9.15 am** Alan Jones conducted a discussion with Caller M, a young lifesaver who said that he had been at the scene at North Cronulla the previous day. The discussion included the following³⁵:

Caller M

AJ: And your friend who was bashed up, he was on the ground or on his feet?

M: He was on the ground...he had blood pouring out of his head

AJ: And they were surrounding him?

M: I got to him first, I picked his head up, his eyes were rolling back and he was gurgling, blood was just pouring out of his head...

AJ: And where were these other mongrels at this point?

M: About half a metre away.

AJ: What, a dozen of them?

M: Yep..

AJ: Saying what? I mean, doing anything?

M: ...hitting other lifesavers and mates of mine...out of nowhere, like, there's 12 of them, all of a sudden some young little kid just jumped up and hit one of my friends straight in the face for no reason and it was escalating at one stage, various other mates of mine were hit in the head, hit in the body.

AJ: These were Middle-Eastern kids?

M: Yes...they weren't kids

AJ: How old were they?

M: The youngest there would have been about 16...

....

AJ: And, what have they got against you blokes?

M: It's just racism.

AJ: Is it really?

M: Like we get told that we're the racist ones, we don't go around bashing people of other nationalities.

³⁵ The discussion with Caller M continued for approximately 8 minutes. Only parts of it are transcribed here but the full discussion is on the audio copies.

AJ: Do these people live in the area? or just visit there?

M: No, they don't live in the area...and the police know this, the police have been down on many occasions they know which group it is and I've had quite a few conversations with police...

AJ: And, you've told the police what you're telling me?

M: I've told the police many times what I'm telling you...people higher up in surf lifesaving than I know all about this...

AJ: And you're saying they get away with it and nobody does anything.

....

AJ: You wonder where this is going to end up don't you?

M: Oh, I'm pretty sure I know where it's going to end up.

AJ: you're a 19 year old, where do you think its going to end up?

M: I know what's going to happen, people around the area are getting quite annoyed at this.

AJ: They'll take the law into their own hands?

M: It's going to become a vigilante...(indistinct)...sooner or later, escalation something I don't want to see happen at my beach.

....

AJ: Yes, you can understand it happening once, can't you? but happening over and over again ...surely to God the object of police is to be where the problem is?

M: Yeah, it's, they come down they drive along the walkway there but we do need a presence there constantly...we need something there that says, 'hey if you guys wanna fight, we're going to arrest you.'

AJ: Yeah, we're not going to oblige you.

M: Its as...I'm getting sick and tired of it.

AJ: Good on you.

M:...countless people bashed and have them come up to patrol tents with wounds, various wounds that you would not want to...

AJ: Unbelievable, all for doing a public service....

At approximately 9.30 am Alan Jones had a discussion with Caller D, who said that she was the mother of one of the lifesavers involved in the altercation at North Cronulla on 4 December 2005. The discussion included the following:

Caller D

D: I am the mother of one of those boys, the 20 year old and we're looking at 3 generations of Australian champions in Australian surf lifesaving.

AJ: Your family?

D: Yes...the other boy was a second generation surf lifesaver and what started this argument was, they had been eyeing these boys up all afternoon...and when the boys were about to sign off, they were approached by these Middle-Eastern men and were told to get off their beach. And, with that, my son said, 'hey, we're here to protect you from drowning'. With that, one of them started...(indistinct)...punches and everything....These men knocked the 19 year old unconscious, he has nearly lost his eye, he is off work because of his head injury. My son has severe head injuries and yet he's been told to be off work but he can't because he is studying to be a graphic artist and he's in his new job for 6 weeks and he's had to go to work because he's on trial and...something has to be done because this is my son and this could be anybody's son and I don't feel safe to let my children down on that beach again...

6 December 2005

Caller J

At approximately 9.20 am Alan Jones had a discussion with **Caller J**. It included the following:

AJ: J, hello.

J: Morning Alan, how are you?

AJ: Well, thank you.

J: Thanks for taking my call.

AJ: You are welcome.

J: I want to say two words to you and conjure up a thought to our general society here in NSW re these Cronulla attacks.

AJ: mmm

J: What do the words, 'Bernie Getz' mean to people?

AJ: mmm

J: Now the Police can't do the job, even though we've put faith in them and we want them to do the job, that means to me the next step is vigilantes and personal protection by ourselves

AJ: Yup

J: Now, we may be breaking the law but if you're to protect your family would you break the law?

AJ: Well...

J: I'm up here on the Northern Beaches and we don't have the same problem as Cronulla at the moment yet, because we don't have a rail line but I'll tell you what, its coming. I've had three recent incidents up here lately, police called, nothing done. Malicious damage of property, police called, nothing done... I can't see much of any other ways to eradicate these... (indistinct).

AJ: Yeah, well I'll tell you what, that is a worry, we don't have enough police and, you know, when you've got people resigning at the rate they're resigning and as the earlier caller said or the email that I wrote – being dragged out of local area commands to serve specialist squads then it leaves a short-fall doesn't it?

J: Sure does, I mean these people...(indistinct)...okay... half of them or most them may be home-grown, these Lebanese. They've got infected minds, they...don't live like the Australian way... we've grown up to be. We didn't go Gallipoli and, you know, the Second World War to protect this country and make it what it was and we've got this rubbish here. As I said here, I mean, people always say Australia's 20-30 years behind America, what was New York like thirty years ago?

AJ: That's right. Well now...I've got an email here which says, 'In light of the attack by Middle-Eastern youths upon two surf-club members and the recent altercations between hundreds of Cronulla locals and persons from Bankstown, I thought it pertinent to outline the following:

The situation is a clear replication of the problem that faced locals at Huntington Beach, California in 1993, such violence was perpetrated against the locals by Hispanic gang members that they eventually formed their own gangs to protect themselves and their community, that's what you're saying...

J: What I'm saying. I'm ... (indistinct)

AJ: Yeah, hang on... I'll just read this to you...that's what you're saying, the police were powerless to stem this tide and the local Huntington gangs had the tacit support of local businesses and, yes, even the police. I know this 'coz I was there and I saw the situation for myself, says B. Initially the phenomenon of a violent gang culture is here. The recipe is established. The pack mentality of some cultures, the attitude of disrespect, the mind-numbing gangster rap music and the semi-automatic weapons are all here. And, as is the case in the United States, the gangs are virtually all drawn along ethnic lines. In the USA, the strongest of these are the Hispanics. Here, it's the Middle-East persuasion and it doesn't take a psychologist to work out that the mentality between these two cultures is very similar. Two weeks ago, my sixteen year old son was attacked by two Middle-Eastern boys at Cronulla. When beaten in a fair fight, they called for reinforcements on their mobile. Incidents of attacks on young Australian males are far more frequent than most people know but generally they go unreported. And, what he's saying is Huntington Beach the groups became their own defenders, they formed gangs and they got rid of them. And, he says he's a concerned parent and he needs to do something. He says, I was a NSW police officer for 13 years and spent a decade studying crime and tactics throughout the United States. I worked with the local area police district anti-gang unit and later lived with a former Californian gang member as a facility manager in an effort to understand their culture.

I'm a published author and photo-journalist that specialises on these issues. I'd like to say I support what you're trying to do but I fear the horse has already bolted and the violence will only increase. In the end, we'll be forced to learn another lesson that the Americans had had to master and that is how to pack up and move on. Frightening isn't it?

J: Well, I mean that's exactly right it doesn't take a brain surgeon to work out...

AJ: No it doesn't.

J: If the police can't do the job the next tier is us.

AJ: Yeah, good on you, J.

J: Now... my grandfather was an old digger and he used to say to me when we were growing up, 'Listen, shoot one, the rest will run'.

AJ: laughing

J: Right?

AJ: Yes...laughing.

J: Now, he wasn't a criminal he was an old digger, but the point is when you're outnumbered 20 to 1, you don't put your hand up and play Queensberry's Rules do ya?

AJ: No, you don't play Queensberry's Rules. Good on you J, thank you for your call, it's twenty four minutes past after nine o'clock, let's check Sydney traffic...

At approximately 9.30 am Alan Jones had a discussion with **Caller A**. It included the following:

Caller A

AJ: A, Hello.

A: Oh hello Mr Jones, how are you?

AJ: Well, thank you.

A: You're the voice of the people.

AJ: Thank you.

A: I've got a couple of things I'd like to say regarding these boys in Cronulla – it's very sad that it's actually getting to this stage.

AJ: Yes.

A: First of all, these young men who are from the Arab community, do not do this type of thing over there, okay, wherever... they come from, where their native land is. I believe these boys, their parents have no idea what their boys are doing. The core of it is these boys once they get caught they should be notified to their parents, their parents should know what they're doing and then they should be fined and heavily disciplined. Discipline the parents because these boys are scared of their fathers and mothers.

AJ: That's a good point. That's a good point, they are.

A: I'm not Arabic, I have got good Arabic Palestinian friends and that's one thing I've said those boys at their own home surroundings are respectable boys. Now, I'm not sticking up for them, there are bad apples in a bunch.

AJ: mmm.

A: But this is one of the ways we can solve the problem.

AJ: Well, you need a police presence to do this. You're quite right it's a very good point.

A: But not only police presence, you to need to charge even the parents to scare the hell out of them.

AJ: That's a good point isn't it? – you gotta scare, there's got to be an element of fear in this.

A: It's the only way they're going to learn.

AJ: There's got to be an element of fear.

A: That's right...And, then when if that doesn't happen they should be put in a program, like a boot-camp that they should be taught how to respect...

AJ: Well we're far too soft... something's got to be done because they're running the joint at the moment.

A: Exactly right. And, like, there are so many things happening out there, you know, that we're not even aware...

AJ: No, And there are so many things happening that the general public believe this wouldn't be all that difficult to solve...

A: That's right. You've got to go back to basics.

AJ: Not that difficult to solve – the public are saying. Well said, A...

Between approximately 9.30 and 9.55 am, Alan Jones had discussions with Callers, **R1, K and D1**. They included the following:

Caller R1:

AJ: R, hello.

R1: Alan, thanks for taking my call.

AJ: R (singing) I love you (singing)

R1: My father-in-law used to sing that song all the time to me.

AJ: Was your father in law Howard Keel was he?

R1: No...no

AJ: Oh he wasn't (laughing)

R1: Look, Alan I just wanted to take an opportunity to ring you from a single mum's point of view. I moved to Sydney some 11 years ago with my young daughter who was just starting high school and we had enormous problems with young Arabic-speaking or Middle-Eastern boys constantly harassing the girls and kids on the railway stations and the cafes at the railway stations. I live in the Carlton, Hurstville, Rockdale boundary area. You only have to go down to Brighton-le-Sands and have a look at the cars and the groups of the gangs that get down there all along that beautiful waterfront where many of us walk for exercise. There's actually, they lock the gates along that waterfront to keep those gangs out and away – its far more widespread than what is happening over at Cronulla.

AJ: Oh yeah.

R1: It's been going on for a long time and I mean, you know, you live in fear, I live in fear I actually went to Cherie Burton over a particular issue because my daughter was grabbed coming off Carlton station where there was a little café that was run by a Middle-Eastern guy and he was attracting gangs of Middle-Eastern boys. And, I approached him about it and I said, 'Look, you know, you can't have this happening, it threatens her, she doesn't feel free in her neighbourhood and she used to have to catch the train backwards and forwards past that café to get to her school.

AJ: Mmm. It's frightening isn't it but...I think that's where your call helps...I mean someone's going to have to wake up. But my concern, R, is that in the 48 hours that have passed since all this happened, I haven't heard a squeak from Morris Iemma or anyone in government as to what they're going to do or re-deploying people or making sure it won't happen again. I mean Morris Iemma should say, 'This won't happen in a State where I'm the leader'. That's what we have leaders for – if you're the captain of a football team and someone spits at the referee, you say, 'it won't happen, no-one in my team's going to carry on like that, bang! The leader is in charge so the leader should be saying, 'This won't happen in my State and this is what we're doing about it. No, we're talking about everything but which seems to suggest we don't have an answer or we don't care. K, hello.

Caller K

K: Yes, I won't go into details, but I work for a government department in which political interference on behalf of a particular ethnic group is very strong. So much so after an arrest the person appeared the next day, you'll notice that if this situation was reversed, and I'm suggesting that it might be political (indistinct) if this situation was reversed, the politicians would be baying in force, the infection from the university and all the other bleeding hearts will be telling us how bad we are.

AJ: Absolutely. Ah yes, racism's a one-way street.

K: There's a strange silence...and for the vote I think a lot of politicians and I won't name them or tell you details, have so indebted themselves that I would not be surprised if those people have those politicians by the tail.

AJ: Yes, or some other part of the anatomy.

K: Yes, thank you.

AJ: Well done, K, you're dead right. And what K is saying is racism's a one-way street, you open your mouth about someone over there and all hell will break loose but they can say whatever they like about you and nothing happens.

Caller D1

AJ: D, hello.

D1: Alan, yes, mate I'm a (indistinct) of Bronte surf club in the eastern suburbs.

AJ: Yes.

D1: And I must admit we certainly don't see the problems that are being talked about at Cronulla...certainly not to the extreme. I actually don't believe its an ethnic issue, I think it's a manners issue. But I actually think the solution is...getting the, the community's got to respond – it's a community service that we offer. And when these things happen, they happen usually because too many people are quiet...And you know what...

AJ: Oh, I don't know about too many people being quiet here, I don't want you to under-estimate the significance of it – I think you better go down to North Cronulla, I don't think these people will respond to any discussion about manners. This is gang stuff mate, its not manners. The community have responded. And the community are scared and the community are frightened to speak because they fear retribution. Anyone's welcome to read my emails here, it's a frightening catalogue of a major major problem. It's a law and order problem, it's a gang problem, it's a lack of respect problem, it's a domination problem, it's a sense of superiority problem...its a we own this joint you don't problem. Its get out of here, we belong here. I mean, gee, I tell you what D, this is not straightforward, its not just a question of manners.

D1: I think it's a situation Alan, where when you see lifesavers coming under attack like that, the community has to band together, and not only on the phone, I mean, on the day and say, 'Look mate, that's not the way we do things here'.

AJ: ...the community did come to the aid of these two boys. They had more, they had mobile phones and they were there in numbers by which point one of your people has been kicked unconscious to the ground.

D1: Which is terrible, because...

AJ: Yeah, the kind of community at the beach is normally mum and dad and the kids.

D1: Absolutely.

AJ: And they feel that they're at risk if they come to the aid of somebody...It'll happen to me. I mean it just simply shouldn't happen.

D1: And we've got to stand up as a group and say its unacceptable.

AJ: It is.

D1: And all I'm urging the listeners to do is, the voice that they're expressing today, quite rightly, you know, express it on the beach at the time and if you see the guys are coming under siege like that, I mean these people are cowards they pick on these kids because (indistinct)...

AJ: They do. Thank you D and thank you for the work that you do.

Between approximately 9.55 and 10.00 am Alan Jones had discussions with **Callers, R2 W and D2**

Caller R2

AJ: R, hello.

R2: G'day Alan

AJ: Yeah.

R2: I was born in Sydney oh about 80 years ago and I think I know the area pretty well, but what is happening with all these religious leaders of all these Muslims. Because I take it that most of them being of Lebanese, would be Muslims.

AJ: Well, we don't...Lebanese Christians remember, Not all Lebanese are like this.

R2: I know, I know I have Lebanese friends.

AJ: ...stack of Lebanese Christians and they're good people. There are a lot of Lebanese people that made a hell of a contribution to this country and they are angry at all of this nonsense.

R2: And, another thing, not a quick thing, years ago...when the police used to go on duty they used to either ride in the cabin or the driver's cabin of the bus or the train whatever the case might be, in their uniform. Why can't they do it today?

AJ: Yes, well I think there's a lot more than that, needs to be done, R, but I take your point, I think Lebanese, Lebanese leaders here are very angry about all this, there are some outstanding Lebanese Muslims and Lebanese Christians but someone's got to take a stand against these people and let them know that they won't cop it.

...

Caller – W

AJ: W, hello.

W: Hello, Alan

AJ: Yeah

W: Yeah, right first time caller mate but what I'm about to say it is one way, the racism and that, it's all their way.

AJ: Yeah, it's all their way. Yeah...

W: ... Plus years ago I used to knock around the city and that, right? back in the 70's and like we were in gangs and that and what the police should be doing is just pulling em up, searching and questioning em...(indistinct)

AJ: (interjecting) That's right, drive em nuts !

W: ...(indistinct), just flog em.

AJ: Well, I don't know about flogging em, but...

W: And they won't be...(indistinct).

AJ: I don't know about flogging em but if we close our eyes we don't care so long as they get the job done, that's the point isn't it? That's what we're saying. Okay. Okay.

W: Yeah.

AJ: But, look the tough hand has got to be taken to these people, that's the point he's trying to make, W's trying to make.

Caller D2

D2: ...Just wanted to let you know an incident that's happened to me that's been ongoing for the last 4 months...I'm an employee at Roselands Shopping Centre.

AJ: Yes

D2: In September, I was mugged in the car park by 4 young Lebanese guys, now mate, I weigh 65 kilos dripping wet...

AJ: What?

D2: So...4 guys to take me on...is ridiculous...I was knocked out, taken to hospital, now this was 2 weeks before my wedding...When I was in hospital,...sorry I'm a little bit nervous..

AJ: No, you're okay

D2: The hospital over at Concord has done some CAT scans and MRI scans and found that I've got a brain tumour, now this brain tumour, they reckon has been in my head for about, maybe up to 15 years...it was an inactive tumour, because of the impact by these guys it is now an active tumour. Two weeks ago, I was at home, Monday night, I suffered a seizure and collapsed, passed out for 3 hours on the floor, ended up in hospital on Tuesday for 4 days, suffered 3 more seizures. I'm on 5 tablets a day to control my seizures because the tumour, they found was bleeding. And all this as a result of...

AJ: Are you, have you got? Look, we're running out of time – and yours is a story, have you got good care? Are you happy with the care you've got?

D2: Oh, the hospital's have been great...I'm going to a surgeon today to find out whether they have to operate on me or not. At approximately 9.20 am Alan Jones had a discussion with Caller J. It included the following:

AJ: Alright, look, have you got, you sound as though you mightn't be sure, Just hand on so that you've got our number in case you need it...just hang on... and Gavin will take your call because we've run out of time.

7 December 2005

At approximately 7.15 am Alan Jones commented:

AJ: And the stories about the disgrace at Cronulla continue to come. And whether we like it or not I don't care. The truth is they're Lebanese gangs and the Lebanese leadership in this state needs to have something to say about it. When Peter Debnam, the opposition leader says that every night we witness gang violence, including stabbing, ram raids...drive-by shootings ...let's identify who these people are...you are telling me in your correspondence, they're Lebanese gangs and someone's going to have to do something it.

At approximately 7.20 am Alan Jones interviewed BS, former police officer, photo-journalist and author³⁶:

Interview with BS

AJ: The police have tried to tell us that what happened at the weekend at North Cronulla Beach is an isolated instance...well, my correspondence tells me that someone's got his head in the Cronulla Beach. And the people are terrified that if they open their mouths about these mongrels, they too will be at risk. We saw, yesterday, the level of dissatisfaction with the government across New South Wales in polls and we've got an infestation of idiots at Cronulla, gangs going to the beach intent on creating havoc and we've got people like Rowan Barker, whose having a Saturday night out with mates, his life is placed at risk.

Well, BS is a many things. He's a concerned parent, he's formerly a police officer for 13 years but he spent a decade studying crime and tactics throughout the United States – he worked for the local area police district anti-gang unit and lived with a Californian gang member as a facility manager – that means he was in there trying to understand their culture and their mentality. He's a published author and a photo-journalist – he has knowledge of the issues and he's on the line, B, hello... you say the horse has bolted?

BS: Yeah...pretty much. You've only got to look at what happened in Los Angeles and how they've gone down the path where they are now.

AJ: So violence will only increase?

BS: Well, of course.

AJ: So do we just throw our hands up in the air and say, 'We'll do what people are doing with Cronulla Beach, pack up and move on and leave it to the thugs?'

³⁶ The interview went for some time. The transcript reflects extracts of the interview. The full version is on the audio copy.

BS: Well, no...there's some things the police can do ...obviously you gotta recognise that Cronulla has a problem – also you've got to realise that there's various focal points like Bondi, and Cronulla and Manly where large numbers of people go and obviously they attract this type of element.

AJ: And that's where the police should be?

BS: Yes, you've got to recognise that.

AJ: So, you saw all this at Huntington Beach in California in 1993 – there was violence perpetrated against the locals by their Hispanic gang members and the community was forced to create their own gangs to protect themselves?

BS: Yeah...it was quite an incredible story...I was interviewing lots of police across the country at that stage and I spoke to some local police down in LA who said, 'Look, go down and see what's happening at Huntington Beach...the police, well quite wrongly, were pulling over the Hispanic gang members when they were driving into the area and giving them speeding tickets and things like...I mean, they were false, but they were trying to respond to a situation that was getting out of control – they got caught doing it by a news crew so the police hands were tied, effectively, so they couldn't do anything so to fill that hole, I guess, was the local boys who developed from just a group of boys to a gang.

AJ: So they formed their own gangs ...with the tacit support of local business?

BS: Yeah...many of the police thought that the local businesses were, you know, paying them...these guys were patrolling the streets, I mean, we were stuck in a traffic jam and they were even directing the traffic – believe it or not, they were dressed in all the skinhead gear at that stage – because they identify with something and unfortunately these guys identified with the skinheads and they had SS tattooed on their necks and that type of thing but there was girls and everything, they were all local kids.

AJ: ...and you say the ingredients are here, we've got the pack mentality, these gangs, Lebanese gangs, the disrespect, you've got the mind-numbing rap music, they've got weapons and the knives and like the U.S. the gangs are drawn along ethnic lines...what you saw were Hispanics, here its Middle-East. Now, you know a bit about the local thing, your 16 year old son was attacked by 2 Middle-Eastern youths about 2 weeks ago?

BS: Yeah, just sitting there minding his own business, waiting for some friends to come down from their flat and they just came up and attacked him...he's a rugby league player, he can handle himself, fought them off, when his mates actually came down, they got on the mobile and then more of them came down...that's why I give them mobiles, I say, 'call me, I'll come down and pick you up and get you away from there.

AJ: ...but we've got a report from the Police which says this is an isolated instance at Cronulla Beach?

BS: Well, I train a rugby league team, local boys, they're all 16 and for the past couple of years...because they're reaching that age I'm starting to hear this information more and more...the fights, the problems.

AJ: So, the attack on young Australian males is far more frequent than people know about... and they go unreported?

BS: Yeah

AJ: And many people are frightened to speak up?

BS: Yes, basically.

AJ: You say, who are this group the Nulla Boys? you say they're starting to take shape, they're the Cronulla Boys are they?

BS: Yeah, now these are just local school kids and they're a mixture of Aussies and Islanders ...and have banded...

AJ: And, they've had a gut full of this and banded together and become more militant ...because the police won't do the job we want the police to do and most probably don't have the police resources to do the job...so the tension will build it's a recipe for more violence. What should be done?

BS: Straight away you're going to need a dramatic police increase

AJ: A dramatic police increase, you're quite right, we've got a growing city and fewer and fewer police...

At approximately 8:40 am Alan Jones read from a letter sent in by the mother of one of the Cronulla lifesavers:

AJ reads letter

AJ: I'm really grateful to all who've written to me and I suppose you shouldn't be writing to me but to Ken Moroney and to Morris Iemma. Morris, are you listening? 'I am the mother of the 20 year old lifesaver who spoke to you on Monday on air', says this woman, 'this is an extremely, extremely serious problem', she says 'I've just listened to other members of the Shire ringing in with their stories. The locals do not use the picnic areas of Cronulla because of the Middle-Eastern visitors to the Shire, they are dangerous. It's to a stage that you do not look at these people. As for my son and his 19 year old companion, for their sake, and for fellow surf lifesavers, one of our Aussie icons, we need your help to continue this situation to make sure it's not swept under the carpet, pushed aside with the latest news story. Our lifesavers are going to continue their work, they will be the Aussie hero and I feel with your strength you will make sure that our sons are safe while on duty', this is me she's suggesting...I'll do my best. She says, 'these young lifesavers talk of taking things into their own hands, and they're sceptical about law enforcement being long term on the beaches. Yes, the law and politicians are now saying they'll do this and that, but is this just to hush the situation, calm down the Aussie society. We can't allow our sons to take things into their own hands for they'll no doubt be in a similar situation to

Rowan...the cowards harassed our sons most of the afternoon, they bait the Clubbies. But, you know, it's the Middle-Easterners that are aided in the surf by my hero and his fellow surf lifesaving heroes. Please, Alan, don't let this incident fade away for the sake of our future Aussie adults...we also wish for your safety as you broach so many topics that society are afraid to bring to light...

Immediately after the above letter was read out, Alan Jones read out a letter from a policeman:

AJ reads letter from policeman

AJ: ...a policeman writes and says as all policemen write, 'please do not mention my name...then he says, 'I've been a police officer for 16 years and unfortunately the only language the Middle-Eastern youth understand is a good hiding. I know it's not politically correct but until we're allowed to discipline them with a good smack, these problems will get worse. Police are too afraid to act due to the complaints system. If we're allowed to act the way we want to we can solve a lot of problems ...the way I see it is once you break the law you use the rights to be protected with respect. These Middle-Eastern people must be treated with a big stick, it's the only thing they fear, they don't fear fines and they laugh at the courts.

Shortly before 9.00 am Alan Jones read a letter from Listener J.

Alan Jones reads letter from Listener J

AJ: J has a good answer, he says police and the council are impotent here all rhetoric and no action. My suggestion is to invite the biker gangs to be present at Cronulla Railway station when these Lebanese thugs arrive, the biker gangs have been much maligned but they do a lot of good things – it would be worth the price of admission to watch these cowards scurry back onto the train for the return trip to their lairs...and wouldn't it be brilliant if the whole event was captured on TV cameras and featured on the evening news so that we, their parents, family and friends can see who these bastards are...Australians old and new should not have to put up with this scum. Peters of Kensington...

At approximately 9.30 am Alan Jones had a discussion with Caller F. It included the following:

Caller F

F: ...I'd like to throw in some facts, just to think about, in the debate against the Middle-Eastern gang crime,... now its all well and good ...that we band together and do something socially against this but we've got to be very careful about vigilante groups as good as they may sound at this particular time. Because, we gotta remember that what'll happen is or what may happen is that these type of rat-bags will start to utilise more lethal means to combat such activity.

AJ: Yes...or just intimidate people or inflame the issue...

F: Exactly.

AJ: Yes. Look, we've got to have appropriately trained law enforcement authorities to do the job.

F: Definitely, and allow them to use whatever means necessary...

AJ: And we should feed that information to our Authorities and local government and all that sort of thing we should be saying to the Police Minister and the Police Commissioner, Carl Scully, get people out here, we need people.

F: Definitely...And those people in those parts of society that do want to form vigilante groups, once again, we have to be careful because all that may happen is that these gang members because they have no budget, or no amount of money that...that no limit to the amount of money they can spend...they may just throw money in the faces of these people we end up turning them...

AJ: ...I think what we're saying is that there is a gang problem and we want the police commissioner to direct resources to that problem and if he hasn't got the resources, tell us what he needs and the taxpayer will be prepared to stump up extra money...

8 December 2005

AJ: Well, the government's woken up. I'll tell you what, I don't know why I've got to go on though for hours and hours before someone understands there's a problem. The government now understands they have a massive problem on their hands. And the problem is not just at Cronulla - sorry, this is law and order, there's fifty-five other problems they've got as well - but this is law and order, and we're talking about Cronulla Beach here, but your correspondence to me and I should show my listeners who are here with you, I'll show you the volume of correspondence, just mammoth.

And I thank our listeners because without you we don't really know what's going on. But the listeners are saying one thing, they say, "Alan, you're talking about Cronulla Beach, I'm from Cronulla I know, but let me tell ya this is at Hurstville, this is at Strathfield, this is at Fairfield, this is at Bondi, this is at Manly. This is suburban this stuff. And these people only know one thing, they hate us and they're gonna take over".

Now, Morris Iemma has told police to use the full force of the law, following more violence and the threat of violence at Cronulla Beach. One man was injured, another was arrested in a brawl yesterday afternoon. They sent everything in, police helicopters, Pol-air, the lot. This happened outside the Cronulla Surf Club, an 18- year-old from Bankstown was released on bail after being charged over last weekend's attack on lifesavers – the mothers you would've heard on this program speaking to me. One man said in relation to yesterday's violence, "I saw a group of ethnic people come down as usual and try to start a fight". He said, "They always do it".

Then there were calls for calm – I just thought I had those – we're always a bit confused when we get out here – I just was going to – thought no time like the present but I'll get that for you later. I'll give you a bit of a snapshot of those emails, just frightening what they're saying to me. I'll find them there in a moment. But he said they always do it. And your letters to me are saying – because I mean I can't be everywhere – but your letters to me are saying how this happens. They just come down and they think they're going to take over. And it's violent and there are numbers and it's brutal.

Well, there was a bit of – what led to the police reaction yesterday was a text message, and they all texted one another, but this was the locals texting. Now, why are the young ones doing all of this? And we've got a lot of young ones sitting here at this early hour of the day, here in my broadcast, but the young ones are doing this because they're saying, "Look, we're not going to have these people take over our suburbs or our beaches". And the message urges Aussies yesterday to take revenge against Lebs and wogs. Now, it's got pretty nasty when you start talking like this. It says, "This Sunday, every Aussie in the Shire get down to North Cronulla to support Leb and wog bashing day".

I mean, this has got to an horrendous state where our law and order, our official law and order authorities, the police, have so abdicated the scene – after all we had the Commissioner telling us that what happened at Macquarie Fields was a disturbance not a riot, and the riot is defined in the Crimes Act. His own Crimes Act which he ought to know defines specifically a riot where twelve or more people are involved in the kind of circumstances we saw at Macquarie Fields and the Police Commissioner calls it a disturbance. Now, it's because these people have abdicated from their job – and I'm not blaming police because their job is impossible, their job is absolutely impossible, they are told that human rights come before all this other stuff, the rights of the criminal are most probably more important than the safety of the community. So the youngsters have got to it.

They've sent out this text message. "This Sunday, every Aussie in the Shire get down to North Cronulla to support Leb and wog bashing day, bring your mates and let's show them that this is our beach and they are never welcome. Let's kill these boys". That's what we're heading to. That's gotta be stopped. And I say to all those young - hey, you're not in charge of law and order, we do have law and order people. Boys, don't get down there and come at this nonsense, this will only make things worse. The police are genuinely concerned now that the SMS is going to inflame things even further and we'll – we're talking about vigilante retribution.

The bloke was treated yesterday for facial lacerations, facial lacerations, they know where they're heading. I mean let's understand one thing, it's almost a week since one of our own people, on my program, was just minding his own business on the lawn and he was almost, Rowan, stabbed to death. Now, this is just - this is at St Ives. Don't start telling us this is North Cronulla. That was at St Ives. And if we don't have enough police, get the police. But all this has inflamed at North Cronulla because the police weren't there when they should've been there, so now the young blokes are saying, "Come on all you Aussies, get down here and take revenge". Well, to all those young blokes I can understand your problem, but boys you can't do it like that. You can't play their game by trying to solve the problem their game as created. You can't play their game. We're not like that. So streets in Cronulla yesterday were cordoned off. Police began a manhunt, they had a dog squad, they had the police helicopter in the air, they were everywhere. And a man was taken to Miranda Police Station where he was expected to be charged with malicious damage. No lifesavers were involved in the brawl yesterday.

The police are now preparing for the grim possibility that Cronulla will become a focus of tension between gangs made up of Middle Eastern descent and local surfers. That's where we've come. That's where we got to. And that's not just at North Cronulla, but at least it's highlighted the fact that this is a problem and it's a major problem and let's start saying it as it is. These are Lebanese gangs, simple. Forget all this nonsense about not saying who they are. And they are violent, and they hate. Now, we welcome – I keep saying I did a naturalisation ceremony the other night, not the other night, two weeks ago, where we welcome people at citizens, and I had to make a speech and I said, "Well, look, being a citizen in Australia is just like having someone into your home". You say, "We're quite happy to have you in our home, we're happy to share, we open the door, in you come, but look, sorry, one thing before you come in, we're a bit fussy about how you dress and your feet have got to be cleaned and we're a pretty

busy household in here, there are little jobs and tasks that have to be done, so we're happy to share our hospitality with you in my home but I might ask you to do a bit of the washing up or to clean up the floors from time to time and do one or two jobs, because that's the way we operate in this family, we all pull our weight, we pitch together and we don't have arguments and we all get on together. Now, those are the terms, you're welcome in my home any time, come on Christmas Day, sit down at the table. But you're not going to sit down at the table and start spitting on my mother or putting your feet under the table, or bringing dog manure in with you. We've got some rules here. Now, it's no different from the Nation. You're welcome in, I don't care where you came from, yeah, if you're a nice person and you play our game we're happy to have you and we'll share our national family with you". Now, these are people who aren't prepared to share the national family with us. That being the case the family's got to do what a normal family does, it starts to discipline those people who don't behave according to the family standards. And that's where we are in terms of the family of the nation, and these people are fragmenting the family of the nation and not living according to the family's rules.

Caller P

AJ: Hello? Hello, P?

P: Yes, just a quick call, Al.

AJ: Yes.

P: I just wanted to let you know, mate, that this is, this is what it's come to, mate, this has been going on for years.

AJ: Yes.

P: The police obviously can't or won't do anything about it. The politicians are not listening to us as usual. If need be, mate, I'll get babysitters for my kids on Sunday and I'll be down there.

AJ: O.K. Now, let me tell you, P, let me just say this to you because – you know I'm the person that's led this charge here, no one seemed to want to know about North Cronulla and now it's gathered to this, we really have to be hands off here, we don't want a situation whereby there's open warfare between people calling themselves Aussie whites and people calling themselves Lebs or whatever. We have at least alerted the government. I spoke to Morris Iemma last night, they are aware there is a problem and now the resources are being there. We have to say to people stay out of this, we aren't a country where we become our own law enforcement authorities. I do understand what people are saying, let's give the police a chance to do the job. And I can understand the young blokes who've sent that text message yesterday, "Come to Cronulla this weekend to take revenge", it says. It says, "This Sunday every Aussie in the Shire get down to North Cronulla to support the Leb and Wog bashing day, bring your mates, let's show them that this is our beach and they're never welcome". Well, now that's not the way. I do understand what you're saying, P, but we've just got to back off a bit here. We're not giving any ground to them. I'm saying backing off and letting, backing off and let the police do the job.

P: How frustrated people are out - - -

AJ: It is. I agree. I agree.

P: - - - (indistinct) this has been going on for years. I moved out of Riverwood for that very reason.

AJ: Yeah, well I've got, I've just got a stack of emails in front of me, let me read you this one, "Alan, it's not just a few Middle Eastern bastards at the weekend it's thousands, Cronulla's a very long beach and it's been taken over by this scum, it's not a few causing trouble, it's all of them, it's an attitude that you feel whenever you go there, it's just straight out racism against the skippies, it will not go away, the police have their hands tied – I'll come to that later in the program – reduce numbers and powers, I wish there was an answer".

Another one says, a junior police officer wrote to me and said, "The average length of service for a street police officer is three years and ever decreasing. The average length of service for police is seven years for men, five for women, people just don't see it as a career anymore, I have many friends who are in general duties who are constantly asking themselves why do they continue doing what they do, they feel that they do not make a difference. Alan, I could go on and on telling you of the problems with the New South Wales Police but we don't have the time. In short, the public of New South Wales are being ripped off and they're not being policed effectively".

Another policeman says, "Alan, as a New South Wales police officer for twenty years I can confirm there has been a battle for Sydney going for some time now with people of Middle Eastern background. The sad thing is that the police, thanks to a predominantly left, L-E-F-T, left mentality by the government have been fighting with one hand tied behind their backs". And I'll also look at that issue later.

Now, what we've got to do – as I said I spoke to Morris Iemma about this last night and he has sent people out, he has given an instruction, he is the Premier, he is the bloke with the power to do the job, he said, "The full force of the law will apply". And I'm just saying to all those young people, let's see if the full force of the law works. Morris Iemma must know though it's just not Cronulla. People are writing to me and saying it's everywhere, it's at Hurstville, it's in the shopping centres in Hurstville. I've got emails here about that. It's at Bondi. It's at Manly. It's at Strathfield. It's at Fairfield. It's at Cabramatta. Now, these people have got to know that we're not going to cop this stuff any more. You're welcome in our home but our home has certain rules. If you don't live by those rules you'll be tipped out of home.

Caller S

S: Good morning, Al, I'm a hundred per cent behind you. Just before I, I've just got two matters, when you speak to the treasurer next time about the budget, could you ask him about possibly lifting the tax free threshold. That's been six thousand for years.

AJ: Yeah, yeah (indistinct).

S: And that should go to at least ten - - -

AJ: Yeah, I agree.

S: - - - and the (indistinct) maybe go up (indistinct)

AJ: I agree.

S: Now, with the – I'm a Sutherland resident, can't they turn them around at the station. A lot of these people come off the train at Cronulla.

AJ: Yeah, well - - -

S: Can't the police just be there and say righto, fellas, back on the train.

AJ: Quite.

S: I don't know (indistinct)

AJ: No, well I mean, there's a police presence there, they've got to say, listen, there are certain standards you live by. Now there's other – there are police powers to break up gangs, to break up mobs - - -

S: I used to work at Bankstown years ago at Belmore Oval, Alan, in the nineties, early nineties, and it was happening then.

AJ: That's right. This is not new. But what is new is that at long last the public are saying listen, we are not intolerant people and we're not racist people in this country but we've had a gutful of what's going on.

S: That's right.

AJ: We're not going to have the tripe being kicked out of ours kids, and we're not going to have people ringing, writing – as one woman said to me, listen to this, she said, "I'm the mother of the 20-year-old surf lifesaver who spoke to you on Monday on air. Alan, this is an extremely, extremely serious problem. We can't allow our sons to take things into their own hands because they'll no doubt be in a similar situation to Rowan. The cowards harass our sons most of the afternoon. They bait the clubbies. These young lifesavers talk about taking things into their own hands because they're sceptical about law enforcement being long term on the beaches". So we can't have that. That's what we're trying to avoid.

But a woman wrote to me and she said, "Last Christmas my husband to our then 6-year-old grand-daughter to the Carols in the Domain, we arrived late and had to sit right over near the fence near the Cahill Expressway, as the evening wore on these young people were drinking alcohol and getting noisier and noisier until a fight broke out between them and some young people of Anglo-Saxon appearance. Alan, I've never been so frightened in all my life. The Middle-Eastern youths got two young boys, maybe aged 18 to 20 on the ground and were kicking them everywhere they could put the boot in. The police finally did arrive

but there was nothing for them to do. They didn't even question any of the people around, and there were plenty of witnesses. But if they spent five minutes there they were lucky". (indistinct) complaining about how we handle it.

Now, Morris Iemma has said, "The full force of the law will apply". So let us back off. The young people out there, you're not backing off from what you believe in, let's back off from taking the action ourselves and let the police see if they can do their work. 1-3-1-8-7-3.

But this has happened – look, you must understand one thing – I'm talking to my listeners here in front of me, the live audience that I've got at this outside broadcast at Castle Hill, at Harvey Norman, and to the hundreds of thousands who are listening at home, don't underestimate people power. This reaction from the government has come because the people have rung this program and the government can see they've got a problem on their hands and they better do something. So we've got to be more active and more pro active, and we've got to be saying, as you're ringing me on the open line, rather than writing to me, for God's sake don't write to me because it's the end of the year, but on the open line the message is clear, this is the priority, not desalination plants or some environmental statement or a metropolitan strategy, the public are saying, government, Morris Iemma, you're a good man, get out here and do something about it and protect our sons and daughters, now that's happened yesterday, we've got to give them a chance to do the job.

Caller J

AJ: It's J, hello?

J: Hello, Al.

AJ: Yes, J.

J: Yeah, just a quick one, mate, I hear that a few of the Maroubra boys, the Bra Boys are gunna go down there this weekend and help their Sutherland brothers out.

AJ: Yeah, there is talk that the Bra Boys are going to sort of get in there and reclaim the beaches. We don't want that. I spoke to Morris Iemma, he said he will pull the full force of the law down there. Let's back off. We don't want to play the kind of social tactic that we're objecting to. We're objecting to this violence. We're objecting to going there in numbers. We're objecting to belting the tripe out of people. We want the police to exercise their law enforcement powers to get these anti-social people out of our way. We don't want our own people joining in that behaviour.

J: Yes, it's true, Al, but I should also think that there's a bit of mateship goin' on amongst - - -

AJ: Sure there is. And they're fed up, ... They're fed up. They're frustrated, aren't they?

J: Well, let's just see, Al.

AJ: Let's see. But I'm just saying, I can understand the frustration, and that's what they're saying, we want to come down and reclaim our beaches. Well, what I'm saying to the boys out there, the Bra Boys and others, look, we don't want these vigilante groups, let the police do the job. Okay, up till now we've been unhappy about the police presence. Morris Iemma says he'll have a police presence there. Let's see what happens.

Caller B

AJ: B, is it? B?

B: That's right, yes.

AJ: Hello.

B: Hello, Alan, look I've just been listening to this whole issue on Cronulla and I don't condone violence but – and I'm not from a Middle Eastern family, but all I say to you is there are two sides to everything, and when I've been down there I've heard some really derogatory remarks towards the Middle Eastern people and I've heard a lot of egging going on against them, and I think honestly, there has to be an issue there that has to be fixed up, but there are two sides to everything, and I - - -

AJ: Mmm. Well, that's – we've got police to do all of that.

B: Well, I hope it's brought out that there are two sides to everything.

AJ: Yeah, let's not get, let's not get too carried away B, we don't have Anglo-Saxon kids out there raping women in Western Sydney. So let's not get carried away with all this mealy mouth talk about there being two sides, I can tell you, because my correspondence here from mums and dads I am inundated, and I don't hear people complaining about Catholics and Protestants and Anglicans, I'm sorry, but there's this religious element in all of this and we've got to make sure that we welcome people into our community but we welcome them in on certain terms and certain standards and those standards are not being met. So let's not have this mealy mouth talk about oh well, everyone's to blame. All across Sydney there is a universal concern that there are gangs, the gangs are of one ethnic composition, and they have one thing in mind and I've read some of the correspondence from here. These people are not stupid, so they are actually at the coalface, they see it and they hear it, and we've got to respond to that, and we have a police force that is armed and equipped to do that job, we've got to give it the chance to do it... N, hello?

Caller N

N: Yes, good morning,.

AJ: Yeah.

N: I'd just like to say, well firstly I don't know which side of myself to bash, the Australian side or the Wog side.

AJ: You don't have to bash either side.

N: I'm a little offended there over the wog side.

AJ: Yeah, well, we don't approve of that language. But you don't have to bash any side. You're a law abiding citizen, you just go about your life. There's no Wogs or whatever, we're just saying we want society to live according to certain laws, that's all.

N: Yeah, I'm glad. And I do on a serious note, I hope that we allow the police to do this.

AJ: That's it. We don't want people taking the law into their own hands at all.

N: Yes.

AJ: We only become part of the problem we're trying to solve. Don't we?

N: That's right.

AJ: We become part of the problem. We don't want this lingo either about Lebs and wogs, I'm merely telling you what they're saying to highlight how serious this has become.

N: It has, it has. The thing we really need down there is basically a lot more police.

AJ: Police presence.

N: Out of uniform.

AJ: A police presence, N, you're quite right.

N: Out of uniform.

AJ: And not just there, N, in the suburbs. A police presence in the suburbs.

N: Yes. (indistinct) in their uniform they basically don't do nothing, it's when the police leave that they do start harassing.

AJ: Yeah, okay, that's a good point too. That's a good point. But we need a police presence in the suburbs. If we don't have enough then tell us. We're going to have to pay some more taxes to get some more. Let's check Sydney traffic. Before we go to the traffic, but our thanks to the listeners, I mean, you are the people that have initiated this. You are the people who fashion the response, and now we've just got to back off a bit. Morris Iemma's got the message, we're going to try and talk to him after 6.30. Let's check Sydney traffic....

Alan Jones interviews The Premier, Morris Iemma

MI: Oh yes, I can understand the anger, particularly an attack on lifesavers who – they're there to save lives, they patrol our beaches, they protect people who go to the beach. They're an Aussie icon. I understand the anger, the red hot anger of people, but don't take the law into your own hands. The police will be there in force. The streets, the beaches are for everyone. No one's got the right to take the law into their own hands.

AJ: Do you understand – when you say that and that's very reassuring – but you're talking about North Cronulla, you see I'm full up with emails here which says, one says, "This situation with the Lebanese gangs has been going on for at least one generation. I'm nearly 50 and was having the same problem with these gangs when I was 20 and my sons and their mates are having these problems now". A police officer says, "Alan, as a New South Wales police officer for twenty years I can confirm there has been a battle for Sydney going on for some time now with people of Middle Eastern background. The sad thing is that the police, thanks to a predominantly left mentality by this government, have been fighting with one hand behind their backs. Now, you've got to be able to reassure the public that across Sydney in the suburbs you will have the resources to address this issue.

MI: Oh absolutely. Look, there's no dealing with this with any sense of anyone being told to do things with one hand tied behind the back. The police have been backed with tough new laws over the last few years to deal with street crime, to deal with street offences, and it is – they have the professional duty – we've backed them with tough laws to deal with this situation. There will be no compromises, the police, anyone, who takes the law into their own hands will be met with the full force of the law.

AJ: Now, look, you know, reducing it really to a personal level, Morris Iemma has risen to be the Premier, the number one citizen in this state. Morris Iemma, himself, is a man of ethnic background. Your family came into this country, they accepted hospitality in our house which we call the Australian home and have played a prominent part along with so many other families like your mum and dad. What's gone wrong?

MI: Well, Alan, it's people who want to take the law into their own hands. I mean, these youths who descended on North Cronulla last week, and in other areas, they don't want to fit in, they don't want to fit in with our society, they want to cause disruption to our community. The message to them is, this is a great country that has opened its doors with welcoming arms to hundreds of thousands of people from all over the world. Now, those that don't want to fit in, those that want to do the wrong thing, they will understand what the rule of law means. That's one of the basic tenets of our society, and they will understand. The police have made arrests. We have a permanent group in our police called Taskforce Gain which was designed to set up and meet this issue of gangs, particularly the Middle-Eastern gangs that you've referred to. There is just no compromises when it comes to this. My parents came to this country for opportunity, a peace loving country, and we want to live in a community in which our streets are safe and we don't have to deal with these issues. But when they arise there's just going to be no compromises when it comes to enforcing the law and backing the police.

AJ: Just let me tell you this, this is a policeman – and thank you for that, it is very reassuring, but a policeman says this to me, "I work in a medium size suburban Local Area Command – and this might be a point that Carl Scully takes aboard, your Minister – "we have two police permanently on loan to Redfern, two permanently on loan to the Street Policing Unit walking around giving tourists directions in the city in yellow hats, one permanently on loan to Operation Vikings, one on loan to the Metropolitan Robbery Unit, and numerous other police on loan to any number of strike forces and projects. We also lend dozens of police every month to other commands for regular events, like football and crickets games, protests and rallies, but as these police are all on loan it appears in published statistics that we're not under staffed. But the policeman said you've also got the problem where large operations like the Gay Mardi Gras, City to Surf, Forbes CEO Conference, is staffed by dragging police from operational duties in their areas to these events, rather than user pays or overtime shifts. And he says, the Forbes CEO Conference cost Local Area Commands over one thousand twelve hour shifts. That's over twelve thousand hours of policing lost by local communities across the metropolitan area. The policeman says, "It's time to get serious about where the police really are and what the community want". Do you have the resources? Do you have enough police?

MI: Well, Alan, the numbers have increased and it is always a case of keeping these numbers under review. They are above authorised strength. But it's not the end, the additional police that have been recruited over the last few years is not the end of what is always an unremitting fight against crime. We will always keep police numbers under review with a view to always looking to improve.

AJ: All right, now, two messages before you go, and I thank you for your time. To the mums and dads, not of 8 and 9 year olds, Morris, of 18 and 19 year olds who are worried about their sons and daughters, what are you saying to them to start with?

MI: I say to them, they go to the beaches, they go to the cinemas, our streets are there for everyone to be safe and to go about their business. Whether it's going to the beach, whether it's going to the cinemas or going to the football, and anyone who takes the law into their own hands will be met with the full force of the law.

AJ: But see, it's wide spread, isn't it? I mean, a colleague of mine is stabbed to the point of death in St Ives, Morris. We're not talking about Redfern or Fairfield or Cabramatta. I mean, these people were armed with knives.

MI: Yes, and we've passed tough new laws with knives, it's been knives, anti gang legislation, the extra resources, tougher penalties, and that is part of what is a never ending fight against crime to ensure safety in homes, in streets, when these incidents occur it is a case of coming down on the with the full force of the law (indistinct) made arrests.

AJ: Right, now, a message, a message to the young blokes, that's for mums and dads, and a message to the young blokes sending their text messages, they want to come to Cronulla this weekend to take revenge on Middle Eastern gangs, it says, "This Sunday every Aussie in the Shire get down to North Cronulla bring

your mates, let us show them this is our beach". Now, what do you say to those young fellas who are really frustrated?

MI: What I say to them is as much as we have a healthy scepticism about police and about politicians, this is a time to put your trust in the police and let the police do their job. Go to the beach. Go and have a good time. Don't take the law into their own hands. Place the trust in the police. They've made some arrests, they've had success, they've made a breakthrough. Let the police finish the job and bring those thugs, those morons to justice, but don't you take the law into your own - - -

AJ: And you as the head of government understand that this is not just a North Cronulla problem, this is a wide suburban problem, people are writing to me from all over Sydney.

MI: Yes, it's not restricted to North Cronulla, but whether it's North Cronulla or whether it's Brighton the principle is the same, the police – trust in the police, allow them to apply the law but don't take it into your own hands.

AJ: We need police on the beat. We need them seen visible, don't we? We need them out there active.

MI: Vikings, the dog squad, Vikings, yes, and that's the job of the Vikings Squad with their patrols, with the dogs and it's very effective, very effective form of policing, street patrols, community policing, out there on the street visible, enforcing the law and ensuring that no one takes the law into their own hands.

AJ: Okay. I appreciate your time. Thank you for talking to us.

AJ: 19 after 7.00. Never let it be said that the public don't have a say. My listeners have been phenomenal this week. If it hadn't been for you people, and after all, all I've done is to read out what you've sent to me about Cronulla, and as a result we now have action from the government. I spoke to the Premier earlier, but the correspondence is still coming in. Listen to this, this has just arrived. "I am a frontline police officer from south west Sydney, the Middle Eastern males are out of control, I'd like nothing more than to give these little Middle Eastern gang members a kick up the backside. They lack respect and common decency towards the public. My colleagues and I see it every day and are sick of it. They are cowards when alone, but thrive when in numbers, and are intent on harassment and intimidation. Police are just too afraid of complaints which are carried out to the T by senior officers.

In other words, go out and do something and some bloke will dob you in, they say oh he gave me a clip over the ear, not meant to touch him, not meant to touch him, gave me a clip over the ear. So the police officer – I was just waking him up – the police officer's in trouble, so they say to effectively tackle knife and gang crime we must be allowed to search anyone for knives in public. Currently it's hard to establish reasonable cause to search when challenged in court. This will be rejected by Cameron Murphy and his cohorts, that's the Civil Liberties mob. They must accept with freedom and rights come responsibility. However, there's another email here – and that one beautifully, thank you the policeman who writing who says, "Get well Rowan". Rowan will be listening to us now,

and Rowan I'm coming to see you after air, so clear the decks, mate, I expect a feed when I get in there beside the bed. But listen to this one, "Thank you for bringing to light the gravity of the situation in Cronulla, well I didn't, my listeners did. This will frighten you, this has been going on for several years and getting worse each year. The following is from yesterday's St George and Sutherland Shire Leader, Surf Lifesaving's Sydney's Rescue Services Manager... said there had been regular occurrences of gangs of young men harassing life guards and the public at North Cronulla, but listen to this, Miranda Police Superintendent, Robert Redfern, said he had not heard such reports but was meeting was Surf Lifesaving Sydney and Sutherland Shire Council late yesterday afternoon, and as my correspondent says, how can it be controlled if the area superintendent is unaware of what's going on or is this just another softly softly approach to certain minorities in New South Wales. Well, the man who you endow with great credibility on all of these things and all your letter say get him up, get him up, we want to hear what he says is the former policeman – he should be out there now in a high position - but also an author, TP. T, good morning.

Alan Jones interviews TP, author.

AJ: There is deep concern down there, isn't there, of Middle Eastern invasion?

TP: There is, and - - -

AJ: You wrote about this in 2001, that's nearly five years ago.

TP: That's right. And I tell you what, Alan, I think it's got worse in those four years. You just hear the depth of feeling of people writing to you and sending emails and talking on the radio, it's something that even surprises me.

AJ: Yes, my concern is that the police say that they've got their hands behind their backs. I mean, policemen say to me I work in a medium size suburban local area command, we've got two police permanently on loan to Redfern – what's that, is that your phone, Tim? What are you ringing up on? Have we got a landline for you or not?

TP: No, it's a landline, that's better.

AJ: That's better. Something was funny going on there. But basically they are saying that we are lending dozens of police every month to other commands and they are under-resourced. What do you say to that?

TP: Well, that's right. I mean, what's happening is as a problem breaks out in one area of Sydney suddenly the police have got to rush numbers over there, and then another problem breaks out in another part of Sydney such as Taskforce Gain and you've got to rob different police stations and different suburbs of their police. So it's now getting to the stage where so many problems are breaking out the police just haven't got numbers anywhere.

AJ: But it's not new, is it? I mean, that's the problem. To talk about it being Cronulla – you see I've got correspondence here, it's not just a few Middle Eastern bastards at the weekend, it's thousands. Cronulla's a very long beach

and it's being taken over. It's not a few causing trouble, it's all of them. I mean, it's a big problem this, isn't it?

TP: It is. And it goes as far as Terrigal on the Central Coast and the Rocks and Darling Harbour, Cronulla, out in south west Sydney. This is a problem that is getting bigger by the year and I don't see any easy solution under this government or under this police regime in the next couple of years.

AJ: Well, who introduced this LEPRA, L-E-P-R-A? One policeman says to me as of December 1, a new piece of legislation LEPRA has been introduced which is riddled with ensuring the rights of people. Now LEPRA for the benefit of my listeners is this law enforcement powers and responsibilities. Basically almost impossible for police to order searches. If I just use an example with just three people in this car here and the policeman comes along and he thinks the driver has got drugs, I think this mob in the back have got knives, I'm going to take a stab here because this is in the interests, I'm going to arrest them, can't, can't. We've got to call the driver out and say now I have to caution you – and I'll get Tim in on this – am I right in saying this, Tim?

TP: You are, Alan, you're - this is bureaucracy - - -

AJ: Gone mad. So I say the driver – now meanwhile the two blokes are in the back of the car they haven't been charged with anything, they've got knives and guns and God knows what, and while I'm saying to this person now you must explain your rights to you, I'm going to search you now and I've got to explain all that, well these two blokes have shot off.

TP: That's right. When's enough enough. I mean, it's just common sense that if you've got three hoodlums in a car the police have to worry about their safety first and then about the offence taking place without having to go through all this bureaucratic bull.

AJ: Well, there's bureaucratic rubbish. Now, I've got police people writing to me saying we can't do our job.

TP: That's right. And they haven't been able to do their job for some years. And the people of Sydney have got to realise that help is not on the way fast. A lot of things have to change, there has to be a lot more police on the beat, there has to be a lot more direction from commanders of police that have served in the front line, not those who have hidden in headquarters all their career.

AJ: Let me ask you this. Let me ask you this. The decision to send six more constables or whoever they are to North Cronulla yesterday, down that way, was made by the Police Minister I understand, they were sent as backup officers, not the Police Commissioner.

TP: Well, there's been some talk for some time that the Police Ministry is actually running the police force now. It's gone to about a hundred and twenty odd public servants under Carl Scully, so there's probably more police in the Police Ministry than what there is most police stations.

AJ: So the Police Commissioner hadn't been briefed on the transfer of police to the Sutherland Shire following the Cronulla attacks. I understand the Police Commissioner said yesterday he had no idea where these officers would be coming from. They've got to be borrowed from somewhere else.

TP: Well, it sounds that – well they're probationary constables – if there's a class about to march of out Goulburn they're going to go straight from Goulburn to Cronulla.

AJ: How impossible.

TP: Well, it is. I mean - and it's just a joke for anyone to think that four probationary constables is going to solve the problem down at Cronulla.

AJ: See, I've got a policeman writing to me and saying this, "The average length of service for a street police officer is three years, the average, and ever decreasing. The average length of service for police is seven years for men and five for women. People don't see it as a career any more. I have many friends who are in general duties who are constantly asking themselves why do they continue doing what they do, they feel they don't make a difference. Alan, I could go on and on and tell you of the problems with the New South Wales Police but we don't have the time, in short the public of New South Wales are being ripped off and they're not being policed effectively". Is that correct?

TP: Oh, look, it's a hundred per cent correct. And when I look back on my career I worked with a second class sergeant on the first day in the truck out of the Academy. That guy had something like about twenty-seven years experience in the job. And he was working on the truck with me.

AJ: That's right. You learnt from him.

TP: Exactly.

AJ: Now, you say there's a possibility of some probationary constable being thrown into North Cronulla and Middle Eastern gangs. If we go right back – and we don't want to be sort of looking back, we've got to look forward, but Peter Ryan – one of the criticisms I had and others had was this dismantling of existing policing structures. Now, is this – are we now paying the price for this? There are no police in local police stations.

TP: Oh look, without a doubt. This is – you know they're talking now about this riot and public order squad, this is the old TRG reinvented. Now, why did we strip that unit down? That was a very effective unit, and it had a lot of very hard very tough and very experienced cops, suddenly ten years later we've got to reinvent the wheel and it's as though they've found something new in policing.

AJ: Well, let me ask you this. You say I know that the Cronulla disturbance has a long way to go. May things get worse?

TP: Oh look, I have no doubt that over the next twelve or eighteen months there's going to be an escalation in the sort of violence which will unfold - - -

AJ: And it's across suburbs, you're saying, not just Cronulla.

TP: No, that's right. We're looking at Hurstville. We're looking at Bankstown. You're looking at Menai and those sort of places. This is just the tip of the iceberg and it's now starting to format itself into a minor civil war between - - -

AJ: Well, it is. I mean, there are people sending out text messages saying take revenge, take revenge, this Sunday every Aussie in the Shire get down to North Cronulla to support Leb and wog bashing day. Bring your mates. Let's show them that this is our beach, and so on. Tim, we don't condone that stuff, we've got to allow the police to do their job. How do the residents regain their suburbs?

TP: Well, they've got to put a lot of pressure on the government and on the police hierarchy.

AJ: Which has happened this week, hasn't it?

TP: Pardon?

AJ: That has happened this week.

TP: It has. I think this is what all suburbs have to do now, is to be like the residents of Cronulla, and that is to speak out and put some pressure on governments to do something.

AJ: Well, they've spoken out through this program and to the government's credit they've listened and now they've done something, but you can't be locking up your daughter to keep your son safe to avoid the beaches. You've got to be able to go to the beaches at the weekends, haven't you?

TP: That's right. But what worries me in all of this is whenever there is a problem it's rhetoric rather than weaponry.

TP: That's it. And it's temporary, it's temporary. We'll send a few down to North Cronulla until Alan Jones stops talking about North Cronulla and then we'll pull them out and put them somewhere else.

TP: That's right. And if it blows up at Tempe tomorrow they'll send those same (indistinct)

AJ: Same people to Tempe.

TP: So it's a dog chasing it's tail.

AJ: Good to talk to you.

TP: Thanks, Al.

AJ: Good to talk to you, ... The tragedy of it is, everytime you talk to TP people say well why isn't he still serving? Well, he was a whistleblower. He told the truth. They ran him out of a job. 7.30.

AJ: Just on that North Cronulla thing, Miranda police have charged a man after a number of incidents on North Cronulla beachfront yesterday. A 20-year-old man was arrested shortly before 5.00pm after a press photographer allegedly had his equipment damaged while taking photos near the surf club. Police and ambulance officers were in the area following an earlier incident in which two men were involved in an altercation, one man suffered minor injuries. The Riverwood man was taken to Miranda Police Station and questioned before being charged with malicious damage in relation to the photography incident. He was allowed conditional bail. I don't know if I'd be bailing any of these people, but it will appear in Sutherland Local Court on January 12.

Caller K

AJ: K, hello?

K: G'day, how you going, mate?

AJ: I'm well, thank you.

K: Listen, mate, I just want to know how all the Australians feel like going from Anzacs to wimps in a very short time, mate.

AJ: Yeah.

K: We've got a country here that we're just givin' away to these other people.

AJ: Yes.

K: And I don't think people realise just how close we are to the point of no return of ownin' this country, mate.

AJ: It's a very good point.

K: Australians should get a little bit of guts, mate. Stand up and fight for what our people fought for and let us live the way we want to live not the way a minority want to live, mate.

AJ: But see, you've got – I mean...everyone agrees with you except apparently the Police Commissioner and except apparently some people in government. Now, the Police Commissioner said in relation to Macquarie Fields that it was a disturbance, it wasn't a riot. That's what he said. Now, the riot – a riot is defined under the Crimes Act. That's the Act that he is administering. Moroney is administering – he operates under the Crimes Act. The Crimes Act says "Where twelve or more persons who are present together use or threaten unlawful violence for a common purpose and the conduct of them taken together is such as would cause a person of reasonable firmness present at the scene to fear for his or her personal safety then you have a riot. Each of the persons using unlawful violence for the common purpose is guilty of riot and liable to imprisonment for ten years". All those factors were present at Macquarie Fields. That's the definition under the Crimes Act, not Alan Jones' definition. Ken Moroney says it's a disturbance, it's not a riot. No wonder the people just are

absolutely bemused and feel as though we've been abandoned. The public are saying, K says "we're surrendering, we're giving the joint away". Now, who is protecting the wider public interest? None of those people paid to or appointed to protect that interest. Though Morris Iemma this morning said "yeah, leave it to us, we're going to get it done". Well, let's see what he does this weekend at North Cronulla but you can bet your life they'll go somewhere else, they'll be at Manly or at Bondi or in the Hurstville Shopping Centre carrying on. My correspondence tells me that's what goes on. 20 past 9.00.

Caller C

AJ: It's 13 minutes to 10.00. C, hello?

C: Hello, Alan, first time caller.

AJ: You're welcome.

C: I heard Mr Iemma this morning and I've never heard anything so insincere at the way he delivered his so called I don't want the vigilantes. The vigilantes are the other characters that are coming here and they are laughing at us. I want to encourage every one of the junior football teams, the soccer teams, from Engadine to Cronulla to go to Cronulla on Sunday morning and be around the lifesavers and clap them and encourage them.

AJ: Good stuff. Good stuff.

C: Because they are fellow sports people.

AJ: I tell you who we want to encourage, C.

C: Yes.

AJ: All the Pacific Island people. Because you want to know something, they don't take any nonsense.

C: That's right.

AJ: They're proud to be here. All those Samoans and Fijians, they love being here.

C: Yep.

AJ: Proud to be here. And they say you step out of line look out, and of course cowards always run, don't they?

C: They will run like scalded rats.

AJ: But we can't be involved in the very behaviour we're condemning them for.

C: No, we're not going to be involved, but this idea that we are not (indistinct) -
--

AJ: Get down there and support the lifesavers.

C: - - - not Aussies, that's a load of garbage. The youth of this Shire – I was very proud because I heard about these messages that they're sending out and as far as I'm concern a game of cricket should be on on Sunday to go down there and encourage - - -

AJ: Definitely.

C: - - - and applaud the lifesavers.

AJ: Yeah.

C: And if they can spare some time help join them. I've got grandsons who are in the nippers down there.

AJ: Yes.

C: And quite seriously I was worried about them, because these characters that get down there they deliberately play their football, and they deliberately kick a ball somewhere and they'll dive and hurt the juniors - - -

AJ: I've got stories about all of that. See, C, I think we'd all agree that writing a letter is no fun thing, I mean, you need time to sit down and write a letter. And I can tell you from the volume of correspondence I have received this week this is the most critical issue facing us. There's no doubt about that. When people actually say I've got to sit down and write to Alan Jones, and they've done it in hundreds and hundreds and hundreds. I've answered all of them. To tell you, listen, that's a very good point but you people are ringing the open line. Public opinion can win the battle. The power of public opinion can never be underestimated. It won the battle in Pittwater. It can win the battle here as well, so long as we get off our backside and do something. A, hello?

Caller A

A: Yeah, good morning, Alan.

AJ: Yeah.

A: Look, last Saturday I had cause to go up to a local area command, I won't mention the station because it will pinpoint the officer, but the station was short staffed, it was supposed to be the main one, there was a bloke there, he took my details et cetera, et cetera, he had his fingernails chewed down to the quick, he had nervous actions, it's not his fault, it's the bloody under-staffing of the police force.

AJ: That's it.

A: The poor fellas are there trying to do a damn good job. I think the general public has got to get behind the police.

AJ: Oh yeah.

A: I call it the force, I always have.

AJ: Me too.

A: They've got to get behind the – if they see police car on the road, oh good, there should be more of it.

AJ: See... that man's got his fingernails bitten to the quick. See, a policeman wrote to me to say this, and he talks about the abandonment of the suburban police station. He says that's your problem, the abandonment of the suburban police station. He writes to me, he said "I work at a medium size suburban Local Area Command, we've got two police permanently on loan to Redfern, two permanently on loan to the Street Policing Unit walking around giving tourists directions in the city in yellow hats. One permanently on loan to Operation Vikings, one on loan to the Metropolitan Robbery Unit and numerous other police on loan to any other number of strike forces and projects. We lend dozens of police every month to other commands for regular events, like football and cricket games, protests and rallies; that is these police are all on loan it appears in published statistics that we are not under-staffed. He said you've got the problem where large operations like the Gay Mardi Gras, City to Surf, Forbes CEO Conference are staffed by dragging police from operational duties in their areas to the event rather than as user pays or overtime shifts. In other words, the Forbes CEO – we should've said to Forbes people, you want a thousand police take people who are on holiday or whatever and you pay them separately, you pay them yourself, and this bloke says the Forbes CEO Conference took over one thousand twelve hour shifts which is twelve thousand man-hours of policing lost by local communities. That's the story. That's the story.

A: The general public know we need more police.

AJ: More police.

A: They've just got to demand it, that's all.

AJ: That's it. More police. Well done, A.

9 December 2005

At approximately, 5.40 am Alan Jones said:

AJ: And I'll be talking to the Prime Minister later in the program. Police have warned they'll bring the full force of the law to bear on anyone involved in violence at Cronulla Beach this weekend. The Assistant Police Commissioner, Mark Goodwin, who grew up surfing at Cronulla, says the Australian ways about coming to the beach with your towel and sunscreen and maybe a book and lying back and relaxing, he says it is not about congregating and swarming in groups for any sort of antisocial behaviour, good sort of simple language, I don't know you Mark Goodwin but well done, that's good simple lingo, now make sure you can back it up. And remember Mark, Assistant Police Commissioner Mark Goodwin, it's not just Cronulla Beach mate. My letters tell me it's at Hurstville, it's all over the place. Gangs. Mr Goodwin says no one owns the beach, they don't own the malls either. He says we have ethnic populations that are just as entitled to use this beach. That's true, that's absolutely true. And as I'll be saying later in some detail, a good nation is no different from a good home. You don't when someone comes to the door of a good home say 'what religion are you, where were you born'. But what you do say is 'hey if you going to step inside here you've got to behave'. We have some rules in this house here, and you've got to behave. And if you don't – you get a big kick up the whatsits. So there are standards. We don't have religious problems, stop calling them religious problems or ethic problems. These are basic behavioural problems. Simple. And there are behavioural standards that have to be met, that's what Mark Goodwin is saying.

...

At approximately, 6.00 am, Alan Jones conducted a discussion with Caller S. The discussion included the following:

Caller S

S: Alan I have a question, rhetorical of course. There would be a fascination, I think amongst many, who would like to know, how many of those who call themselves Moslem and Lebanese before they call themselves Australian, even though they're born here, demonstrate their assimilation into Australia by saving lives on Australian beaches or by serving in the Australian Defence Force or as a member of the Police Force.

AJ: Or the Rural Fire Service or SES volunteers.

S: All of that which built up this country into what it is.

AJ: Let's be Christian and charitable at this time and say we hope there are many and we wish there were many more.

S: Indeed Alan, and may I to those who seem to have difficulty in letting those ghastly and appalling words Merry Christmas escape their lips and indeed the

workers collective which is laughingly known as the national broadcaster, tax payer funded, seems to be a prime mover. Watching the Insiders last Sunday, anchorman Cassidy, the former Labor staffer, after he'd finished his inquisition of the Prime Minister, the PM then said 'well very Merry Christmas to you Barry', no reply in kind. I thought it a bit pointed but I thought maybe just a slip. Watching the 7:30 Report last night, inquisitor O'Brien, when he'd dealt with the Prime Minister, the Prime Minister then said 'a very Merry Christmas Kerry, no reply in kind, and indeed at the end of it O'Brien simply said words to the effect 'have a happy holiday'. Well to hell with all of that.

At approximately 6.40 am Alan Jones said:

AJ: RC of Kangaroo Point says today to the New South Wales Government we need more police to control the itinerant gangs in Cronulla. Please, no more shifting responsibility, no more talking, no more fudging, get police into Cronulla. Mary McCarthy says my family and I used to live at North Cronulla Beach but we moved to Caringbah two years ago because of the trouble that the gangs of young males used to cause down there most days during summer. Well some police have just found out that there has been a problem. This is a woman saying two years ago, winter was and still is the only time I take my family to North Cronulla Beach. I've lived at Cronulla for 44 years and it saddens me to think that the beach, or North Cronulla Beach at least, is no longer a safe place for my son to grow up. Well that's unacceptable. It should be a safe place for anyone to grow up. Stephen Fox of Sutherland in that area says in these days of beach violence occurring at Cronulla, good point this, I was interested to note the presence of armed officers from New South Wales finest, that's the police, on the Illawarra line at lunch time checking that I held a valid ticket. I think what Stephen's saying is, they would have been better off down on North Cronulla Beach...

AJ: Look I have to say this. It is one thing to criticise the Premier and he knows we're all entitled to do that, but the Premier did not say on my program yesterday that Task Force Gain had been mobilised to deal with the Cronulla situation. Indeed, his exact words were these, I was asking him about Middle Eastern gangs right across Sydney, and I said Premier, they are right across Sydney. Only a couple of minutes previously I had read a letter from a police officer which said, Alan, as a New South Wales police officer for 20 years, I can confirm there has been a battle for Sydney going on for some time now with people of Middle Eastern background. And I asked the premier what had gone wrong. And he went on to talk about the youths who descended on North Cronulla Beach and he talked about, quote, those that don't want to fit in, those who want to do the wrong thing will understand what the rule of law means. And then he said we have a permanent group in our police force called Task Force Gain, which was designed and set up to meet this issue of gangs, particularly the Middle Eastern gangs that you refer to. Now he didn't say they were set up to deal with Cronulla. Now Mike Gallagher, I have to say does a good job as the shadow police minister, he suggested that he did. The premier didn't say that. Where the criticism is valid are the suggestions that task force Gain has been slashed from 157 to 57 officers, that it's been stripped back over the last few years. But for a bloke who hasn't been there a long time Morris Iemma and he's got to have over a million issues, we have to be fair, he didn't say that Task Force Gain was mobilised to deal with Cronulla. Now even on this radio station we were saying

yesterday that he had said that. We have to be just as careful as everyone else to make sure we get it right.

At approximately 7.07 am, Alan Jones said:

AJ: It's seven after seven on Friday December 9. This is my last broadcast today for a few weeks. Can I just begin by thanking you for being with us in 2005. Our listeners contributed enormously to this program both through the information that you provide to me through your correspondence and the very intelligent and articulate calls that you make, and it helps. In what has to be a very responsible role, trying to make sure that the public understands the issues and trying to find appropriate solutions to them. It isn't far off Christmas, is it, on December 9, and I alluded to that yesterday. A bit further on some of us will be making New Year's resolutions. We do this against a climate where Sydneysiders have woken today to front page pictures on their newspapers of police on horseback patrolling our beaches, and a blunt warning to ethnic gangs and would be vigilantes that the police, and this is in relation to North Cronulla Beach, will be out in force to defend the Australian way of life. Last weekend, as you know, gangs bashed up two lifesavers as a result of your comments on this program, overwhelming comments that forced action by the government on this issue. Well that prompted many of my listeners also to regale me with stories about similar violent ethnic behaviour across many areas of suburban Sydney. So back to the New Year's resolution. I have a simple one. And it would be the hope that a good nation, which we want Australia to be, would function no differently from a good home. In a good home guests often come to the door. As the host you let them in. But basically a good home doesn't make judgements about a visitor's race, religion or colour, but, a good home is very particular about behaviour. And a good home makes it very clear that there are behavioural standards that have to be met. In a good home the component parts all pull together. Tasks are divided up so that the home can function efficiently and effectively. There's always someone calling the shots in a good home, usually that's the senior spokesperson, the one with the most experience, usually, the father or the mother. There's no reason why a good nation should be any different. Visitors are welcome, and you can stay. But as in a good home, in this good nation of Australia, serious questions will always be asked about behaviour. And if you want to stay or you want to be free from punishment, fairly basic behavioural standards have to be met. For example, you don't start shouting abuse at other people in the home. You don't start calling them filthy names. You don't start using your mobile phone to rally troops around the home to join you inside to bash up those who have been there longer than you have. So we should stop, in our good nation, calling our problems religious or racial, they're not. They're just behavioural problems. So is the leadership being tough enough on these behavioural problems. It's no use saying throw them out. After all many of these people were born here. But they don't meet behavioural standards. You simply don't just gather your mates, no matter what your ethnic background barge down to a beach and intimidate, violate and brutalise people. Where we fail as a nation is in pretending for too long that this isn't happening. We don't want to talk about it. Look it is happening and not just at Cronulla Beach. It's happening at shopping centres, on the beaches, in the malls and at football matches. In a good home the Dad puts his foot down early. In a good home he makes sure the standards are set, he draws the line, he won't tolerate nonsense. He'll be kind, a good Dad will always be kind and understanding but he'll also tell you that compassion and

kindness will be regarded as weakness unless they're preceded by a show of strength. And that's what we have to do in 2006, pretty simple. The New Year's resolution, keep opening our doors to welcome our friends into our national home, but make it quite clear there are behavioural standards that have to be met. If they're not met then discipline and punishment kick in. And if that's beyond us as a nation, we are most probably in far worse shape than we'd want to be.

...

At approximately 7.40 am Alan Jones said:

AJ: Now Assistant Police Commissioner Mark Goodwin, makes a bit of sense to me this bloke, I don't know him. I like the way he talks in language we can understand. I hope he can do something as well as talk. He said, he and his officers will protect Cronulla Beach and the Australian way of Life. Now Mark, as I said earlier today, that means the shopping malls as well, you're going to have to be in a lot of places, because the problem's not just at Cronulla Beach. He grew up surfing Cronulla's waves. He says police are going after the thugs who threaten to ruin the beach for everyone. And he's vowed to bring order to the beach where he learned to ride a board. Now of course there was growing fears there'd be a planned brawl at North Cronulla on Sunday which could turn into a race riot. But he was right too, Mark Goodwin, he said the Australian way is not about congregating and swarming in groups for any sort of antisocial behaviour and in a warning to those planning to head to North Cronulla looking for trouble, he said he will restore order to the beaches and no one owns the beach. The beach is a resource for all of Sydney. We've got ethnic populations that are just as entitled to use the beach, that's right. So we don't get out there taking the law into our own hands, but against that, have we got the resources there to go to the Hurstville shopping centre, or to Bondi Beach or to Manly beach. You see the same problems exist. Remember Rowan was stabbed in St Ives. And the blokes weren't on their own. These people are everywhere because we've given them too much latitude and too much leeway. This is my point in my editorial comment after seven o'clock. Lets forget about race and colour and all that nonsense and religion these are just simple behavioural problems. You come into our home and you meet certain behavioural standards. And wherever those certain behavioural standards are breached something has to be done. It's called zero tolerance, you don't tolerate it. There's the line, your Dad says, step over that and you'll get a kick up the backside. Righto, well these people need a collective kick up the backside. We've turned a blind eye, we've been frightened about it. We've even got police leaders saying it doesn't happen. Macquarie Fields was a disturbance. Macquarie Fields was a bloody riot. Face that and deal with it. Then not now. That's what the public are saying. You see G emails me and says maybe my hearing is going as I get older, but I don't seem to have heard one word of criticism of the goings on at Cronulla from Keysar Trad, Sheikh Hilali or indeed any of the Muslim community leaders. The silence and lack of condemnation of the antics of their fellow Muslims is deafening. I think it's pretty clear when push comes to shove where their support lies. And then this other point Ken Moroney, and Carl Scully, Alan, as this is your last day before a well earned break, and with the Cronulla issue fresh in everyone's minds I was hoping you might just mention the serious implications of the recently introduced Lepra legislation, well Peter I talked about this yesterday, but he says it's got a massive impact on the ability of the operational police to carry out their job. The legislation is entrenched, this is what all the police tell me, with rights. R-I-G-H-

T- S. that effectively dictates who how and when searches can be performed. When stopping hoodlums in cars we must put in a process called WIPE. Continually warn drivers and passengers of their rights, give all occupants our names and our police station address. And that's part of the process that's law, you've got to do it. And the police say to hell with it. It's utterly demoralising, so you know what they do, they don't do anything and why would you? What a heap of rubbish. And Morris Iemma, I'm sorry, Andrew Tink moved an amendment in the House yesterday to this legislation to free up, to free up the police capacity and your mob voted against the Andrew Tink amendment. So this is what the police are saying and this policeman says to me, writing to me, I can't tell you how serious this issue is in many different areas of policing. This is why police can't get on top of problems such as Middle Eastern concerns presently. There we are, yesterday Andrew Tink said amend the legislation to give the police the powers they need, the government voted against the Tink Amendments.
...

At approximately 9.15 am, Alan Jones conducted a discussion with Caller P. The discussion included the following

Caller P

P: I'd like to thank you for putting in a word for the Christian tradition.

AJ: thank you

P: And I wished, in a way...that we would take half as seriously our Christianity as the Muslims take theirs.

AJ: Yes

P: Of course, you know just one sentence, 'Love thy neighbour as thyself' – we wouldn't have all these problems in the world would we?

AJ: No...very good point, take our religion as seriously as the Muslims take theirs, good point.

P: Please, Alan, it's a very important point I'd like to say – look you said before, dealing with the problems at the moment, this is only misbehaviour...it goes deeper...there is a deeper problem than just behaviour.

AJ: Well, I wasn't talking about the motivation I know what motivates it – I'm simply saying the end result is bad behaviour and we have very specific social rules against bad behaviour

P: But why do we have this problem? Please, let me say this – there was a woman calling in, in the afternoon program of the 2GB and she said when she was tired from shopping she sat at a bench and there was a Muslim woman, heavily pregnant with three other small children, they came to talk and the woman said, 'Look, I'm a Muslim but what we are here for is to populate and we are going to take over, one day Australia. Now the thing is this, Muslim, they have their religion very deeply and they want to spread it over the whole world,

they want to dominate, they want to have their Sharia law in every country that's why we have all the problems that we have, some time ago in the history, we've been fighting the Christian – send out, you know, the believers to fight against the Muslims in order to have our European history and our European culture and Western standards – now if we don't watch that now, they are taking over and we can't do anything about it and we lose (indistinct) what we call Australia.

AJ: Now, that's a good point you make and most probably not something we can amplify on here. Now, we have made all those points before and we can only hope that the Australian electorate are alert to the kind of warnings that you have sensibly given, P, have a wonderful Christmas

...

At approximately 9.40 am, Alan Jones received a call from Caller K. The discussion included the following:

Caller K:

K: Just wanted to wish you a merry Christmas, really just a quick note I think yesterday there was some talk about Muslims wanting to change Christmas, I just wanted to set the record straight. To the best of my knowledge, and our organisation works right across Australia, there are no Muslims here in Australia, that want to change Christmas, we respect the tradition of Christmas, we love Jesus Christ, he is one of our most respectable prophets in Islam and so, yes, we just want to clarify that...

AJ: Yeah, a few people at a conference in Queensland last week had a bit of stupid stuff to say but thank you for that.

K: Yeah, there are people out there...
Alan Jones: They're called minorities aren't they?

K: I think it's called the crackpot season

AJ: Full moon stuff, K, anyway happy Christmas

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