

# NATIONAL UNION OF GREEK AUSTRALIAN STUDENTS



**The decision of the Victorian Civil and Administrative Tribunal (VCAT) on claims brought by the Australian Macedonian Advisory Council (AMAC) against the *Australian Macedonian Weekly* on grounds of inciting racial hatred presents a complex and confronting situation for the Greek-Australian community.**

In a decision made on 1 September 2011, senior member Noreen Megay found that the article *'Who in the celestial world gave the Greeks the right to take away the Macedonian language?'* published in May 2009 did not constitute racial vilification. Grounds for the member's decision centred upon the perceived intention for the piece to be circulated solely within the Skopjian community. The tireless efforts of the Australian Macedonian Advisory Council (AMAC) in bringing this case must be commended and the decision is disheartening for the Greek-Australian community. While much has, and will, be published about the correctness of the decision, as a community we are now faced with the complex and delicate task of approaching this issue responsibly.

Responding to the decision and the related article is a difficult task, as one must remain objective to the issue and not evoke too much emotion. Regardless of the purpose of the article, it inherently tears at the emotions of any Hellene living in Australia or elsewhere in the world and positions them to feel denigrated. While the publication's Editor, Mr Ljupco Stankovski, even characterised the accusations as 'extravagant', it is vital to encourage all those affected by the article to not respond in similar ways. Although it may be infuriating and disgusting to some, this must be downplayed in order to put forward a careful and measured response. The publicity associated with the article and VCAT decision has inevitably drawn a wide audience to the present debate and the broader issue of FYROM. Recourse to the policy platforms of Greek-Australian organisations on this issue should become the forefront on any public right of reply to the 2009 article and the decision on its legality. Only in this way can a respectful position be maintained by the Greek-Australian community that is dignified and does not appear to undermine the integrity of our legal system.

While AMAC did not receive their desired outcome from this case, it is important to find some positives in the VCAT decision. Hellenes retain the belief that the article did qualify as inciting racial hatred, and a corresponding decision recognising this would have been ideal. However, a contributing factor to the outcome was that the VCAT panel did not believe the article in

# NATIONAL UNION OF GREEK AUSTRALIAN STUDENTS



question was intended for circulation beyond the Skopjian community, despite the article being accessible online and in English. While it is tempting to question this reasoning, it is evident that Megay saw factors limiting the article's wider circulation. Even without issues such as language or access to the article. Therefore, it was the belief of the panel that the extremity of the claims is only limited to the circulation audience of the article and the publication. Rather than the article being intended to be circulated to mainstream audience, the case's decision suggests the publication would encounter significant problems in being able to do so due to the extremity of the claims. This appears consistent with the Megay's statement that other readers who find the article "would just wonder what it was all about without being incited to any extreme emotion about Greeks". By this token, the reasoning behind the decision gives indication of the expectation that the publication is being held to.

In his column 'If I were Macedonian, I'd feel safer', published on 8 September 2011, Andrew Bolt alludes to this idea of free speech in print media being proportionate to the weight afforded to the publication itself. This observation leads to two reassuring conclusions about the issue. Firstly, that the failure of VCAT to find in favour of AMAC in no way diminishes the significance of the organisation's efforts. If it were found that the article did incite racial hatred, it would indicate that the publication would be held in high regard beyond the Skopjian community. Therefore, its dismissal and subsequent criticism in the wider media indicates this is not the case. Secondly, the recognition of an apparent double standard with regard to content of print media provides an opportunity for Greek-Australian media to present itself as sitting above publication's that buy into extremist ideas and discourses presented in other ethnic publications.

By imposing on itself the 'higher standard' that Bolt feels that he and the Herald Sun are bound by, Greek-Australian media can signal an intention to achieve wider circulation beyond the immediate ethnic community. Understood in this way, the observations of Megay provide some reassuring observations. By this justification, Greek Australian media is considered to be of higher standard than the publication in question, and has a duty to correctly and in an unbiased manner report on issues as they are circulated and read to a much wider audience than the publication in question.

# NATIONAL UNION OF GREEK AUSTRALIAN STUDENTS



Coverage of this decision has flowed into mainstream Australian media. The aforementioned column by Andrew Bolt in the Herald Sun has triggered an influx of commentary and discussion. Talkback radio segments have also been dedicated to this issue. Consequently, responses by the Greek-Australian community are placed in the spotlight and caution must be exercised in addressing sentiments towards the decision. In this regard, we must be appreciative of the attention and sentiment that the decision has drawn. In a digital age where it is incredibly easy for every person to have their views and comments published, read and broadcasted, it becomes increasingly crucial to refrain from defaulting to a hasty analysis of how Greek issues are understood and represented by Australian media. Extreme caution must be used in expressing how mainstream media acknowledges and treats Greek issues or those affecting Hellenes. Responses that are borne purely out of emotion run the risk of hindering the influential voice and high regard we have as a community. Likewise in relation to commentary on the validity of VCAT's decision, as it is something that should be reserved for qualified legal professionals.

Responding to the VCAT decision is a delicate task. It is only fitting that a primary right of reply should be afforded to AMAC that brought the claims against the Skopjia publication. It is important for the Greek-Australian community to present a formal, measured and united response, and support AMAC in whichever way they intend to respond to the decision. The opening of this discussion is a crucial opportunity for members of the community to become informed on the wider Macedonian issue and lend their support to Greek-Australian organisations with strategies to best address the issue at hand.

The National Union of Greek Australian Students (NUGAS) offers its greatest support and encouragement to the efforts of AMAC. This case and the wider Macedonia issue is of priority for the NUGAS, and has relating policies available on our website [www.nugas.org.au](http://www.nugas.org.au)