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A PRELIMINARY INVESTIGATION INTO PERCEPTIONS OF AUSTRALIAN  
CRIMINAL, CIVIL, AND FAMILY LAW PREVALENT AMONG THE INDO-CHINESE  
SETTLED IN AUSTRALIA.

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The views expressed are the responsibility of the author and are not necessarily those of the Council.

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To the Cambodian, Lao and Vietnamese  
settlers in Australia.

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## I ABSTRACT

This field study on *Migrants, Crime and the Law: The Cambodian, Lao and Vietnamese Experience* encompasses three new communities of new settlers in Australia.

It involves direct interviews with 90 people in major cities - Sydney, Melbourne and Brisbane-, as well as with community workers, solicitors, police and some influential members of the Indochinese community. Social gatherings gave opportunities for further investigation, as well as a chance to gather data which are otherwise difficult to obtain. All data is included in the survey. Current literature is available in Australia, as well as in the United States and other countries where Indochinese refugees have resettled. The study included a number of relevant quotations, otherwise inaccessible, concerning a very little researched field.

The main body of this study on criminology and the Indochinese in Australia focuses first on factors towards a low profile in crime of these new settlers in Australia. Despite internment in previous refugee camps which was revealed as a traumatic passage for many, the Indochinese in Australia present a reassuring image of quiet and thriving settlers. As for other migrant groups, their awareness and exposure to the law is minimal. This situation needs to be considered through active attention and sustained action. Indochinese people are less likely to be imprisoned, and are under-represented in the crime figures. This is a result, in general, of their cultural background which stresses face-saving behaviour.



An important issue remains the generally negative perception that Indochinese people have for the police in Australia. This is a deep-rooted feeling derived from their previous experience in their home countries, their experiences in refugee camps before resettlement, as well as the situation in their adopted country. These feelings and attitudes threaten to offset efforts of Australia's police to create an atmosphere leading toward confidence and ultimately toward co-operation. A set of confidence-building measures ought to be devised to further existing efforts to create a working relationship between police and members of the Indochinese communities in Australia.

The core of this study is devoted to assessing the criminological characteristics of the Indochinese in Australia, these stem from old ingrained habits, and reflect the cultural deprivation and social maladjustment of these new settlers. Many of their problems are derived from their attempts to live as they did in their home countries, which may no longer be acceptable under the Australian legal system. To comply with the laws of a new land is a frustrating endeavour and requires constant caution.

On the other hand, the new environment in Australia has produced two sets of consequences. First, the decay of the authority of traditional leadership and networks, which until now ensured the role of a safety net for Indochinese families, who had to cope with new kinds of problems. Also, there has been a reduction of traditional values which provided social cohesion for the Indochinese communities. This evolution is disquieting for most

Indochinese, as well as inauspicious for their future. The new social environment offers the Indochinese settlers rewarding opportunities, however, such as the increased independence gained by women and improved education for children. Adverse effects have included increasing violence in the family, soaring divorce rates, and the increasing number of youth at risk.

The second set of consequences is that traditional customs disappear by the second generation of Indochinese, who are more likely to commit crimes related to the new social environment as parents lose control over them. This trend is general in most Western countries and needs to be tackled in a more general context. However, it seems advisable to help reinforce traditional leadership and values among Indochinese settlers in Australia in so far as this enhances law and order, and contributes to enriching multiculturalism. In this regard, a more self-restrained attitude in some quarters of the mass media in Australia would be welcomed; sensationalism may be jeopardizing in terms of ethnic relations. In particular, use of terms, such as 'Vietnamese gang', 'Asian gang' could be eliminated.

## II INTRODUCTION

'One law for all'

(The Australian Law Reform Commission, 1991c:4).

When many thousands of people were welcomed into Australia in the wake of the victory of communist regimes in Indochina, in the eyes of most Australians they were perceived as a single ethnic group, wrapped in a convenient denomination such as 'Indochinese refugees', or 'Asians', and often simply as 'Viets'. This bringing together of different ethnic groups under one umbrella was, as Bone, the Ethnic Affairs reporter, noted: "Unique in Australia - an achievement equal to bringing Jews and Arabs, or Greeks and Macedonians together in one organisation" (1989:11). In fact, Broekhuijse stressed, "Asians of diverse heritage - Kampuchians, Laotians, Chinese and others - are often mistakenly dubbed Vietnamese" (1988:143; see also Plant, 1988:68; Borthwick, 1988:4). This is because Vietnamese outnumber other groups. According to the 1986 Census, 12.7 per cent of refugees from Indochina were Cambodians<sup>1</sup>, 7.3 per cent were Lao and 80 per cent were Vietnamese (Lee, 1991:4; Collins, 1985:10).<sup>2</sup> Boua also noted that, "for many Australians it is very difficult to distinguish the three people's physical features. All of them are known as 'Vietnamese' to some Australians and teachers" (1990:10).

Many Asians resent this confusion, especially the Cambodians and the Lao. Some attempts have been made to overcome this confusion, which is also widespread for other races. Thus, in May 1990, instead of using, as in the past, the terms 'Australian appearance', and 'ethnic appearance', police in New South Wales adopted new guidelines to describe suspects by referring only to one of the following categorized terms:

1. Caucasian appearance, 2. Aboriginal appearance, 3. East-Asian appearance, 4. Indian appearance, 5. Middle Eastern appearance, 6. Mediterranean appearance, 7. Black African appearance, 8. Latin American appearance. 9. Other (to be specified) (Ethnic Affairs Commission of New South Wales, 1991:16).

This reverses the trend has been noticed before, particularly when one Indochinese liaison police officer revealed that two years ago there were only two kinds of offenders: either he/she was "Vietnamese", or "European". Thus if any incident happened in Cabramatta, the media reported it as due to "Vietnamese"<sup>3</sup>, even it was not always them (interview, 15 and 16 April, 1992). Now the police attempt to identify people in terms of race rather than nationality.

Though the social and ethnic origin of the Indochinese people is quite diverse, their background in the field of law is relatively homogeneous, in so far as they come from Non-English Speaking countries that were former French colonies. Their experience of the law is different from that of English-Speaking countries in general, and of Australia in particular as much

research has revealed (Victorian Indo-China Refugee Association, 1981; Easteal, 1989; Wilson and Storey, 1991; Bird, 1991). These differences in what is regarded as a crime by migrants from Indochina only adds to feelings of inferiority and powerlessness, for as the Victorian Ethnic Affairs Commission took notice in 1983-1984 (1983:39,47; 1984:51).

However, Australia is a multicultural society, with a rich social diversity. There are now more than one hundred different ethnic backgrounds and 90 different languages represented in Australian society (Francis 1981; 1986; Hazlehurst, 1987; Hawke, 1988; *The Sunday Herald*, 1993:7).

In 1983-84, the Victorian Ethnic Affairs Commission (1983:7; 1984:14, 23) already noted trends in the media to refer to the Indochinese people as a "cultural problem", or to the presence of Vietnamese specifically, as a "Vietnamese problem" (Viviani, 1984; *The Sunday Mail*, December 1, 1991), or due to the presence of Asians in general, such as "Stop the Asian Invasion". For this, the Victorian Ethnic Affairs Commission elaborated in the following terms these:

Not only serve to incite racist feelings within the community through cultural stereotyping but more insidiously they direct public attention away from the real structural inequalities confronting multicultural Australia. Until the factors of culture, changing economic circumstances, internal social divisions and the more general problems facing all newly arrived migrants are separated, racial stereotyping and scapegoating will persist (1983:8).

Sergeant Warren Chambers of New South Wales foreign crime unit, is

quoted as saying: "there are about 40,000 Indochinese in Cabramatta, the biggest Asian population in Australia. Everyone you look at in the street has an Asian face. In an Asian community, you expect to see Asian crime" (Bone, 1989:11).

In 1989, a conference in Melbourne raised the issue of Asian migrants and the law noting that, "the perception of Indochinese migrants was that they were 'all criminals and all on the dole'. Is there any truth or fairness in their perception?" (Bone, 1989:11)<sup>6</sup>. It is now generally accepted that new immigrants of any ethnic background, particularly, Asians-born who had reputedly to "import crime" (Bone, 1988b:14), but statistically speaking, they recorded a low crime profile (Fitzgerald, 1988:66). By contrast, New South Wales Police Minister Ted Pickering, Chief Superintendent Bill Galvin, head of Sydney's Western Police Division, asserted, "on a pro rata population basis, Asians tend to have less involvement" (Mellor and Ricketson, 1991:24). Zubrzycki reported of the Indochinese people, particularly the Vietnamese, living in Richmond (Victoria), "police and government officials say the crime rate in the Vietnamese community is no higher than average" (1987:2)<sup>7</sup>. It has already been firmly documented by many researchers that migrants have low crime rates in the first generation. However, the second generation, i.e. the children of newcomers, displays an overall rate which is midway between the low parental rate and the native rate (Francis, 1986:139). Mellor and Ricketson noted, "despite news reports to the contrary, the Indochinese appear to be at least as law-abiding as other

Australians, and some reports suggest that their crime rate is dropping" (1991:24). Eastaer's study (1989:7) shows that recidivism for young Vietnamese offenders is low (see also Mellor and Ricketson, 1991:24). Some years ago, studies have shown that, on the whole, migrant persons commit fewer crimes and are less likely to be in prison (as of 1985), and between 1982- 1985, Asians in Australia had one of the lowest rates (Hazlehurst, 1987:10)<sup>8</sup>.

This study will portray the profile of new Indochinese settlers in Australia, in the field of criminology.

The most challenging aspect of this research is that it deals with three communities which have little in common except that their home countries had been subjected to something less than one hundred years of French colonisation, followed by more than two decades of dramatic war. The ironic legacy is that French still remains the Indochinese lingua franca. Though in Cambodia, Khmer was the official language of administration, but French was widely used until the Khmer Rouge took power. Cambodians from urban areas were bilingual, speaking French, as well as Khmer (see also Cozzi, 1988a:11). This was also the case in Laos and South Vietnam. These ethnic groups also share their personal ordeal of flight and their life in refugee camps in Thailand, Malaysia, Philippines, Indonesia and Hong Kong. The people from Cambodia, Laos, and Vietnam do not embrace a common culture. Differences include language, tradition, social identity, literature, religion, and family structure. However, as Chou Meng Tarr points out, "Lao and Cambodian have a good deal in common" (1991:19) - precisely their adherence to

Theravada Buddhism. By contrast, Vietnamese culture is very different from the Cambodian or the Lao. The Vietnamese script was originally borrowed from Chinese, but was later romanized by Catholic missionaries. Even so, most of their literary expressions are still borrowed from the Chinese. Lao and Khmer belong to different language groups, but share a number of words borrowed from Pali and Sanskrit. All three Indochinese ethnic groups communicate with each other in French, or in English, which is gaining ground as a second language in each of the three countries.

The peoples of Indochina form a mosaic of five principal ethnic groups in Australia - the Chinese, the Hmong or highland Lao, the lowland Lao, the Khmer, and the Vietnamese. However, these peoples do not perceive themselves as coming from a place called 'Indochina'. In their minds, each racial group has its own distinctive character, reflecting in part the two great civilizations -the Indian and the Chinese- which met in Indochina. For more than one thousand years Vietnam was more directly subject to influences from China. Vietnam's mountain chains constituted a barrier against penetration from the Indian world which left such a vivid imprint on Cambodia, Laos, and neighbouring Burma and Thailand. The resettlement of Indochinese peoples in Australia has brought all groups together. According to figures provided by the Bureau of Immigration Research in 1991 (1991:20, 21), the breakdown of the numbers of refugees and displaced persons coming from Indochina from 1959 to 1990 is as follows: from Cambodia 17,660



persons; from Laos 9,400; and from Vietnam 119,490 persons. The largest concentration of all three ethnic groups is in Sydney, followed by Melbourne, Adelaide, and Brisbane (Bureau of Immigration Research, 1990:3). While the Cambodians are almost ethnically Khmer, the Lao are divided into highland and lowland Lao, and among the Vietnamese are large numbers of ethnic Chinese. Among 664,000 Asian peoples in Australia, Vietnamese form the second-largest Asian grouping behind the almost 200,000 ethnic Chinese (Mellor and Ricketson, 1991:20).

## Method of Research

Funded by a fellowship awarded by Australia's *Criminology Research Council* (Canberra), the prime objective of this study was to initiate a study of Indochinese criminology by using case studies. This involved direct interviews with 90 people from the Cambodian, the Lao and the Vietnamese communities in three major cities - Sydney, Melbourne and Brisbane. Incidentally, some myths surround Indochinese areas of settlement in these cities. For example, in Sydney the Cabramatta-Fairfield area is often called an 'Asian city', 'capital of Vietnamese Australia', or derogatorily nicknamed 'Vietnamatta', was overwhelmingly populated by Italians (Bone, 1988b:14). The Vietnamese-born constitute only 6 to 12 per cent of the population of Fairfield and Cabramatta (Fitzgerald, 1988:66; *The Australian Catholic Social Justice*, 1991:23). Richmond (Victoria) reputedly populated predominantly by Indochinese is still strongly Greek. While Springvale (Victoria) - branded as 'Chingvale' or 'Vietnamese ghetto'- sheltered only 4 per cent of Vietnamese among its population in 1988 (Rasmussen and Tang, 1988:16; *The Australian Catholic Social Justice*, 1991:23). In Brisbane, the Logan Inala-Darra-Oxley-Goodna area is known for its concentration of Indochinese refugees, but of Brisbane's population city as a whole of 745,000 (Caufield and Minnery, 1991:1), and the Vietnamese constitute only 10,000 (Sproull, 1991:4) or roughly 1.25 per cent.

## Description of the Sample and Results

The sample consisted of 30 members of each of the major Indochinese ethnic groups from Sydney, Melbourne and Brisbane. Among 90 Indochinese respondents, 3.3 per cent had been jailed. The outcomes are qualitative rather than quantitative. However, the sources of population pools were different. As the field in which this study was conducted revealed itself a very sensitive one, interviews were formally undertaken with questionnaires embodying a limited scope, while the main focus was drawn through informal conversations. To break down barriers to effective communication and trust I approached people whom I already knew or through references from community workers, friends and influential members within the three communities. All welcomed me. Individual interviewing was the method used, with oral questioning assisted by interpreters for some respondents who could not speak English or French. Information was obtained at the houses of Indochinese respondents. Social and religious gatherings also gave me opportunities to extend my preliminary investigation, as well as to gather data which were included in this study. The majority, particularly of the Vietnamese and of the Lao respondents came from urban backgrounds, talked frankly about their own knowledge of the law in their home countries and their misinterpretation of the law in their adopted country. The Cambodians interviewed did not talk as freely, and declared that they did not know about laws in Cambodia.

Information was also provided by two police officers in Melbourne, two in Sydney, and two in Brisbane. Among six police officers, two were Indochinese and the rest were Caucasians. Half of them were less than 45 years of age. I also interviewed five Cambodians, two Lao, and five Vietnamese community and youth workers. Information was also collected from four Indochinese solicitors and four Caucasian solicitors. Among eight solicitors, there four were women. While 75 per cent of solicitors aged less than 45 years old and twenty five per cent aged more than 45. The majority had one to five years of practice, mostly in dealing with family law, contract, immigration, work compensation, and traffic regulations. Solicitors were mostly interviewed in their office. I found that solicitors from the Legal Aid Services had small offices and were working in very poor conditions.

The main points of this analysis provide a general description of the solicitors, community workers, and respondents among the three Indochinese ethnic groups.

Solicitors, both private and those from Legal Aid Services reported that the Indochinese people encounter problems with legal matters ranging from unlicensed fishing, debts, contracts, immigration, tenancy, and family problems through to traffic regulations and workers compensation. They also reported that some Indochinese old habits lead to problems with Australian law as does petty crime committed by almost teenagers, particularly in Melbourne and in Sydney. They noted that many causes of problems came from the Indochinese people's ignorance of law. Solicitors

reckoned there exists cultural and linguistic difficulties between them and the Indochinese people. Indochinese solicitors interviewed said that they spoke only their native language and English. None of them could speak all three Indochinese languages. While Caucasian solicitors do not speak any Indochinese language, and the majority are only slightly acquainted with the cultures involved. This confirms a recent study shows that there is no Caucasian solicitors interviewed could speak Indochinese languages (Wilson and Storey, 1991; see also Bird, 1991).

Community workers were interviewed in their offices, or sometimes at home. All spoke fluent English. Some could also speak French. Their responses were similar to those given by solicitors, particularly those regarding family problems. They also said that the relationship between Indochinese peoples and the police was more easy than in the past. They said that Indochinese peoples are concerned with legal matters rather than focusing exclusively on social welfare as in the past. All said that now more than ever they need to know more about Australian law. Now members of Indochinese communities seek help about finding solicitors or getting advice on legal matters. While in the past they said Indochinese peoples came to seek help about social benefits, allowances, or housing. They also stated that there are too few Indochinese solicitors. Police interviewed confirmed what I found among solicitors and community workers. They also noted that Indochinese people are still ignorant of the law. They have difficulty communicating with Indochinese. Of the six police

officers, two Indochinese officers could speak only their mother tongue, and no other Indochinese languages.

The background and characteristics of the Indochinese interviewed are quite different from each other (Tables). However, due to the different environments and socio-criminal characteristics of each centre, it is possible to build up a criminal profile of the three Indochinese ethnic groups.

### Cambodian Respondents

The Cambodian respondents comprised 30 people. A large percentage (67%) originally came from rural areas or had been farmers living in villages, but a substantial number (33%) came from urban areas. The majority of Cambodians sampled were females, and only 40 per cent were male. Of the Cambodians interviewed for the study, 50 per cent were married, 23.4 per cent unmarried, 16.7 per cent divorced, 6.6 per cent widowed, while 3.4 per cent were single parents. Almost 60 per cent of those interviewed were over 45 years of age, while 40 per cent were below 45 years of age. The educational status of the 30 respondents was relatively low. While 40 per cent had completed only primary school. About 14 per cent finished secondary education, and 14 per cent had tertiary training. A further thirty-two per cent had no education. Of the Cambodian respondents, the majority of 69 per cent had spent more than five years in refugee camps in Thailand prior to their resettlement in Australia. Some of respondents interviewed left

Cambodia for the camps in 1979, while others arrived after 1981. About 80 per cent of the sample were recent arrivals, only 20 per cent had lived in Australia for more than five years. Nearly 30 per cent of the Cambodian respondents were unemployed, others had their own business, and nearly 46 per cent were process workers. As for religion, 83.3 per cent claimed they were Buddhists. The rest followed other religions, such as Catholics or other denominations.

### Lao Respondents

Of the ethnic Lao respondents for the survey totalled 30 people. About 44 per cent of the respondents came from rural areas. A relatively high number of 56 per cent originally came from urban areas. Of the Lao interviewed, 54 per cent were male, and 46 per cent female. About 53.4 per cent were below 45 years of age, and 46.6 per cent were over 45 years of age. While 56.7 per cent of those interviewed were married, 26.7 per cent unmarried, ten per cent divorced, and 6.6 per cent were widowed. As for the Cambodians, 30 per cent of the Lao in my selection were unemployed, and a half were process workers. The educational status among the Lao sampled was higher than those of Cambodians. Seventy-seven per cent of those interviewed had between one and six years of primary education. A further 13 per cent said that they had finished high school, and ten per cent had tertiary training. Nearly 80 per cent of the respondents considered themselves Buddhists, while 10 per

cent were Catholics, and other 10 per cent followed other denominations. Prior to their arrival, 94 per cent of the respondents were in refugee camps in Thailand for less than five years. In contrast 93 per cent of the Lao interviewed saying they had lived in Australia for more than five years.

#### Vietnamese Respondents

The Vietnamese respondents interviewed for this research numbered 30. About 63 per cent saying they came from urban areas and were generally well educated. Some had been in civil and military service prior to coming to Australia. About 37 per cent came from rural areas. While 40 per cent of the sample were females and 60 per cent were males. Nearly 40 per cent were over 45 years of age, and 60 per cent were below 45. Of the Vietnamese interviewed, 70 per cent were married, 16.6 per cent unmarried, 6.6 per cent divorced, 3.4 per cent widowed, and another 3.4 per cent were single parents. About 26.7 per cent of the respondents were unemployed, while 36.7 per cent were process workers. In relation to the educational status of those interviewed, 43 per cent had completed primary education, 30 per cent had achieved secondary schools, 26 per cent had tertiary training, and one per cent had no education. 50 per cent of the group said they were Buddhists, and some also belonged to the two major Eastern religions - Confucianism and Taoism (26.8%) - some 16.8 per cent were Catholics, although 6.6 per cent followed other denominations. The



majority of 94 per cent of the group said they were in refugee camps for less than five years. In contrast 93 per cent had lived in Australia for more than five years.

III DETERRENCE FACTORS: "THE REFUGEE CAMP"  
LEGACIES AND THE TRAUMATIC ORDEAL FOR  
RESETTLEMENT IN A THIRD COUNTRY

There are many injustices in our society  
(Statement of John Soorley, Lord Mayor in  
Brisbane, 20 November, 1992).

The new settlers from Indochina are not just a new wave of immigrants, rather they are refugees thrown on the shores of Australia by war and its aftermath. The dramatic circumstances of their plight are difficult for many Western people, particularly Australians, to understand. As Mark Shepherd, Fairfield Chamber Magistrate in New South Wales noted:

Anglo-Saxon Australians have to realise that since British colonisation we have never been invaded, never had a 100-year war with a neighbour, there has never been a plague or famine, and there has never been a civil war with blood spilt in the streets. We simply don't understand how one or all these things affects a migrant's attitudes and behavior and the traumatic time they are going through (*Fairfield Advance*, 27 September, 1988:2).

From this historical experience it is very hard for people who have never known the effects of war to understand people who not only have for many decades been caught upon in war and its aftermath, but have also experienced difficulties during their detention in refugee camps and during their early period of resettlement. As Bone asserted: "few Australians appreciate how much trauma Indochinese refugees suffered before they came here.

Many had been jailed and tortured; many women had been raped and many men had seen their mothers or sisters raped" (1989:11).

Before coming to Australia, many of the Indochinese were already refugees in their own countries (Tenhula, 1991; Ngaosyvathn, 1993). Around 927,000 Vietnamese - of whom 60 per cent were Catholics - fled from North to South Vietnam after 1954 (Burley, 1990:200). Nearly one third of the Lao population was forced from their homes as a result of American bombing in the 1960s and in the 1970s (Olson, 1978). In the early 1970s it was estimated that about one third of Cambodia's population was displaced within Cambodia by the war (Pidgeon and Robinson, 1986:2). In the wake of the shift of balance of power in Southeast Asia in 1975, an unprecedented number of Indochinese people from all social strata fled with all the trauma and risk involved to neighbouring Thailand (Garrett, 1980; Chongvatana, 1988; Lee, 1990; Phommachanh, 1991). In doing so, they left everything they had in the hope of being selected for resettlement by mostly Western countries about which they knew little if anything. However, of the three Indochinese peoples, the Khmer, the people of Cambodia have suffered more (see Boua, 1990). Furthermore, the passage of pre-migration through refugee camps, particularly in Thailand, in Hong Kong, exerted some crimino-socio-political influences on the refugees (Boua, 1989; Cope et al. 1991).

In some sense, some lost family members during their escape. Those who survived by crossing the Thai border were

captured, sometimes tortured, and thrown into jail. They were then consigned to refugee camps where the living conditions were strictly regulated by Thai authorities in order to deter other refugees (Garrett, 1980; Chongvatana, 1988; Lee, 1990; Ngaosyvathn, 1993). "The prison-like situation in the camps, with soldiers and machine guns present everywhere" (Boua, 1990:22), and where crime, prostitution and drugs reigned (Songprasert, 1988).

The memories of the hardship endured in refugee camps are deep rooted for many refugees. As Boua emphasized that,

Children remember the constant hunger and how they had to roam the forest for insects or roots or steal to get additional food. They also remember the price they or some of their friends had to pay when they were caught stealing. The disciplinary measures included beating, starving, forced labour and death. On top of that, many adolescents remember watching their immediate family die of starvation, disease or simply being marched away never to return.

After the Pol Pot period came the refugee camps in Thailand where they lived behind barbed wire, possessed no basic human rights, and lived on handouts from international agencies. Violent crimes such as rapes, robberies, killings are common occurrences there (1990:7).

This situation was widespread and continues to the present. As Fordham, one of the foundation members of the Indochinese Association in Australia, puts it,

For people living in refugee situations over a lengthy period limits on human behaviour must also be seen and in extreme cases it becomes a situation of survival of the fittest. This fluctuates from camp to camp with the most extreme being seen in the Khmer border camps where the spiral of violence is so dramatic that people resort to war weapons to solve domestic disputes (...). The unaccompanied minor who, in reality is not

responsible to anyone in the camp and has no one strictly responsible for him/her can, over time sense that stealing, lying, hoarding and cheating are positive if the only person they are responsible to and is responsible to them is themselves. This theory can be expanded to families or any unit (1991:6).<sup>9</sup>

According to research (Ngaosyvathn, 1993), Australia is not on the agenda of most of those screened for resettlement overseas. Most chose France first, a country with which they felt acquainted through their school curricula, and also because the elite in Indochinese countries was oriented toward France. The United States of America was another choice. Their unfamiliarity with Australia made their selection by the immigration service a surprise, and was a kind of second best. Moreover, some contend that the screening was loose because Australia was itself unfamiliar with the intricacies of social relation in Indochina.<sup>10</sup> Some Indochinese people have also been affected by the criminal atmosphere that existed in refugee camps. This was, particularly, the case for Cambodian refugee youths "orphaned and inured to semi-criminal gang survival from their pre-migration experience", Cope et al. (1991:31) are referring to Boua's 1989 thesis.

## IV ABSENCE OF CONFIDENCE

It is difficult to stir confidence from newly arrived settlers on the spot who have hardly grasped with their new environment. The worst is that saying law breakers can easily retaliate against those daring to support the police. While on the other hand, the image they have of the police was biased by their previous experience in their former homelands or during their plight in refugee camps. This image was heightened by a perception - false/true - of a lack of success in tracking criminals. All these factors have been taken into account by concerned authorities who have enlarged efforts to overcome such hindrance to the good enforcement of law and order.

As Bone has stressed, "a small minority is causing attention to be focused on the whole community and it makes good people feel that everyone is looking at them as criminals" (1989:11).

From my survey, a general absence of confidence among Indochinese people in Australia, is predominant. This tendency stems from a string of factors, including the fear of the police and of the retaliation exerted by law breakers. The information gathered from the survey showed that the main reasons for the lack of confidence is that Indochinese people were very prudent when dealing with authorities such as the police. In response to the question, "Do you contact police if you have a problem?" only

31.10 per cent said that if something happens to them or to their communities they will contact or call the police. This is not new, but was also the case in their home countries and in refugee camps. This fundamental reservation remains after their settlement in Australia.

For the police views gathered during my survey was that nobody will speak about anything that happens in Indochinese communities until they are sure that police really want to help.<sup>11</sup> This confirms, for example, in Victoria, Neil O'Sullivan head of Australia's specialist police squad in the *Bao Ve* pointed out, "first we had to get the community to understand that we were not there to hurt them but to help them. That we were different from the normal run-of-the-mill police they knew in their own country" (McGregor, 1989:32; see also, Donoghue, 1982; Francis, 1986).<sup>12</sup> Three years later, Detective Sergeant Stephen Pierce of the Victorian Police Asian Division states a similar observation: "Indochinese crime is no worse than in other sections of the community. The main difference: it is largely committed against other Indochinese and is often unreported, partly through fear and partly because Vietnamese, Cambodians and Laotians come to Australia with an acquired anxiety about dealing with law-enforcement agencies" (Mellor and Ricketson, 1991:24). Of the Indochinese groups for the survey, 37.8 per cent said that they prefer to resolve their problems by themselves, peacefully or violently as vendettas, or in the form of the Hebrew legislator authorized, such as "an eye for an eye, a tooth for a tooth".

### **Fear of Retaliation or Retribution by Law Breakers**

Fear of retribution by law breakers exists in every society and Australia is no exception, either for migrants in general, or Indochinese peoples, in particular.<sup>13</sup> This fear constitutes a great problem for co-operation with the police. For example, a Khmer community worker in New South Wales revealed that the Police department wanted to recruit people among Khmer community, but nobody was interested (interview, 15 April, 1992). In response to the question on abstaining to approach the police when having a problem, 52.2 per cent of Indochinese respondents said that it was a fear of reprisal exerted by offenders. Furthermore, some Indochinese complained to the author that the majority of offences were likely to be committed by Asians against Asians, or by Indochinese against Indochinese. In general, offenders know their victims well and know, for example, which houses have cash, necklaces or bracelets in 24 carat gold.

It is also the belief of many Indochinese respondents that in Australia the police are not able to provide protection. Knee's observation about Southeast Asians in the United of States is pertinent for he notes: "fear of retaliation by the gangsters is far more powerful than the protection of the police" (n.d., p. 29). This is also recognized by the police in Australia: "many Indo-Chinese believed that Police can not provide adequate protection against the criminal elements and failed to report [crimes] because of fear of retribution" (Pierce, 1992:2).<sup>14</sup> This results in a



vicious circle. Fear of revenge by criminals makes it difficult for police to arrest offenders, and many shopkeepers are wary of discussing any problems (see about Cabramatta and Victorian experiences, Masters L., 1988; Broekuijse, 1988; Carrick, 1987:6).

### **Fear of the Police**

The fear of retaliation by law breakers is much on the minds of Indochinese migrants, but their fear of retribution by the police has persisted, even after more throughout the fifteen years of resettlement in Australia. As the Australian Law Reform Commission substantiated that,

Associated with the above issue are the attitudes that many Vietnamese people have about identified authority figures. Police, judges or other official figures may be associated with persecutory experiences in Vietnam and refugee camps in which they experienced themselves as - powerless and without rights (1991b:25).

Indochinese peoples arriving in Australia brought with them their feelings towards the police in their former homelands were often brutal and corrupt. This was reinforced by their stateless status and by the ethos of the Australian society in which they are immersed. Also for Australians often harbour similar feelings towards the police.

It is a popular and scholarly conjecture that Australians are traditionally mistrustful of authority. From the time of white settlement the authority of the state has been most visibly protected and enforced through the use of military and paramilitary agencies. The objective conditions of a colony founded on the aggressive acquisition of land from traditional owners, coupled with its penal subordination of a great part of its initial migrant population has contributed to the much observed culture of mistrust of Australians towards authority (...)

The tolerance and repression of ethnic Aboriginal and Gaelic cultures by the nascent Australian colonies was a part of this process. It was significant in clearing the path for a political consensus. It is in part a legacy of this political consensus that police in contemporary Australian society are traditionally considered to occupy a coercive dimension within social relations. This traditional perception may well accord with the expectations of people arriving to Australia from countries which have repressive regimes (Ethnic Affairs Commission of New South Wales, 1991:12).

Kiosoglous went on to note:

A very different perception of the role and the function of police, and any encounter with the police, for whatever reason, is likely to be a frightening experience indeed. (...) In recent years we have had an increase in the number of Russian Jews emigrating to Australia. Indications are that these immigrants are 'terrified of the police and of the Australian legal system' (1983:5).<sup>15</sup>

I have been told that many Indochinese peoples were also aware of

the imprisonment of Aboriginal people. This confirms O'Shane's statement that, "Australia has the dubious reputation of having the highest incarceration rate in the world of indigenous people" (O'Shane, 1991:63).<sup>16</sup>

Problems in communication between authorities and citizens, particularly the refugees or the non-English-speaking communities, are difficult to mend. This is recognized by the police. "The ability to communicate with different ethnic groups and remove a fear of authority will be the major problems for Fairfield police for several years to come. And language, plus convincing migrants that police are not jack-booted bullies, are not the only barriers" (*Fairfield Advance*, 27 September, 1988:2).

Many researchers have already written about the attitudes of Indochinese people coming to Australia with a certain image of the police from their countries of origin, characterized by bribery, corruption and authoritarianism (Carrick, 1987). The inspector of the Oxley police station, Ray Tame, simply reckoned that, "they [Indochinese people] still have the image of the uniform in their origin countries" (interview, May 8, 1992). This is also the view of a senior detective, Kevin Curran, in the Victorian police force, who clearly made the link when he said: "because the Vietnamese had experienced corruption among police in Vietnam, they did not trust police in Australia" (Carrick, 1987:6; see also Donoghue, 1982:10-11). My findings confirm that this belief is still widely held, particularly by Indochinese peoples coming from controlled camps in Thailand or other Southeast Asian

countries. They had also experienced the police in Cambodia, Laos and Vietnam which were often oppressive in their techniques. People in Indochina have always lived in police states, where policing is significantly more involved in politics, and every move initiated by a citizen is closely monitored. Any anti-government may be construed as a crime carrying a sentence of long years in prison. I have been told that many Indochinese have not forgotten this, and have brought this fear and distrust with them to their adopted country (see also Hazlehurst, 1987). Summing-up the widely spread feelings, Wilson and Storey (1991:ii) also described: "attitudes to police and people in authority in Vietnam colour the relations with equivalent office-holders in Australia" (see also Guilliat, 1983:4).

This is, however, not only an Indochinese trait, but the general feeling emanated among migrants from any background (Kiosoglous, 1983:5). This stemmed from the very fact of the differing roles and status assumed by police not only in Indochina, but also in various countries and in Australia. This confusion lingers as evidenced when 47.8 per cent of Indochinese respondents in the selection openly expressed their view about the police in Australia that even after many years of resettlement they are still afraid of being involved with authorities, such as the police as previously mentioned. Furthermore, I found that the fear of police also linked to the minimal level of knowledge of the Australian legal system before Indochinese peoples coming Australia. In relation to the question of "Did you know of the Australian legal

system before coming to Australia? 89.9 per cent of the three ethnic groups said that they received no information on the law. This is compounded with the antagonisms and prejudices expressed by some members of the local population which unnecessarily made them even more victimized in their new society. Moreover, many Indochinese respondents confessed that even police in Australia is different from what they knew in their home countries, but they still do not know the real duties of police in Australia. Prior to that of the general feeling, suspicion was widespread (see also Blogg, 1982:4). Sometimes, the fear of the police is not without foundation. This situation was drawn attention to as early as 1979 by the Ethnic Affairs Commission of New South Wales (1979, Vol.I:65). The Australian Law Reform Commission has also explained, "there is also concern about police officers having pre-conceived notions, based more on prejudice and stereotyping than on facts, that members of some ethnic communities are likely to commit certain offences" (1991c:51). The more recent event happened in Cabramatta dealing with this is described in great detail by Hole (1992:5; see also the *Viet Luan*, 1992). The fear of police is tremendous, even, after one Indochinese youth was beaten up, an Indochinese doctor refused to write a certificate because he was afraid of any involvement with the police (Kaufman et al. 1991:10). A study of Vietnamese refugees conducted by Wilson and Storey (1991:15) showing that 75 per cent of those surveyed complained of poor treatment by the police. This situation is similar to that encountered by many other migrants (Seeto, 1991:90). One

Indochinese community worker in Melbourne said that, "sometimes, police even doubted the community workers when they accompanied the teenagers to the police station and police ironically asked if the teenagers were their friends". Understandably, this behaviour impaired the work of the police as it entrenched attitudes of suspicion and reinforced non reporting of crime.

### **Cultural Characteristics Prevent the Reporting of Certain Crimes**

The culture and the language of the Indochinese peoples are barriers to reporting crime to the police. This leads to further misunderstanding and causing them more problems with the police (Pierce, 1992:2). The majority of Indochinese respondents said that the English language was already difficult, and it was even more difficult, not only for them but for Australians too, when it is legal language. Law in the Indochinese languages is obscure. The "language barrier has made the job take three times as long as usual", noted Monaghan (1984:22).

At the same time, Indochinese peoples are strongly reluctant to discuss their own problems with what are termed "outsiders", particularly regarding to family problems (see also Australian Law Reform Commission, 1990). When victimized by crime, such as rape, they stay mute to avoid "loosing face" for the whole family. Practically, women who have been raped do not seek counselling on this matter. This also confirms what Bone has found (1989:11). Unlike in Western countries, in Indochina there was no

counselling for rape. From this previous situation, when facing with rape, most raped women were desoriented. Pierce (1992:2) noted this characteristic of Indochinese peoples in Victoria,

Reports of spouse or child abuse are rare and in particular, the reporting of sexual assaults or rape are almost unheard of. This is due to the belief that calling the Police to report such criminal activity is considered a disgrace to the family concerned and a burden to any business they may be involved in.

During the survey, I found a recent poignant case involving the rape of an Indochinese girl in the area of Goodna (Brisbane). Nobody among the Indochinese knew what had happened, except her relatives, and out of necessity, Australian supervisors where she was working. Indochinese workmates knew later through the Australian supervisors and other workmates who discussed it openly. It was a very hard decision for the victim and her relatives to agree to testify against the suspect. On one hand, she had no other choice, because the rape was committed while she was getting ready for work, so she had to explain to her supervisor why she was late. Some Indochinese believed the attacker knew her schedule.<sup>18</sup> Another reason for reporting the crime was that, even though she feared retribution and she continued to keep silent, she would not have a peaceful life. If she wanted to continue living in the area, if she moved, she would lose her job. According to some Indochinese at the same work place, reporting the crime to the police for protection was a good decision. Others were not so sure. For the police too, it was not an easy task. The inspector at the police station in

Inala (Brisbane) claimed, when interviewed on May 8, 1992, "among the Indochinese refugees in Brisbane, there is practically no report on rape".<sup>19</sup> Traditionally this offence is a matter concerning only the family. Indochinese people have their own traditional ways of resolving sexual harassment. For example in Laos, local custom tolerated the courting date. There was, however, always a protective device for the young girl. When speaking suggestively to the girl, a young man must not offend her. If she is offended, it is not only considered a disgrace to the girl's family, but also an assault on the girl's ancestral spirits who protect the house. In that case, the young man has two solutions. Either he could marry the girl, or he had to pay a fine. If the fault had some repercussion, he had to pay double. All offences made against women drew a fine, commonly called *paeng heuan* (repair the house), known as *phit phi* (offending the spirits) to propitiate the guardian spirits of the house and the family. "All failure to respect custom and decency was considered as a sin against the *phi heuan*, tutelary guardians of the house and the customs", noted an expert on Buddhism in Laos (Zago, 1972:221). The tariff depended on the seriousness of the sexual offence.<sup>20</sup>

This custom is readily superseded in the resettlement country. For instance, when a ten-year-old girl of the Lao ethnic minority Hmong living in Long Beach (the United States) was raped, the young man preferred to pay a US\$900 fine. However, the girl's parents refused to accept the money and sued the young man in the courts (*Lao Samphan News*, 1989). Generally, Indochinese women



victims of rape are socially censured by their communities.<sup>21</sup> As Indochinese communities are small, all knew which woman has been raped.

#### **Perceived Lack of Success by the Police and the Courts to Arrest and Punish Criminals**

As previously mentioned, Indochinese peoples are prudent (see also Fulton, 1982). I have been told that many Indochinese peoples also perceive a lack of success by the police or the courts to arrest and punish criminals as ground for keeping silence. As earlier noted, this only adds to an ignorance of understanding by Indochinese peoples of Australia's legal system. Responding to the question, "Since you have settled in Australia, have you received information on the legal system?" 56.6 percent of the Cambodian, 43.3 per cent of the Lao, and 30 per cent of the Vietnamese respondents answered that they received no information. About 36.7 per cent of Cambodians, 50 per cent of Lao, and 56.6 per cent of Vietnamese answered that they received a little information. While only 6.7 of Cambodians, 6.7 per cent of Lao, and 13.4 per cent of Vietnamese interviewed reported that they know legal system well. Overall, an estimation of 43.3 per cent of Indochinese respondents do not receive any information on the legal system by contrast to 47.8 per cent know a little. Those Indochinese respondents from urban backgrounds are more familiar with the French system. Some Indochinese people complained to the author that in a society where

there are more laws, ignorant people could easily become offenders. For example, in Australia, they said they could be sued for neighbourhood problems, or be warned for overgrown trees, excessive noises, or a ball falling into the yard of a Caucasian neighbour. In Indochina, it was rare to see people arguing or threatening each other over a mango or leaves falling in a neighbour's yard. Again, according to them, the lack of information on the legal system is aggravated by the fact that court procedures and hearings are often very different from those in their home countries and there is too much paper works and many laws. This situation has already been noted by Paula Kelly in a 1981 survey questioning Indochinese on how they viewed the laws (Victorian Indo-China Refugee Association, 1981). Some Indochinese respondents said that they were afraid and did not want to be involved with anything to do with the prisons or the courts. One Indochinese community worker in Melbourne recorded that, "even in the stages of the hearing, they [Indochinese peoples] are already afraid" (interview, 22 April, 1992). Furthermore, as in their home countries, I have been told that many Indochinese people considered the court or the prison an unauspicious place. Based on this prejudice, if a family member was released from jail, he/she must go first to the temple to wash the "dirt" from themselves before going inside the house. Like in their home countries, they preferred to be ordained as monks and stay in the temple for a while before returning to civilian life to atone for the disgrace.

### **Efforts Made by Authorities to Cope with New Challenges**

As mentioned earlier that the majority of police interviewed said they do not speak Indochinese languages and knew little about the cultures. This leads to a lack of communication between police and the community (see the previous statement made by the Victorian Ethnic Affairs Commission, 1983:23). This confirms a recent impressionist view that in Victoria, "it is fair to say that the average Police Officer was ignorant of the Indo-Chinese people and their customs" (Pierce, 1992:1). Detective Kelvin Curran, one of four officers of the *Bao Ve* (Protection task force), in Victoria, has observed that, "the language barrier was only one problem for police in detecting and preventing crime" (Carrick, 1987:6; see also Bienbauer and Wright, 1985:5). This statement does not only apply to Victoria. In Brisbane, Ray Tame, inspector of the Oxley police station agreed that: "we do not know about the Asian customs, particularly the Vietnamese" (interview, 8 May, 1992). The situation is, however, changing for the better in New South Wales. Some strategies have been developed, such as in New South Wales. As Lenarduzzi (1988:5) has noted, "already 15 officers from Cabramatta [New South Wales] have attended Vietnamese language courses at the Australian National University in Canberra". Jim Bostock, Chief Inspector, Divisional Commander at Fairfield police has stated, "our two community liaison officers have set down guidelines to give police an awareness and understanding of different cultural backgrounds" (*Fairfield Advance*, 27 September, 1988:2). Since 1985,

more police on foot patrols in Cabramatta have been introduced.<sup>22</sup> "Cabramatta's foot patrol police have all undergone a three week intensive course in Vietnamese" (*Liverpool Fairfield Champion*, 13 April, 1988:7).

Easteal elaborated the positive side as follows:

Under-enumeration may also result from the nature of the ethnic community's reporting of crime. Expectations of police vary cross-culturally and migrants bring their perceptions of law enforcement with them (Francis, 1981:70). Thus, Vietnamese victims may fail to call the police out of fear and distrust that stem from experiences in Vietnam. However, it should be noted that since 1985, task forces, ethnic liaison police officers and foot patrols have been operant in the New South Wales Vietnamese communities both to combat crime and to encourage a positive police/ community relationship (1989:8,9).

As well as improvement in relation to Vietnamese, other efforts have also been made in Cabramatta/Liverpool (*Fairfield Advance*, 12 January, 1988:3). By April 1985, 10 per cent of persons employed in the Police Force were from ethnic backgrounds (Thorgood, 1984:2). The Bao Ve squad was formed in Victoria, made up of seven officers, three of whom speak Vietnamese, to deal with the city's Indochinese communities (McGregor, 1989:32)<sup>23</sup>, and in 1991 Cabramatta had a Mobile Police Station donated by the local business community (see also Tran F., 1991:2). During my field trip I visited this Mobile Police stationed in the heart of Cabramatta. One Indochinese liaison police officer stated that since the existence of the Mobile Police Station, security has visibly improved in Cabramatta.

In Victoria too, there has been some effort to recruit police with ethnic background. The *Bao Ve*, a special police task force, was set up in November 1985 to "deal with crimes committed within Melbourne's Vietnamese community (...). Another means of overcoming the problem would be to employ Vietnamese in the police" (Carrick, 1987:6; see also Zubrzycky, 1987:2). The *Bao Ve* squad published a booklet aimed at informing Indochinese people about their service (McGregor, 1989:32). However, compared to the number of Indochinese in places such as Cabramatta where there are 40,000 Indochinese (Bone, 1989:11), there are relatively few Asian police officers. A similar situation exists in Victoria. For example, "of three Vietnamese who recently completed training, only one remains in the 12,000-man force. Victoria, with its specialist Asian crime division, has just two Vietnamese officers - and a civilian doing clerical work and translation" (Mellor and Ricketson, 1991:24).<sup>24</sup>

In order to prevent crime, Victoria has set up a special telephone line. People can ring up anonymously to provide information about crimes. The recorded message is then translated (see also Carrick, 1987:6). In New South Wales, a telephone hotline was also set up in an new programme called Operation Dragon, and connected to a 24 hour answering machine (*Liverpool Fairfield Champion*, 13 April 1988; Crew, 1988:4; Mellor and Ricketson, 1991). Anyone can ring up anonymously and speak to a police officer. According to Cabramatta chief inspector Anderson, this was a "step in overcoming the barrier between the Indo-Chinese community and local police" (*Liverpool Fairfield Champion*, 13 April, 1988:7).

This is a positive step in preventing new violence in Cabramatta, and developing community-based policing projects including Neighbourhood Watch and Business Watch (*Fairfield Advance*, 12 January, 1988:3).

## V ENDURING VALUES AND PATTERNS.

Few Western people, particularly Australians, understand Asian or Indochinese cultures, or vice-versa. Asian social behaviour is different from that of Westerners or Australians. One of the most important differences is the Asians need to "conserve face". The well-being of an Indochinese family is affected by this need. This includes pride, honour, self-esteem, dignity, by contrast to this opposite disgrace. Indochinese peoples would try in their capacity to maintain their honour and pride and at the same time avoid "losing face", otherwise their personal identity is threatened.

### **Face-Saving Oriented Behaviour**

Indochinese peoples place a high value on the family. This embraces the dead, as well as the living, tying past generations to those still alive and those yet to come (Hammer, 1966:209; Barker, 1982:9). Family honour is all important. In his study of Vietnamese people, Burley comments:

Family honour is paramount and stringent social censure is applied to family members dishonouring the family name. Should such a disgrace occur, families are accustomed to dealing with those matters internally and without help from outside. Thus honour is maintained without loss of face (1990:201).

This is also true for the Cambodians, and for the Lao. The

Australian Law Reform Commission also points out,

In traditional Vietnamese culture it would be seen as shameful to seek outside help, or even let other people know that you were having family problems. As a result, consulting public institutions may conflict with strongly held beliefs about appropriate and acceptable behaviour. Vietnamese people may fear that if they consult a Vietnamese worker their problems will become known in the whole community, and that the family name will be damaged. They doubt that confidentiality will be respected, even in a professional context. (1991b:29).<sup>26</sup>

The concepts of face-saving, avoidance of shyness and discomfort are at the very root of avoiding face-to-face contact. This often results in problems not being addressed. As Chanthachak, an ESL Lao teacher in Melbourne, noted. "Given that Lao people do not like to publicise their problems, I cannot help but suspect that the real degree of difficulty [in overcoming problems] may be greater than it appears" (1991:10; see also Robinson and Pidgeon, 1986; Schwaiger and Chanty, 1992). He continued,

Apart from being small in number we are also weak organisationally. Much worse, we are not good at lobbying and publicising our concerns. We know how to accept, tolerate and persevere, but we do not know how to complain. Once an Australian friend told me that if we want to get any help, we have to squeak. 'Squeaky wheels get oiled', he said. And I think he is right (1991:10).

Reluctance to seek help from outside by the Lao was noted by one Lao woman leader of the Lao Women's Association of Victoria,

It is very hard for the Lao to talk to outsiders, they prefer to keep their problems inside and don't know how to use services to seek help. They talk to outsiders only when their problem becomes complicated and so difficult that it can not be solved from within their community. This attitude of the Lao has led the Australian



government to believe that the Lao have no problems, though actually nobody can see if they have a problem or not (interview, 22 April, 1992; see also the Australian Law Reform Commission, 1991b; Community Welfare Service, Department of the, n.d., p. 2).

The concept of face-saving leads most Indochinese people to believe that it would be shameful to seek outside help, or even let other peoples know that they have problems, particularly family ones. For this, Indochinese peoples have a saying "do not open your shirt to show your back [dirty]". As stated by Mr. Thaddeus Aloytus Phong Nguyen, an interpreter in Victoria, "in Vietnamese culture we don't tell our problems to a stranger" (Zubrzycki, 1987:2; see also Barker, 1982:9).<sup>27</sup>

From this behavioural norm, Indochinese respondents for the study were questioned as to whom they would initially turn to for assistance if faced with legal problems, nearly 37.8 per cent indicated that they would prefer working out their problems by themselves. About 27.8 per cent of the respondents in the selection said that they would turn to the family or relatives, while 22.2 per cent to friends or spiritual community as the source of help regardless of the problem. However, because the majority of Cambodian respondents lack family or relatives said they would resolve their problems after by themselves, in contrast 30 per cent compared to 20 per cent of the Lao and 16.7 per cent of Vietnamese preferred to count on their friends and their community.

This typical behaviour express by the Indochinese peoples is strongly culturally based. After the family, Indochinese

respondents reserve a particular place for friends, spiritual leaders, community leaders and social workers. As in Indochina, traditionally, seeking advice from spiritual leaders, including religious leaders, such as monks and those who are recognized as being knowledgeable in traditional rituals, is another important way of solving personal problems. Community leaders are people perceived as having authority and influence within their own ethnic communities. All have great potential as intermediaries between Indochinese people and the larger community. Their leadership role requires them to act as interpreters, consultants, advocates, and educators. However, the social worker role is the most commonly available source of help for all ethnic groups, and is the bridging link with all authorities. In other words, social workers have the role previously played by the head of the village. All Indochinese community workers interviewed confirmed: "now they come to see us for everything". The majority of Indochinese respondents sustained that private solicitors, as well as those from the Legal Aid Services are their last resort.

### **Cultural Clashes and Law Enforcement**

Resorting to help, particularly from a legal system far removed from Indochinese culture, is usually too threatening. In particular, recourse to a lawyer is widely viewed as totally unacceptable. Furthermore, the cultural gap between Indochinese and

the Australian community is one which still exists. For instance, all authorities, particularly the police, still have difficulty understanding Asian differences, as well as Indochinese cultural traits, such as not looking a person straight in the eye. Indochinese children were taught when talking never to look their parents, those they respect, or those higher in rank, directly in the eye. So looking in the eye for Indochinese cultures is rude and disrespectful behaviour (Barker, 1980:121). However, avoiding looking someone in the eye is for Western people a sign of disgrace (Tran My Van and Holton, 1991:93). Crawford remarked of the Vietnamese: "Vietnamese people have a habit of not looking into your eyes when they talk to you (...). This is to indicate politeness" (1966:110).<sup>28</sup> In Australia, however, when Indochinese peoples avoid eye contact, this arouses suspicions. Some Indochinese respondents said that in Australia, if an Indochinese person has a brush with the police, he/she is often already labelled an "offender" before committing any offence simply because he/she fails to look the police person in the eye. Another cultural trait which can cause Indochinese peoples to have problems with authorities or the police is use of "yes" or "no". Much research has been done on this problem, including that of Barker who noted: "In Vietnam one responds, 'yes' to all queries, meaning, 'I can hear you'. This obviously can lead to misunderstandings with a non-Vietnamese speaker" (1980:121).

This has to do with another cultural difference between Indochinese and Australians in the matter of directness (Community

Welfare Services, Department of the, n.d., p.9).<sup>29</sup>

For this, Crawford suggested, "think it out and you will see that the Vietnamese are really correct. Best advice, don't ask negative questions" (1966:111). To somewhat a similar situation exists in Australia to Aboriginal people, as Gagliardi has reported Diana Eades's statement that, "the simple word "yes" does not necessarily mean the same thing in Aboriginal English and standard English (...) Aboriginal English speakers often agree to a question even if they do not understand it" (1992:9). This situation occurs also the Indochinese people resettled in Australia (Community Welfare Services, Department of the, n.d.).

## VI AUSTRALIA'S SOCIAL FABRIC.

Equality before the law is a basic principal for all

(Bird, 1988; Restuccia, 1991)

It is possible that some facets of Australian society make Australia somewhat better in inhibiting the excessive criminality that occurs in the United States of America. Among these might be mentioned social security, unemployment benefits, communal respect for law and order, and controls over firearms.

**A Welfare State**

In Indochina, there are few formal welfare services. In Laos, for example, there was only a social-welfare service for displaced people or orphans. Otherwise there are no unemployment benefits. In settling in Australia, Indochinese people discovered another world of welfare (see recent data, *The Sunday Mail*, 23 May, 1993:64). It is generally accepted that the generosity Australia has demonstrated in welcoming the Indochina refugees has exerted a long-lasting positive influence on them (Nguyen Xuan Thu, n.d., p. 1). Although, I have been told that some Indochinese people are reluctant to be benefitted from the social welfare (see also Wallace, 1990:39-41). They said that they prefer to work if they could get a job, and mentioned that they are not accustomed to

receiving social benefits, which they regard as a last resort (see also Bui Trong Cuong, 1980; Nguyen Xuan Thu, n.d.; Ngaosyvathn, 1993). Generally speaking, the gratefulness felt toward Australia embedded in every Indochinese person and their offspring forms the major encouragement to conform to the code of good citizens. For as Mr Thaddeus Aloytus, Phong Nguyen, in Victoria stressed, "ungratefulness is the most shameful thing, so all favors must be returned" (Zubrzycki, 1987:2). As in their home countries, almost all Indochinese respondents said they want to be good to Australia, the country which gives them a house, food to eat, and educates their children. This has been noted in the *Fairfield Advance* (February 2, 1988:1) where a survey revealed that ninety-nine per cent of, for example, Vietnamese migrants in Cabramatta were law-abiding citizens (see also Bone, 1989). Besides this general feeling, other immediate reasons cogently urge them to keep away from any violation of the law, even the most benign. Reasons collected from the survey are related to the necessity of keeping welfare benefits, the desire to have applications for citizenship approved, or the desire to sponsor relatives. This was already noted by Guilliat (1983:4) in the 1980s.

## Unemployment

The problem of unemployment is found everywhere and Australia is no exception. On 17th of June 1992, Channel Ten reported that one in ten people in the nation are jobless. Unemployment is forecast to stay high, and not only for migrants and Indochinese people, but for the entire population. According to official job statistics, one third of teenagers seeking jobs are unemployed. In Victoria and South Australia the youth jobless rate is close to 50 per cent (Dusevic, 1992:7). A recent publication (Viviani et al., 1993) shows a high unemployed rate among Indochinese youth. In my selection, nearly 28.9 per cent of Indochinese respondents were unemployed. Compared to Vietnamese, the Cambodians and the Lao were relatively higher. Generally speaking, unemployment among Indochinese settlers is high. This situation has a depressing effect, as Nguyen Xuan Thu has noted, for instance:

Many Vietnamese men have tried very hard to find a job in different places and sometimes the same place many times a week. They desperately need a job to solve their dilemma: they need money on the one hand; on the other hand, because of their former cultural norms, they do not want to become a burden on the society. Recent statistics have shown that the Indo-Chinese migrants have been one of the highest unemployed groups in Australia. This does not mean that this group of migrants is not willing to work or does not have sufficient capability to enter the Australian workforce. The shortage of jobs every where in Australia at this moment has prevented some from obtaining a job (n.d. p.4; see also Bui Trong Cuong, 1980:2,3).<sup>31</sup>

Against this background of economic recession, the image of a hard-working people persists (see Collins, 1985:10; Carrick, 1987:6)<sup>32</sup>. A study (Tran My Van and Holton, 1991) into Vietnamese social mobility in Australia between 1975 and 1990 shows these migrants have made important advances, especially unskilled and semi-skilled employment, even though this was not the kind of work to which they had been accustomed. Many Indochinese peoples have achieved such employment in spite of experiencing racial bias and discrimination (Sproull, 1991:4; *The Australian*, January, 1992:8; King, 1993).<sup>33</sup> Fagan and King reported: "Asian, American, Yugoslav and Greek-born workers are doing better at holding their jobs than Australians" (1991:5). Peters has already noted,

Asian migrants, particularly refugees, are among the most successful and committed groups entering Australia, a Committee for Economic Development of Australia (CEDA) conference in Brisbane has been told. Keynote speaker Ian MacPhee, former federal Immigration Minister and now partner with solicitors Corrs Australia, told 50 CEDA Queensland members at the Immigration Outlook Conference that, "We need them (immigrants) far more than they need us" (1991:7).

Despite such social breakthroughs, the current deep recession may have a correlation between this economic crisis and high rate of offences.

In areas where you are seeing a marked rise in crime you will find that much of it is linked to unemployment, and where you have rising unemployment, you will find some people blaming migration as being the major cause of that unemployment", said James Jupp, Director of the Centre for Immigration and Multi-cultural Studies at the Australian National University. Jupp nominates suburbs such as Fairfield in Sydney and Richmond in Melbourne as possible areas of violence if acute unemployment persists



- because of their high proportion of migrant dwellers (Connolly, 1992:31).

More likely, according to Wilson, is that, "the recession will increase the crime rate considerably and what Queensland needs is proper committees [to do something about it]" (Veitch, 1991:15). Crime Victims' Survey for Queensland in 1991, an initiative of the Criminal Justice Commission, confirms this prediction (see also Pearce, 1992; Dusevic, 1992).

The economic recession and the high rate of unemployment, will have repercussion on the motto of "equality before the law", not only for Indochinese peoples, but also for migrants in general. The establishment of the free legal service office in 1973 recognised the need for improved access to legal advice for people from low-socio-economic backgrounds. Accordingly, the cuts to legal services, the fees introduced by the Legal Aid Commissions, and limits to the cost of cases are alarming and will likely create more problems for those on social security benefits (Kerr, 1992). Menart also remarked that,

It must not be forgotten that the Common Law originated in the King's Courts, which essentially served only the upper classes. "Ubi ibi remedium" is true in Common Law countries only for people who can afford it. Even legal aid systems where available are only a partial solution because, when the remedies are so expensive, the legal aid systems themselves are too big a burden for a community to provide them to all of those who need it. The Chairman of the Federal Reform Commission His Honour Mr. Justice Kirby, once remarked that the Commission Law was a poor protection for those suffering discrimination (n.d., p.2).

The danger is highlighted by Jakubowicz and Buckley: "it appears

that as long as the courts are a priori places for White Anglo-Saxon legal adversaries, those who have no experience of the adversary system, or are non-White, or migrant, will be behind the eight ball at the start" (1974:53). The information gathered from the field trip was that unemployment, the high costs of legal fees and ignorance of the law, will all make it difficult for Indochinese peoples to obtain justice.<sup>34</sup> In the meantime, as a small ethnic group, Indochinese peoples are facing now challenging problems more than at any time.

#### **A Country of Law and Order**

The general orderly way of life in Australia certainly contributes to minimize, or strongly curb any criminal propensities, which may have developed through the ordeal of flight from the homeland or in refugee camps. In this respect, Australia contrasts with the United States of America, where racially motivated crimes against the Indochinese are widespread across the country (Knee, n.d., pp. 43-46). This has triggered a criminal response among some refugees in responding to what a spokeswoman of the United States Commission on Civil Rights called "bigotry, harassment and violence" against Indochinese (Knee, n.d., p.183).

The picture of crime within the Indochinese communities in Australia, and in the United States of America differs considerably. A survey conducted by Wilson and Storey (1991:8)

found that, in Australia, 53.3 per cent were related to Motor vehicle accidents and offences. This contrasts with 64 per cent of street crime in the United States of America in 1984 (Knee, n.d., p.35). These American figures can be attributed to many factors. For instance, a survey by the Los Angeles County Commission on Human Relations said that Asians were one of the most victimized groups in Los Angeles County in 1986. In Boston, Asians compose three per cent of the population but were victims of nearly one-third of the attacks police considered racially motivated in 1986. A recently completed two-year investigative report by the Civil Rights Commission concluded that, "anti-Asian activity in the form of violence, vandalism, harassment and intimidation continues to occur across the nation". According again to this 1986 survey, police say refugees make easy victims. They often speak little if any English. They have little understanding of the American justice system, and they have a cultural aversion to calling in authorities (*Daily Progress*, 1987).

In Australia, up to the present, this feature is unfortunately unknown, despite many authors making their prognosis of possible upsurge in social conflicts (Dusevic, 1992:7; Pearce, 1992:1). This characterized by a more benevolent social fabric. Also, unlike the experience of Europe or Asia, Australia is a country where chaos has never been central to Australian nationalism (Mellor and Ricketson, 1991:19).



VII PAST AND PRESENT PROFILE OF CAMBODIAN,  
LAO AND VIETNAMESE SETTLERS.

Order is always a burden to the individual disorder makes him wish for the police or death. Such are the two extreme conditions in which human nature is not at ease. The individual's wish is for a perfectly enjoyable era, in which he is completely free, yet completely cared for. He finds it toward the beginning of the end of a social system

(Paul Valery, "Persian Letters" in *History and Politics* (1963:219), quoted by D. Chandler, 1984:271)"

Undoubtedly, the totally new social environment to which the Cambodians, the Lao and the Vietnamese have had to adapt since coming to Australia, has made its mark on them, particularly for the first generation. The new can hardly supersede the old, especially the old have irretrievably lost. The views of a Cambodian resettled in the United States can easily be extended to every Indochinese refugee scattered all over the world:

Look, we all escaped from something - something we would like to forget. We all have a part of us that is torn away, something special, precious, that is gone. To be stateless and away from your people, your language and culture - that is a very difficult thing to live with (Kucway, 1992:44).

Most of the people of these three countries came from a traditional society characterized by a self-sufficient economy and a moral code to which everyone complied, due to the strong coercive

force of the village community. They have been colonized by different invaders through the ages, most recently by the French who imposed their Napoleonic Code. Then, the American war uprooted village communities, and the Khmer Rouge in Cambodia, particularly from 1975 to 1979, installed their terror to change the way of life in Cambodia. However, the traditional society and its values have survived side by side with the European legal system imposed on a non-European culture (Huxley, n.d., p.57).

After the communist regime, before opening to the West, the jurisprudential system in the three Indochinese countries was inspired by socialist models (Curtis, 1989; Hawthorne, 1982; Wilson and Sorey, 1991; Bird, 1991).

Against this background, the part of this research will be devoted to the study of traditional crime profiles, the discrepancy between traditional attitudes, deviance as defined by the country of resettlement, and the effects of social environment on the unit of traditional Indochinese society, the family.

The features of criminality vary from one country to another in Indochina, despite the fact that all three countries have been subjected to the same French legal influence, and that in all three Buddhism is practised. Two different forms which are followed, namely Theravada for the Cambodians and the Lao, and Mahayana for the Vietnamese.

## **Cambodian Values and Crime**

The Cambodians have been influenced for many centuries by three major beliefs - Animism, Brahmanism and Theravada Buddhism. The majority of Cambodians may be at the same time Animist, Brahmanist and Buddhist. Buddhist persons should not violate any of the Buddhist precepts. From the belief in reincarnation, in heaven, and hell, a kind of "merit system", combined with the Buddhist philosophy of adapting to nature, the Cambodians accept fate, justify and rationalise their problems. They feel they "must cope" and do better for the future life. In accordance with Buddhist teachings, Cambodians are inclined to believe that this life is of less importance than the next one and material goals are not as important as spiritual goals. Buddhist precepts provide the means for attaining an improved rebirth and also form the guidelines for socially approved behaviour. Given this belief, most Cambodians accept the status into which they were born and are not ambitious or envious of those who have wealth or high position. There is a general feeling that one should respect and obey authority and that all people deserve respect as human beings, regardless of their status.

Buddhist ideals are influential in all aspects of secular life and affect not only popular behavior norms, but also the country's legal decisions. (...) Some legal decisions have reflected the injunctions of Buddhist precepts. Such people as thieves, adulterers or drunkards, who openly and repeatedly violate one of the precepts, may legally be deprived of some of their rights (Munson, 1968:150-151).

However, this cultural pattern has been influence on Cambodians who lived in urban areas and were influenced by the French or Americans. Those who lived in remote areas had limited contact with modern or foreign ideas. As for the legal system, only a few people in urban areas, particularly those in the civil service, were aware of it (see also Hassen et al.1985; Long, 1993). Given the violence and disruption of war in Laos and Vietnam, the criminality rate in Cambodia perhaps expected to be higher; but Cambodians were law-abiding people, and life was secure throughout the country (Munson, 1968:295). Many authors (Steinberg et al. 1959; Munson, 1968) reported a low rate of crime, and noted that Cambodia also had a few of the more violent social problems that plague other nations. This was because of a high code of personal morality and Buddhist ethics. In the words of Steinberg et al.,

Murder and sexual crimes are at a minimum. Petty thievery is common (in spite of the Buddhist prohibition), in part because the Cambodian's concept of private property is not a strict one. Habitual drunkenness and alcoholism are almost unknown, though a large amount of wine is consumed, mostly during festivals and other social occasions. Drug addiction is rare in rural areas, but is widespread among the Chinese and the Vietnamese in the cities. (...)

Juvenile delinquency has been virtually nonexistent in Cambodia. (...) the problem could become one to be reckoned with as a result of the dislocations of war and the rapid industrialization now taking place in many areas (...). Nonviolence is another important precept, and crimes of violence such as assault, murder, and rape actually are rare in Cambodia (1959:250, 277).

In the 1970s, Cambodia was engulfed by war, followed by the terrible effects of the breakdown of civil society and



subsequently the collapse of the legal system. Then the Khmer Rouge came to power and acted beyond all law systems to implement their utopia.

### **Lao Values and Crime**

Lao social values and attitudes towards crime were similar to those in Cambodia. It is noticeable that during the protracted war in Indochina, the Lao social pattern did not seriously break down (Whitaker et al. 1972:283).

The Lao traditional identity generally indulges in fun-loving and in easy-going. The Lao value leisure and love to organize feasts, *boun* (LeBar and Suddard, 1967:96-8; Ngaosyvathn, 1993).

Like Cambodians (Munson, 1968:150-1), the Lao are willing to work hard - but only as hard as necessary. The worth of surplus goods to the Lao lies in the potential it gives them for satisfying their two foremost concerns; religious merit and pleasure. Such characteristics are still noticeable among the Lao in Australia (Ngaosyvathn, 1993).

The Lao social value system derives from several different cultural traditions and reflects similar religious influences to those in Cambodia - Brahmanism, Theravada Buddhism, and animism in the form of a multiple of spirits. In the words of other observers,

Non-violence is another important precept, and crimes of violence such as assault, murder and rape are extremely

rare (Lutheran Immigration and Refugee Services, 1978:16-17).

Like the Cambodians, the Lao are also reluctant to kill any living thing (Meeker, 1959:93). In the urban areas, social disruption occurred as a result of the foreign presence. LeBar and Suddard (1967:187) recorded juvenile delinquency and rising crime rate. Urban Lao began a frenetic search for material wealth, and had recourse to political assassination (Westermeyer, 1973).

Less than one decade later, Hans U. Luther, a lecturer at Bangkok University (Thailand) wrote after the dramatic political change of regime in Laos,

There is also a notable absence of crime, prostitution, urban slums and other evils which normally go with the nature of semi-modernized countries in Southeast Asia (1986:3).

A strong anti-authoritarian bent characterizes the Lao who are rugged individualists. Even after several decades of French bureaucracy, the Lao are not well acquainted with documents and paperwork. As Lutheran Immigration and Refugee Services reported,

The Lao, by and large, place no emphasis on documents and government regulations. Government is something to be tolerated and ignored as much as possible. Documentation such as marriage certificates, birth certificates, etc., was not obtained unless absolutely necessary as one had to pay document taxes to get them. This attitude was changing in the urban areas. Most contracts in Laos are oral, with a man's word being quite literally as good as his bond. Often the only proof of ownership of a plot of land in the countryside was that one was living on it. While there was a registration system for property and such things as water buffaloes, its implementation was erratic, at best, since the average peasant felt it would mean that the government would tax him. Once again, land

registration and contracts were coming more into usage, particularly in densely populated areas where prime land was at a premium (Lutheran Immigration and Refugee Services, 1978:24).<sup>31</sup>

Even, disputes within the extended family structure were mostly resolved by the head of the family, or by a respected village elder or the head of the village, and in the last resort, by the monks. Usually the decision of the monks was accepted. While the police and law courts were available for the adjudication of disputes, the governmental system was often not trusted since it was considered somewhat corrupt (Lutheran Immigration and Refugee Services, 1978:24). For this, the Lao had a saying taken from the French: 'it is better to get a bad arrangement than a good judgement from the court'.

### **Vietnamese Values and Crime**

Vietnamese shelter a number of religions such as Buddhism, Taoism, or Confucianism which were introduced into Vietnam and integrated with native spiritual beliefs already in existence before the arrival of the Chinese (Chi, 1980:25). Christianity and two indigenous sects, the Cao Dai and Hoa Hao, were more recent developments. About two thirds of the South Vietnamese regard themselves as Buddhists, though only a small proportion practise their religion in an organized way (Community Welfare Services, Department of the, n.d., p.10). The Buddhism of

Vietnam is of the Mahayana variety. Vietnam has also been strongly influenced by Confucianism and its ideals have been part of Vietnamese life. The ideals of filial piety and obedience are still the basis of ancestor worship and support the extended family system in which age is the basis of authority (ibid.). However, as Barker mentioned, "the Vietnamese have a saying about 'bending like the bamboo'. It is a saying that aptly reflects both the Confucian and Buddhist doctrines which encourage flexibility and readiness to compromise" (1982:10).

This traditional mould was gravely affected by the French and American presences and protracted war. Among the three Indochinese countries, only South Vietnam was host to large American military bases. The American way of life strongly influenced the Vietnamese people, particularly those from urban areas. Cluttered by people expelled from their village by war, Saigon became known as a city of glitz, sex and fast-money (Beresford, 1988), and was as infamous as Bangkok is today in this regard (Paul and Walden, 1992). Smith et al. recorded,

The greatly expanded wartime conditions within the country since 1963 have brought a great increase in those crimes directly related to this expansion: speculating, hoarding, black-marketeering, smuggling, desertion, forgery of documents, draft evasion, and corruption among officials and war suppliers (...); but the offenses having an economic background apparently have increased with the war effort in far greater proportion to crimes of violence (1967:424; see also Bennoun et al. 1984:51-2).

In this atmosphere of a general dispirited society, authors conducting research in pre-1975 South Vietnam skipped over the legal issues, for it is blatantly out-of-placed.

VIII CRIME AS DEFINED BY THE STATE MAY NOT  
BE CONSIDERED CRIMINAL ACTIVITY BY THE  
INDOCHINESE COMMUNITIES.

Each Indochinese society had its own laws and rules aimed at maintaining a good social order. These laws and rules varied considerably from place to place, and socio-cultural behaviour that is considered acceptable in one society may be regarded as criminal elsewhere (The Australian Law Reform Commission, 1991c:25). Thus, people who migrate from one society, or jurisprudential system to another can be easy victims of cross-cultural and legal misunderstanding (Wilson and Storey, 1991; Gagliardi, 1992). As previously noted that a great number of Indochinese respondents in the selection have difficulties to understand Australian laws. In response to the question on legal problems faced in every day life, 43.3 per cent of the Cambodian, 36.7 per cent of the Lao, and 35.6 per cent of the Vietnamese respondents estimated that they encountered very much. This was confirmed the findings of Paula Kelly (Victorian Indo-China Refugee Association, 1981) who pointed out that from the beginning of their resettlement, Indochinese peoples have legal problems.

On the other hand, like any other migrant community, the Indochinese peoples live in what Kiosoglous (1983:3) similarly described as, "cultural enclaves, which may lead to a containment of offending behaviour." This may prevent the collision of two very different worlds and visions in the meantime, so that integration

can occur smoothly over time. This cultural boundary was formed spontaneously and helped to cushion the aftermath of being uprooted refugees from their homelands and the distress of resettlement. The information gathered from my survey were, as previously mentioned, that few Indochinese knew what the law was in their home countries. For many Indochinese peoples, habits displayed in their home countries which were not considered criminal offences, or are not articulated in their legal code, but are labelled as crimes in Australia. This problem is not particular to Indochinese migrants in Australia, for instance, *kat* (or *ghat*) known as 'Arabian tea' which is widely chewed in the Middle East and East Africa is not allowed to be freely imported. Marijuana, commonly known as *kansa* by the Lao, can be found easily at a very cheap price in any Lao market, where it is used as an ingredient for soup. However, in Australia, it is a prohibited drug. More debatable is the case of opium, use of which is "part of the culture" of the Hmong, ethnic Lao minority. In French colonised Laos opium was freely purchased from the state monopoly (LeBar and Suddard, 1967:188). When some old Hmong were resettled in Western countries, they continued to use opium as a traditional medicine despite the fact that this product is prohibited in Australia, France, as well as in the United States.

The problem of using marijuana or other drugs is not limited to cooking or medical treatment for some old people, but it is also a growing problem among the young, both users and sellers. "From our own experiences drug usage is spreading throughout the

Indo-Chinese youth community. The younger members mainly [cannot] obtain due to lack of money, however, the eighteen and over group are found to be using harder drugs such as heroin with more regularity" (Pierce, 1992:7).<sup>32</sup> This conforms with my findings. Some Indochinese leaders in New South Wales confessed, "the drug users are in the majority orphans from Indochina" (interview, 16 April, 1992). The information collected from some Indochinese people in Victoria shows that nine out of ten cocaine sellers in their community were aged from 25 to 40. Some become users but have not the money, and become sellers. Some youth were manipulated by older members who may provide them with shelter. This was also recognized by police (Pierce, 1992:7). Faced with this situation and regardless of the ethnic group, some older Cambodian and Lao peoples in Victoria, in New South Wales, as well as in Queensland are worried about Vietnamese drug sellers who are trying to attract Cambodian and Lao youths to become small time sellers. The problem is not one in the Indochinese community alone. A Dangar Research Group study shows that ninety-one per cent of those surveyed were concerned about children involved with drugs (Macmillan, 1991:31).

The problem of using marijuana or other drugs by some Indochinese is not the only example in which what is tolerated in one country is a crime in another. The information gathered among Indochinese peoples revealing that other habits while less controversial, are still a problem such as eating dog meat, carrying knives, or fishing.

### **Eating Dog Meat**

Eating dog meat is a habit for some people from Indochina, as well as other Asian countries, such as Korea. For Buddhist people it is considered to be not ethical to eat pet (Nguyen Cam, 1983:12; Wakefield, 1983:10). However, for some non-Buddhists, eating dog meat is acceptable and dog meat is believed to be nutritious. In Indochina, slaughtering cattle, or eating dog meat is not criminal. In Australia, since 1983, the Vietnamese community has been embroiled in this issue, from time to time. It has even been "the emotional opposition to multiculturalism", reported Bone (1988a:12).

Eating dog meat, although is not fined in Indochina, but is an offence according to Australian law. The Sandringham Magistrates Court in March 1983 fined two young Vietnamese men, aged 21 and 24, 400 dollars for cruelty to animals before eating them (Guilliat, 1983:4; Viviani, 1984:264; Wilson and Storey, 1991:22). Health problems are involved too (Hazlehurst, 1987:114).<sup>33</sup> This issue led sometime ago to a heated debate in newspapers which gave a bad name to the Vietnamese community, as well as crudely revealing the abysmal cultural gap between some new settlers and their new country (Wakefield, 1983; Nguyen Cam, 1983; Guilliat, 1983; Victorian Ethnic Affairs Commission, 1984).



## Carrying Knives

Carrying knives in Indochina is a common thing, particularly in rural areas (Guilliat, 1983:4) where many of people hunt in the jungle and can be threatened by wild and dangerous animals. As peoples are not allowed to own guns, knives were easy to find, so they carry it with them for protection. After resettling in Australia, some Indochinese peoples said that carrying knives gave them a feeling of security, especially as refugees thrown into an unknown society. This also confirms Pierce's observation,

It is noticeable that members of the localised groups that I have described to you have a propensity to carry weapons, particularly knives. They [Indochinese] appear to carry [the] same more as a feeling of security because of what they perceived as a lack of physical stature and bearing in comparison with other groups. Reported incidents of assaults with weapons are surprisingly low and they appear loathed to resort to the use of the knives (1992:8).

This remark made in the context of Victoria can be easily extended to other parts of Australia. For instance, the inspector of the Oxley police station (Brisbane), complained that the Vietnamese liked to carry knives with them (interview, 8 May, 1992). This problem had also been noted by a Lao scholar in New South Wales who stated: "the Lao prefer to bring knives with them when they go out" (interview, 19 April, 1992). This situation is also widespread among youths in general, as seen on July 21, 1992 on Channel Seven *Real Life* which was reported that the carrying of knives is at the

top of the list for weapons followed by guns. According again to this report, youths in some Sydney schools carried knives to protect themselves. A similar situation occurs also in England where under the Criminal Justice Act of 1988 provision is expressly made for defendents accused of carrying knives to prove that he/she had the article with him/her in a public place for "religious reasons". Otherwise, he/she would be guilty of being in possession of an "offensive weapon" under the Prevention of Crime Act 1969 (Poulter, 1990:130). This is to make allowance for carrying a kirpan, or dagger, one of the five distinctive symbols of Sikhism.

In Australia, no exceptions are made: carrying knives is always an offence. This situation is not a new one, for, the Victorian Indo-China Refugee Association already published a study in 1981 based on a survey of its Indochinese clients in which one respondent reported that,

I didn't even know what I done was wrong until the lawyer told me. I carried a knife because I always do all my life. I was fined \$100 just for that and I didn't know anyway. Everyone was polite and I was sorry. I like the law system here but they got too many laws for anything. I hate that (1981:6).

Some years later, the Sandringham Magistrates Court in March 1983 sentenced two young Vietnamese men on weapon related charges. The 21 year old was fined 14 days in jail for carrying a weapon, and the 24 year old was fined a month's jail for assault with a weapon (Guilliat, 1983:4).

Carrying a knife gives not only a feeling of security, but it is also tantamount to a status symbol, according to Chief

Detective Parc of the Nunawading (Victoria) police station: "the Vietnamese think that when they carry weapons, it means they have status" (interview, 21 April, 1992). I have been told that some former Indochinese peasants in Sydney had problems with police because police had found in their car old knives. Bringing or leaving the old knives in the car, or as they did in their cart, was an old habit they had done in the past in their home countries.

### **Fishing and Hunting Game**

In responding to the question of "What are among the type of offences encountered the most by Indochinese?" 15.6 percent of the Indochinese interviewed for this study estimated that it related to fishing and hunting game. Now some know what the law is. Some laugh and say, "in Indochina no one needs a licence for fishing or hunting. Anyone can take anything from the rivers, from the jungle and being a good fisherman or a good hunter depended upon the ability and the luck. In Australia it is unlawful". Some Indochinese respondents in the sample, such as those in Queensland, said there was a limit not only to the size of the nest, but also the size and the number of fish able to be caught. This particularly annoys those refugees from the countryside, and in some respect, in their new environment, they continue to live in their old way. Indochinese respondents said many Indochinese living in Australia are often found committing offences of netting fish,

particularly abalones, or chasing wild game, irrespective of the fishing or hunting regulations.<sup>34</sup> In their home countries, the majority of Indochinese respondents recalled that people fish for themselves or for their families for eating as dried fish are used as a popular condiment consumed with rice, known as *prahoc* in Khmer, *tom* in Vietnamese, and *padaek* in Lao. Some sold small quantities in the local market. Cambodian waters, in particular, are extremely rich in fish, as are the Lao and Vietnamese waters. However, there were some limitations in fishing. During the period of *phansa*, the Buddhist Lent which lasts for three months, it was forbidden in Laos to catch fish or kill animals. It was also forbidden for people, particularly the military, to catch fish by using explosives.

In Australia, many Indochinese respondents complained to the author that they felt even more constrained. Not only is the catching of fish illegal, so too is the selling of fish without a licence, which incurs a fine, in places, such as New South Wales. This confirms a 1991 study (Tran My Van and Holton, 1991). In 1983, two Vietnamese men pleaded guilty to this offence. One was fined \$300 for an 'excessive catch' and 'obstructing a fisheries inspector', and one was fined \$200 for 'obstructing a fisheries inspector' (Hazlehurst, 1987:95).<sup>35</sup> In response to the question on the common offences committed by Indochinese peoples, solicitors interviewed said that fishing is still a common offence committed by Indochinese peoples. As a matter of fact, Indochinese community workers shared the same point of view. However, something is being

done about the fishing problem. A Cambodian community worker said that, for example, in Victoria, signs have been put up and translated into many languages, explaining that people are not allowed to catch more than ten abalones.

Because of their ignorance regarding the regulations, I have also been told that some Indochinese people continue to catch birds, particularly pigeons, and this has now become a legal problem in Victoria.

### **Some Habits Are on the Edge of the Law**

There is always a grey zone in the law-enforcement domain where it is difficult to sue. According to my findings, many Indochinese peoples experienced three types of offences.

#### **Contracts**

In Indochina, many peoples doing business rely on trust, and not on written contracts (Lutheran Immigration and Refugee Services, 1978). Many people in rural areas, do not need a contract to buy a house, and in buying a house there is no need for a loan or mortgage (Schwaiger and Chanty, 1992). They do not know how to pay taxes, nor report income.<sup>36</sup> The majority of Indochinese people do not know what a bank is. However, they keep their money safely. When the communists took over the countries, such as happened in Laos, the people had to pay taxes and were not happy.

Resettlement in Australia has confronted Indochinese people with laws and conventions of the Australian commerce. In response to the question on among the offences encountered the most by Indochinese, 21.1 per cent of the Indochinese respondents in the selection revealed that Indochinese people confronted with contract/debts, from renting to buying. Gradually, Indochinese people bought houses or cars and were handicapped by the language barrier when confronted with various laws. In Brisbane, solicitors admitted: "they [Indochinese] signed contracts but they do not know what they signed because of a lack of a good knowledge of English" (interview, 11 March, 1992). This was confirmed by a Cambodian community worker in Brisbane: "signing the contract without being fluent in English totally is worse. It is better to not know nothing than to know a bit" (interview, 18 May, 1992). While mentioning the debt contracts as the main focus of this mishandling, solicitors from the Inala Legal Aid Service, echoed, "they [Indochinese clients] signed contracts without knowing what is exactly written" (see also in New South Wales, *Fairfield Advance*, 27 September, 1988:2). In Victoria, according to a view expressed by a Cambodian community worker, the attention was drawn to real estate issues. Furthermore, the ignorance of the own rights of Indochinese peoples often occurred in these transactions. Some Indochinese interviewed explained that they do not want to be involved with contract, they were afraid of strange papers and every paper means confronting the law. For instance, Francis has already noted,

With all other migrants, the Vietnamese lack [the] knowledge of written [laws]... Simple contracts for the purchase of household goods will be a mystery; buying, owning and driving a car a nightmare if there is an accident... Most migrants will probably not know of their rights (1981:54; see also Cox, 1985:127; Burley, 1990:201).

As a matter of fact, this situation of entering into contracts without the full knowledge of the legal and financial implications is shared by other migrants who do not understand the implications of such contracts (Victorian Indo-China Refugee Association, 1981:14). As Crouch notes:

Undoubtedly, the law has been very slow to adjust to changing demographic conditions, and many present day migrants, if less acutely than the original British ones, experience it as a means by which the advantaged continue to be advantaged at the expense of the disadvantaged. (...).

Equally worrying is the fact that many migrants simply do not understand vendor's terms contracts relating to house sales. Almost without exception, clients interviewed at the Centre have been completely unaware that on expiry of such contracts they will still owe the vendor money. Indeed, most are horrified and say they would not have entered into the contract had they understood the real situation. Consequent on this unpleasant discovery is yet another one—that of the near impossibility of refinancing the loan at a reasonable interest rate. Possibly many of the difficulties inherent in this situation could be overcome by making it mandatory for all terms contracts to state the amount still to be paid, if any, on the expiry of such contracts, and solicitors would certainly be doing their clients a service if they drew their attention to it. However, it should not go unremarked that some migrants profess not to understand what they have committed themselves to, when in fact they do. In other words, the language barrier, or the purported language barrier, is a fertile source of mutual exploitation (1979:505-508).

Some measures have already been taken to remedy such a

situation, as confirmed by a Cambodian Grant-In-Aid worker's report,

Cambodian clients still had a problem with landlords and estate agents, even though [there are] a number of pamphlets printed in Cambodian explaining about their [rights], where to get support and to complain have become available. People signing contracts, leases and legal documents without fully understanding the contract and consequences have been dragged into the situation where their families have bore the financial burden. SICMAA's [Springvale Indochinese Mutual Assistance Association Inc.,] monthly newspaper written in three languages has been sent to the Indochinese community to provide information that is useful to them and also makes them aware of the legal implications in signing something that they do not fully understand (1991:2).

#### Traffic Regulations

It is difficult for some Indochinese people who have never driven a car, or who have driven on the right side of the road in their home countries and without the compulsion of wearing seat-belts to adapt to driving in Australia. Some Indochinese interviewed in the sample confirmed that they know how to drive before coming to Australia. Driving a car is seen as a luxury and only the wealthiest people could afford it in their home countries. Often, urban Indochinese knew how to drive without having a licence.

In Australia, Indochinese peoples have to drive for many reasons, and many lack driving experience, as well as being ignorant of traffic regulations. This leads to misunderstanding and thus conflict with the law. This confirms what the Victorian Indo-



China Refugee Association found in 1981 (1981:13). In relation to the question of offences encountered by Indochinese peoples, about 23.3 per cent of the Indochinese respondents estimated that one of the greatest problems was traffic offences from not wearing a seat belt to run into red lights, drinking driving, and driving without licences. This situation is similar to those found by the Vietnamese in Perth (Hazlehurst, 1987). A 1987 study of migrants' knowledge of traffic regulations undertaken by the Multicultural and Ethnic Affairs Commission and the North Perth Migrant Resource Centre for the Legal Needs of Migrants revealed a similar problem (Chin, 1987:15). Incidentally, police in Oxley (Brisbane) said that they still have problems with some Vietnamese people who do not have driving licences, but they drove cars with a friend or relative driving licences. If there was an accident, police said they also found it difficult to relate the family name on the licence to the driver (interview, 8 May, 1992).<sup>37</sup>

#### The 'Hui', or the 'Tontine'

On the subject of the 'hui', many Indochinese respondents and Indochinese police officers interviewed said that almost Indochinese peoples know it well. To be successful in their adopted country, Indochinese peoples have established the so-called 'hui', a generic term from the Cantonese meaning "group" or "rotating Credit association". The Vietnamese call it a 'hui' or a 'choi' (i.e. society), after the Chinese. Urban Indochinese people named

it by the French 'tontine'. However, in Indochina, as in France, the 'tontine' is illegal. In Australia, because of its popularity, not only Indochinese peoples, but Thais, Chinese and Koreans also recourse to this "financial institution", or 'hui'. This effectively served as a systematic savings method for the thrifty and as a source of credit for those who need a lump sum in cash to start or enlarge a business, for instance (Lee Sung, 1967:141-2).<sup>38</sup> Many Indochinese respondents reported that some Indochinese in Australia use the 'tontine' system to buy a house or small business. This pooling money based only on trust is purported to enable people to fund a small business or other activities without asking for a loan from a commercial bank. Because of its practical reputation, Indochinese people continue to practise it in Australia. This has already been confirmed by other researchers (Tran My Van and Holton, 1991:145-148 and 151; Mellor and Ricketson, 1991:25).

The syndicate is constituted according to the initiative of an individual who may ask his/her kin or friends to advance them a lump sum in cash. All members who can make use of the money bid for the pool. The person making the highest bid pays the amount of the bid to each of the others and obtains the sum. Members have to pay a certain sum on a specific day of each month for a given length of time. This continues for a certain number of months. The 'tontine' is apparently not known in the Australian society. Until now, it seems there is no law specifically prohibiting this kind of cash loan. However, during my field trip to Sydney, one Indochinese

liaison police officer informed that the Australian Law Reform Commission had begun to take an interest in such organizations. The majority of Indochinese respondents acknowledge the practice of this 'tontine', and agreed that it is a great financial help in terms of getting a lump sum in cash. Nevertheless, the risk is also high as the possibility exists for one of the members to abscond with the money. Some Indochinese respondents recounted that in 1975, some of the Indochinese people ran away from their home countries with money taken from a 'tontine', without being prosecuted. If one member obtains money from the 'tontine', and then absconds, other members try to take revenge through their own methods instead of complaining to the police.

## IX EXPERIENCE AND NEW FEATURES IN AUSTRALIA

Family relationships took a new turn for some Indochinese resettlers in Australia, although violence and spouse/child abuse may not have been unusual in their homelands. However, the new environment could exacerbate this old pattern while precipitating family disruption and increasing divorce rate.

### **Violence and Spouse/Child Abuse**

In an Indochinese traditional society, parents/husbands can control wives and children through the value system, as well as through the control of economic assets. The new social environment - nuclear family, economic independence of women, money gained by children from Austudy or by working - in which families are immersed has eroded the personal bonds and responsibilities of a traditional family. Afraid of losing their control over women and children, some Indochinese men used violence. Parallely, Indochinese teenagers and women became aware of their rights, particularly regarding violence and abuses.<sup>39</sup> They do not allow their fathers/husbands to beat them anymore as they did in their home countries, during their flight, or in first asylum camps (Dao Tu Khuong, 1991; Kaufman et al. 1991).<sup>40</sup> A Lao woman researcher in Victoria has also explained,

The parent's role in reward and punishment is also being

taken over by society. There are laws protecting the children and any physical punishment, with the best intention, is frowned upon as child abuse. Some parents are frightened to punish their children and will let the child have his/her own way. This has affected parental authority over the child, filial respect, social values and traditional obligation (Saykao, 1985:5, 6).

This awkward situation, for many old-fashioned fathers/husbands, unsettles the relationships between husband and wife, and between fathers and children. The information gathered from the field trip revealed that some parents were unaware of their "natural" rights under Australian law. Sometimes children informed them that they could not hit or beat them as in the past. Children and women no longer tolerate such behaviour and threaten to call the police. An Indochinese lawyer reported that, "in Australia, when a Vietnamese husband beats his wife, she complained to the court. In Vietnam, this was rare". As an Indochinese liaison police officer in Sydney remarked: "about domestic violence here, now Indochinese women would not hesitate to go to see the police, when it happened. While some years before, women were afraid of calling the police for this". This confirms the figure of a study showing that Vietnamese women making up 50 per cent of all calls received on domestic violence among Indochinese (Wilson and Storey, 1991:9). Solicitors interviewed also asserted that they have some Indochinese women clients who came to see them about domestic violence, saying they wanted to run away from their husbands.<sup>41</sup>

This situation is a complete reversal compared to the past when women always had to be submissive, and faithful until

death, because women did not want to divorce, and a divorced woman was considered socially tainted (The Australian Law Reform Commission, 1991b:21). "They [Vietnamese women] feel very uncomfortable to be seen in the community as women abandoned by the husband", stated Tran My Nhi (n.d., p. 3). This social norm makes many women the unwilling victims of domestic violence.<sup>42</sup>

New surroundings with new challenges have ravaged some communities, even among the Cambodian community: "family violence tends to occur within the Cambodian community when communication breaks down and they no longer listen to each other" (Cambodian Grant-In-Aid Worker's Report, 1991:2). A chain reaction of events exacerbates family violence which is already endemic within the Vietnamese community in Australia,

The father sees his children given too much freedom (in his eyes) at school and in the community, and lack the respect for elders and the traditions which he has instilled in them. He can turn his frustration and sorrow into drinking to excess, wife beating, child beating, and intensive political activity. All these activities, when practiced, lead to alienation from his ethnic community and also from the wider more established community. (Victorian Indo-China Refugee Association, Paper 1, 1980:2; see also Fryer, 1980:14).

This affirmed information collected from Indochinese males who said that they resent the fact that Australian law gives too much freedom to children and women. Now after 15 years of resettlement in Australia, with more time passing family violence has become a major problem for all three Indochinese communities (see also The Australian Law Reform Commission, 1991b; Mellor and Ricketson, 1991). As an Indochinese community worker in Melbourne noted:

"family violence is a community problem in Springvale [Victoria]" (see also Soch, n.d., pp. 3-4). This conforms with my findings among Indochinese peoples in Sydney and in Brisbane that domestic violence among them is a big problem.

### **Family Disruption and Divorce**

Traditional attitudes were strongly affected by Confucian values for Vietnamese, and Theravada Buddhist values, for Cambodians and Lao. As previously mentioned, women were placed on the lowest rank of society. Their role in life was one of submission. Indochinese women were taught to devote themselves to the well-being of their families (Knowles, 1984), including tolerating husbands having many wives. In Indochina, polygamy was traditionally practised among the wealthiest people (Hammer, 1966:210). For the nobility and also for some ethnic minorities such as the Hmong, polygamy was the norm and became usual. Even, after resettling in Western countries, these customs have persisted despite legal restrictions. However, marriages performed in Indochina cannot be ignored simply because a refugee moves to a country where polygamy is illegal. I was told by some Indochinese women that the majority of polygamous cases happened during their flight and in refugee camps. Some married women did not flee at the same time with their husbands. The time alone in refugee camps gave to men more opportunities to have a second wife. Some left their wives and children in their home countries and ran away. Some

Indochinese women might continue to tolerate this situation, but some might not and this could lead to break down of the marriage and legal problems for the "second wife". This confirms a general situation noted by the Australian Law Reform Commission (1991a; see also Scutt, 1992).

Marriage is sacred and divorce is exceptional in Indochinese traditional societies. However, in Australia, this situation has steadily changed among Indochinese ethnic groups. Family disruption is likely when the legal and social context completely revolutionizes the traditional and family roles, as earlier researchers such as Loh has noted:

Some husbands take out their frustrations on their wives and children and there are growing numbers of women leaving home, temporarily, time and again (...). In addition, in the smaller communities, where people know each other, help is perhaps more readily at hand. (1982:352).<sup>43</sup>

Many Indochinese women become income-earners and find more opportunities for exerting their rights, especially in regard to the stringent paternalism predominant in traditional families.<sup>44</sup> Nguyen Xuan Thu remarked of the Vietnamese people,

The changing role of the Vietnamese wife in the new society and the loss in authority of the husband in the family are the main causes of conflicts. Serious conflicts between a couple or between parents and their children after many years of living away from each other are also happening. As a result the divorce rate is becoming higher and more common in the Vietnamese community. With a population of 83,044 Vietnamese, 760 divorced persons (290 male and 470 female) or nearly one per cent represent a relatively high number especially as in Vietnam, divorce was something very rare and uncommon. (1989:86).



It is also due to the stresses resulting in establishing oneself in a new country. This takes its toll with many relationships becoming strained and difficult.

The solution in Australian terms is clear and legal. In Vietnamese terms this is not so, there is guilt, shame, loneliness [loneliness], alienation from the Vietnamese community, to cope with. For the man who finds that his wife has left him, this situation can, and has, lead to despair, heavy guilt and loss of face. The woman after the separation, finds herself deprived of ethnic friends, desperately lonely, and being pushed into unfamiliar surrounds, socially, where Australians have distinctively different norms (Fryer, 1980:14).

Further field evidence suggests that women are already restricted in their insignificant level of contact with the English speaking community thereby rendering them socially isolated, and more victimized by exploitation. The cultural traits of the traditional society were exacerbated by the new environment, and at the same time made it unbearable, thus threatening to tear apart the family fabric. Regarding marriage breakdown, a community worker for the New South Wales Council of Vietnamese Organisations remarked, "the rate of divorce in the community is rising because, sadly, we are adopting the Australian way" (Ethnic Affairs Commission of New South Wales, 1986:26).

In response to the question on the offences encountered the most by Indochinese, 31.1 per cent of the Indochinese respondents interviewed estimated that Indochinese peoples seriously faced with family matters.

During my field trip, I found, for example, in Melbourne

that some couples after one year of separation had got divorced. This was followed by a remarriage three months later, while in their home countries, a certain amount of time is required before remarriage is allowed. While, for instance, in Cambodia, a woman who wants to remarry must wait ten months (Ross, 1990:96).

It is no longer shameful for women to be remarried. Community workers interviewed reported that the major problem for the community in general, and the family in particular, was the family breakdown. Parents are fighting to get a divorce and the custody of the children. The repercussions are beyond imagination. Some Indochinese women described their feelings after a divorce in Australia is frightened and bewildered. Even, getting a divorce in Australia, it might be easier, but there is nobody who women can trust or can count to get advice on to do before and after divorce, furthermore it needs money to pay a lawyer which is always expensive.

The majority of three ethnic groups sampled recognized that divorce has a snow-balling effect, and has become a pre-occupy problem. In Brisbane, a Khmer community worker revealed that family matters coming to the attention of the Legal Aid Services have increased alarmingly recently (interview, 8 May, 1992). For some Lao divorce is "a new fashion" (Khao Lao, 1991:16; see also Ngaosyvathn, 1993:19), resulting men to avoid their responsibility.

Family conflict is a serious problem faced by almost all Indochinese families (Nguyen Xuan Thu, 1989:86). Among Indochinese families there are high levels of marital conflict (Coughlan,

1989:52). A 1987 study of Polish, Italian, Macedonian, Vietnamese and Yugoslav undertaken by the Multicultural Ethnic Affairs and North Perth Migrant Resource Centre found that one of the major problems encountered by the Vietnamese and Polish is marital or domestic problems (Chin, 1987:15).

### **Youth at Risk**

The Indochinese population has a high percentage of youth aged under 29 (Immigration, Local Government and Ethnic Affairs Department, 1988). Some situations have been pointed out by two Australian reporters who mentioned that some 12 per cent of Indochinese children came to Australia without their parents (Mellor and Ricketson, 1991:23). The information gathered from the field trip found that many Indochinese youths were born during the war, and have witnessed its brutality. They had seen too much, fleeing from their homelands, and in refugee camps. Some still remember seeing their parents killed. While, some youths came with adults as unattached minors and then were abandoned. Others dropped out of school. For example, in Victoria the percentage of the Lao who have never been to school is much higher than that for the Victoria population as a whole (10.03% and 0.9% respectively) (Cozzi, 1988b:3). A similar situation holds for Cambodian peoples. Many Cambodians lost at least three to five years of schooling in their own country and during their stay in refugee camps (Soch, 1992:5). One Vietnamese woman, Anh Tho, in Sydney said that one of

the consequences of Indochinese youths dropping out of school was that many of them with little schooling were placed in grades according to age rather than ability after only one year of intensive English in Australia (interview, 15 April, 1992). Faced with this new situation, youths became, as Wallace described, "confused, disoriented, financially insecure and alienated with few or no family or social support networks" (1990:1). The regional director of the Department of Immigration and Ethnic Affairs, Mr. Keith Owen has said that,

It is understandable that in any large refugee situation, there are going to be some people who have difficulty in settling in and adapting to our way of life. Unfortunately there is a group of young Vietnamese people who are engaging in activities that we would prefer they weren't engaged in. But it is understandable and it is recognised (Zubrzycki, 1987:2).

The information received from my preliminary investigation was that generally, some Indochinese parents tended to the social environment for undermining traditional parental authority and they did not know how to discipline their children. A middle-aged Vietnamese woman put it in these terms,

In Vietnam, the people [children] obey their parents in all things and take notice of what their parents say because their parents are older and wiser, and know what is best for them (...).  
The parents are always the best. The unmarried children must go to the parents for money, clothes, and the parents can control what the child does and says, and where he goes and when. The child is used to that. It means that the parents care and love [for] the child. Here in Australia our unemployed children receive enough money so they do not need their parents, and won't listen to them, and go anywhere, even away from home, and buy cars and other things. In Australia the parents are sad because they have no control, and they see their children

doing stupid things with their lives, and the mothers and fathers can do nothing. Our families are falling apart and we don't know what the future will hold for us or for our children. We do not criticize Australian ways but we do not like to see it in our children (Victorian Indo-China Refugee Association, 1980:6).

Indochinese drop-outs, unattached minors, and those who run away from home have become "street kids", joined, "kid gangs" and created a new socio-criminological problem. As Bone notes: "much of the problem of crime and homelessness among young Indochinese stems from the fact that so many of them arrive in Australia without their families" (1989:11). Reverse the general belief, it seems that there is unnecessary link between homelessness, unemployment, poverty and crime, especially among the youths (Hansen, 1992:18). This problem is an acute one. In 1987, in Richmond (Melbourne), Zubrzycki reported,

Police and government officials are disturbed that most of those involved in gangs are refugee minors who arrived in Australia as wards of the State or as "detached minors" who settle in the care of close relatives (...). Allegations have been made that some refugee minors have been sponsored to Australia by criminals who use the children for illegal activities, or by people who simply pocket the maintenance payments, but officials say there is no proof (...). The Department [of Immigration and Ethnic Affairs] says it is aware of the opportunity for criminals to sponsor children to come to Australia, but it has no evidence (1987:2).

The situation of these youths has attracted attention: "youth unemployed, youth homelessness and young runaways have captured the public's attention through frequent coverage by both

the electronic and print media" (Borowsky and Murray, 1985:13). This results in an unbalanced coverage of the community. Nguyen Sam, community worker in Youth Services in the Canterbury Municipal Council [New South Wales] stated,

I also want to bring to your attention the frequent misrepresentation of Vietnamese youth by the media. Some broadcasters and newspaper reporters claim that areas with a high occupied of refugee youth such as Fairfield, Canterbury, Bankstown and Marrickville Local Government Areas are 'infected' with criminals and a quarter of one youth detention centre is concentrated by the Vietnamese youth. While refugee youth are committing criminal offences, the percentage per population is extremely low compared to the Anglo-Australian rate for both the youth and minors (1991:5-6).

The media often communicates a distorted image of Asian people, and in particular Indochinese, especially in relation to organised crime. In Victoria, for instance, a police detective at Nunawading police station confirmed that, "we do not have a large crime organization. We do have a group of unattached minors" (interview, 21 April, 1992). Newspapers repeatedly mention 'organised gangs', 'Asian mafia', and 'Asian Gang'. But these tags may not have the same meaning as in other parts of the world. Detective Sergeant Pierce of the Victorian Police Asian division pointed out that,

You may wish to hear me talk about the well structured and organized Vietnamese gangs that exist in Melbourne similar to the Mafia and Triads. I could do that, but it would not resemble fact. Such gangs do not exist. When the Bao Ve Investigation Group first commenced there were unorganized gangs growing in number and power. But the work of the division and the community resulted in the arrest of the leaders of those gangs and prevented further growth of same (...). Whether you want to call them gangs or groups is immaterial, the media will certainly use the 'gang' label to describe them. These groups are certainly involved in

street and petty crimes and the junior members are used to make extortion demands and commit property damage to reinforce those demands. But there [their] demands are usually only for small amounts of ten to twenty dollars to enable them to purchase food and many business people ignore their demands (1992:7).

Broekhuijse has reported much the same in Cabramatta, "I would not call them gangs so much as pockets of youths. They are not gangs in the sense of stand-over men" (1988:143). Inspector Noland, head of the Blacktown District which covers Cabramatta, says, "we are aware there are pockets of unemployed Asian youths in that area with social problems, just like Australian youths, but we have no indication that they are organised" (Broekhuijse, 1988:143). Polcenigo reports: "I don't think there is organised crime here. The incidence of any crime here is a product of this society" (1988:88).

During my field trip in 1991 in Cabramatta, some Indochinese businessmen working in that area for many years grandly warned me to, "be careful, even in the daytime, you could be stabbed in the side by the 'gang youths' who will demand your bag or your gold necklace". Yet they admitted that now it is much better than few years ago, because there is close co-operation between the Indochinese communities and the authorities to prevent crime. A similar situation was also noted by Broekhuije (1988:143). But Cabramatta (Sydney), Richmond, Footscray (Melbourne) or Darra (Brisbane) are enriched by Asian cultures and food markets and are not criminal places as is found in some countries. Instead of living in fear of gang, people are busy with their daily lives as

they were in their home countries. Just because one sees a police car in Cabramatta does not mean that crime is on the rise. Further, juvenile delinquency among Indochinese youths in Australia is nowhere near the extent as it is in the United States of America (Knee, n.d., pp. 36-39; Thompson, 1989:31-32).

I have been told that the common offences committed by Indochinese youths, particularly those who have no parents or parents could not control them anymore, are those committed petty crime, for example, by stabbing in the side or snatched a gold necklace from women. This was followed by shopkeepers blackmail (see also Mellor and Ricketson, 1991:24).

The problem of youth crime among the Indochinese is similar to that of other communities. Sergeant Warren Chambers, of the New South Wales foreign crime unit asserted:

It is difficult to say whether violent crime committed by Indochinese is more vicious than other violent crimes. An incident like the killing of the old woman makes you think that it is, but when you remember the Anita Cobby murder you think it is not. Vietnamese homeless youth commit the same kinds of crime as other homeless youth - they steal cars, they snatch handbags, they beat people up (Bone, 1989:11).<sup>45</sup>

Some Cambodian, Lao and Vietnamese respondents also complained many petty offences were committed by Vietnamese youths who enlisted in some Cambodian and Lao youths. Nevertheless, police, for example, in Melbourne or in Brisbane were of the opinion that the Cambodians and Lao are among those Indochinese who rarely committed crime; this may be related to the small size of



their community, thus a lower profile in this field (interview, 21 April, 8 May, 1992).

## X CONCLUSION

In comparison with the United States of America, the situation of Indochinese migrants with respect to the law is substantially different in Australia. In Australia the highest number of offences seem to be related to socio-cultural problems rather than crimes against people and property as in the United States of America, for instance. A lack of understanding on the part of Indochinese of Australian law and the legal system is the main reason in most cases. Not understanding Australian culture has created a number of situations where Indochinese migrants find themselves in conflict with the law and authority without any intention on their part. Overall such offences against law are non-violent. Despite the high rate of unemployment among Indochinese, research indicates that Indochinese have a low crime rate, including a low rate of youth crime. For example, a study conducted by Dr. Stephen Fitzgerald (Malik, 1989:28) suggests that three of the four Sydney suburbs sheltering 41 per cent of all Vietnamese in Australia registered lower crime rates in 1987 compared with the period before the arrival of the Vietnamese in 1976. Due to fear of authority and language difficulties among Indochinese, it appears from this preliminary investigation that many offences will continue to go unreported.

There have been many efforts by authorities and social welfare agencies, as well as within the three ethnic groups

themselves to deal with youth at risk in these communities in order to prevent crime before it happens. "Organized crime" is not a significant danger in Australia and few Indochinese would be involved. This compares with the extent of "organised crime" elsewhere, particularly in the United States, France and Canada. However, even minimal involvement, an organized crime, taints the image of Indochinese communities in Australia, despite recognition by the police that the majority of Indochinese are law-abiding people.

Among the first generation of Indochinese people offences committed often reflect the cultural deprivation and social maladjustment these new migrants have experienced. Many of their problems stem from attempts to live as they did in their countries of origin with all the tradition and practices acceptable there, some of which may conflict with the Australian legal system. Many of these traditional customs disappear by the second generation. These second generation migrants are more likely to commit crimes related to their new social environment due to loss of parental control. Moreover, domestic violence including spouse or child abuse, or family breakdown will persist into the second generation. One thing remains clear, many Indochinese people even after quite some time in Australia are, in general, surprisingly ignorant about the law and the legal system. This situation will continue for a while. Even after fifteen years in Australia, the majority of Indochinese people continue to have cultural and linguistic difficulties. On one hand, some strategies have been adopted, such as efforts made by police departments to recruit Indochinese to assist police, to cope with the problem. However, this is still not enough, and there is a need for more Asian and Aboriginal police in a multi-cultural society (Gillespie, 1993:62). On the other hand, police are also beginning to study Indochinese cultures and languages. At the same time, Indochinese communities are learning to co-operate more with authorities than in their first years of resettlement.

Indochinese communities need to be more acquainted with

the law in order to reduce mis-interpretation. Some booklets on legal issues have been translated and published into Cambodian and Vietnamese by the Australian Law Reform Commission (Sydney), such as *Multiculturalism: Family Law* (n.d.). *A Guide to family Law* (Ed. by E.Evatt, 1991) is now available in Vietnamese. This should also be translated into Cambodian and Lao. Another title *New Land, New Laws* (1990, Immigrant Women's Resource Centre) is available in nine languages, but costs A\$100 plus 10 dollars for sales tax. The price is thus so great that it is practically impossible for migrants to afford it. Within their own communities, there are very few Indochinese people employed in the legal system either as solicitors or police officers. The legal domain is still very difficult for children of migrants to enter. To overcome difficulties with the legal system, Indochinese communities need legal advisers or legal workers who can be recruited and trained to become well acquainted with the law, and to advise them about the Australian legal system - as is already being done by VICRA in Victoria.

Cuts to the Legal Aid Services will continue to hurt homeless and unemployed people, making "equality before the law for all", difficult to achieve. This problem will persist in the near future. Much research has recommended that Australian law should be adapted to Australia's new situation as a multicultural society. Such a move would benefit not only the Indochinese but all, as well ethnic communities.

## XI FINDINGS

This field-study substantiates findings resulting from other research on migrants and law while developing a more detailed profile of the criminology of Indochinese peoples resettled in Australia.

Principal findings are that:

1. Awareness of the Cambodian, Lao and Vietnamese peoples to the law is minimal.
2. Nevertheless, in accordance with the general rule that migrants commit fewer crimes and are less likely to be in prison, the Indochinese people are under-represented in overall crime.
3. Most of Indochinese respondents in the selection have the background of a traditional society and a self-sufficient economy.
4. This explains the survival of typical behaviour, such as fishing or hunting game at will.
5. The non-mastering of English acts as problems related to law in daily life.
6. In particular, when trade practice uses differing formats of writing, and while even for Australian-born, English legal language is very difficult to comprehend. This resulted in awkward situations when signing contracts for loans, real estate, etc.
7. However, the Indochinese ethnic community has tried to overcome this situation by explaining, in plain language, their rights and obligations.

8. Furthermore, this trait is more conspicuous when compared with what is happening to the Indochinese refugees in the United States, France or Canada. Australia's peculiar social fabric maintained a consistently low crime rate among the Indochinese while permitting traditional values to remain strong.

9. There is no clear correlation between economic recession and criminality within the Indochinese population.

10. In order to face economic difficulties, indochinese communities continue to recourse to the hazardous pooling of money, called "hui", or "tontine".

11. The law-abiding pattern of the first generation of Indochinese settlers can be explained, beside the general lenient feature of Australian society, by the compelling feeling of gratefulness toward Australia for welcoming Indochinese peoples at a most difficult time, their flight from their home countries. It can also be explained by the immediate reasons which dictate the necessity of having "clean hands", such as getting Australian citizenship and sponsoring relatives.

12. Offences committed by the Indochinese stem from cultural differences rather than anything else. The passing of time and the mainstreaming of the first generation of Indochinese settlers in Australia should eliminate such offences as eating dog meat, carrying knives.

13. In the meantime, the steadily increasing decay in traditional leadership and values, compounded by the presence of a second generation of Australian-born Indochinese, has added to the

changing environment and is exerting contradictory effects on family and social cohesion.

14. Besides positive trends, such as more independence gained by women and improved education for children, negative features are occurring at an alarming rate within Indochinese families. These include violence and child abuse, family disruption and divorce. In this field, it seems that the general pattern of the host country rapidly imposes its brand on new settlers, more rapidly than one can expect.

15. While made up of a more larger number of youth compared to other ethnic communities in Australia, Indochinese communities have been devoid of youth at risk.

16. The perception gap between most members of the Indochinese communities and the Australian police generates concern as it hinders confidence building and co-operation in the field of law and order.



## XII RECOMMENDATIONS

This field study points out a number of issues, which gathered from the interview needs to be addressed.

1. **A Booklet Should Be Produced on Law in Everyday Life and on the Role and Status of Police in Australia**

Aimed at the Cambodian, Lao and Vietnamese, this booklet would include legal data relevant to everyday life ranging from prohibiting possession of a dagger in a public place to counselling in the case of family disruption.

This booklet should also educate readers on the role and status of police in Australia. It should contribute to an acceptance by the Indochinese communities of the Australian police.

2. **Confidence-Building Between Indochinese Communities and Australian Police**

Beside the set of measures already being implemented in this field to build confidence between the Indochinese communities and the police, this program would further an awareness of the need to co-operate with police in Australia. It would be useful to introduce a policy of social "visibility" with police officers participating in important occasions organized by these communities.

Police officers could, for instance, be invited as guests to attend major festivals, such as, traditional new year

celebrations.

A further step might be taken with some members of these communities inviting police officers to attend family events such as weddings, which are generally large gatherings in Indochinese communities.

Of course, recruitment of Indochinese into the police should be increased.

### **3. Mainstreaming Native Language Newspapers**

Newspapers and broadcasting in Cambodian, Lao and Vietnamese languages should be encouraged by relevant bodies to inform and to publish more facts about the role and status of the police in Australia, as well as disseminating legal information pertaining to everyday life in Australia.

More generally, these newspapers should publish articles featuring the Australian way of life, Australian literature and Australian history to help more members of these communities become more involved with Australian society.

A researcher is needed to examine these newspapers and their perspectives, and to prepare information articles about Australia for them to publish.

### **4. Australian Newspapers and the Indochinese**

In order to restrain sensationalism in press reporting on issues pertaining to the Indochinese communities in Australia a public relations officer should help ensure accurate reporting. For

instance, meetings could be initiated to allow the press to meet representatives of the Indochinese communities, and to work out how to reduce use of terms such as 'Asian gang' and 'Vietnamese youth gang'.

#### 5. **Strengthening Traditional Authorities and Values**

Three measures would be welcome in this regard.

Traditional authorities and values represent an anchor for most of the Indochinese refugees in Australia. However, they are actually challenged by resettlement in a totally alien environment, as well as by a new generation of Indochinese, particularly those who were born or who grew up in Australia. Traditional authorities and values need boosting for their impact in maintaining social harmony within these communities. These authorities have to be more actively integrated into official circuits with, for instance, invitations to participate in conferences on multiculturalism, or requests for advice.

In the same vein, encouragement should be given to scholars from these communities helping to develop a sense of belonging in the whole society, as well as to foster a new leadership for new generations drifting away from traditional authority.

Assistance could also be provided to enable those in the Indochinese communities striving to publish magazines and books in Cambodian, Lao and Vietnamese on traditional literature and culture.

## 6. Coping with a Looming Issue

The collapse of the USSR and the inception of the post Cold-War era will in the near future re-kindle political activism among some segments of the Indochinese communities in Australia. This resurgence may conflict with Australia's official policy regarding Cambodia, Laos and Vietnam as presently pursued.

Much should be undertaken to prevent differences over policies from leading to serious misunderstanding or even criminal charges.

## NOTES

<sup>1</sup> In this study, the words 'Cambodian' and 'Khmer'. Both are used interchangeably as a noun and adjectif. The term 'Lao' is used as a noun and adjectif.

<sup>2</sup> Stevens has found that at the time of the 1986 Census, the Vietnamese community constituted the eighth largest overseas-born community in Australia, representing 2.6 per cent of the total overseas-born population (1988:5).

<sup>3</sup> To many Australians all refugees are 'Vietnamese'. Although, the historic enmity between Cambodia and Vietnam, and the political situation of Cambodia after 1979 make it particularly galling for the majority of Cambodians to be called Vietnamese. See Plant, 1988; Borthwick, 1988; Bone, 1989; Tarr, 1992.

<sup>4</sup> The situation is not particular to Australia, but it is widespread in other countries which have welcomed refugees from Southeast Asia. For example, Thomas (1992:2) has analysed a similar and general feeling in the context of Canada which ranks third as host country for Indochinese refugees after the United States, and France.

<sup>5</sup> This is true of other migrants in Australia, the United States, Canada, Europ and Britain where there are low crime rates in the first and second generations. See Francis, 1981; Blogg, 1982; Cox, 1985; Bone, 1989; Burley, 1990; Restuccia, 1991; Cope et al.1991.

<sup>6</sup> A similar situation of immigrant crime was also found in Canada. See Thomas, 1992.

<sup>7</sup> The situation of Indochinese peoples living in Australia is, generally, similar to South African refugees, in some way. See Mayaba, 1991.

<sup>8</sup> See Knee's study on the Southeast Asian people in the United States (n.d., pp. 59, 203-205).

<sup>9</sup> A similar view has been expressed by Jim Bostock, Chief Inspector, and Divisional Commander at Fairfield police station [Sydney]: "in a strange paradox, some new arrivals believe that police cannot fight crime properly until they have the "respect" of the community" (*Fairfield Advance*, 27 September 1988:2).

<sup>10</sup> This is also true of Asians in the United States as Thompson (1989:31) noted:

Asians have to know people before they can trust them.

They now knows, so they're not afraid to come to us with information. They'll come here and wait for an officer they know rather than calling the department to report a crime.

<sup>11</sup> A similar situation holds for other Indochinese in the United States. See Knee (n.d., pp. 30-31).

<sup>12</sup> The problem is similar among Indochinese and other Asian peoples living in the Little Saigon sub-district of Los Angeles (U.S.A.). See Thompson, 1989.

<sup>13</sup> A similar situation exists in the United States. See Knee (n.d., pp. 28-34).

<sup>14</sup> This observation is not exception. *The Australian Magazine* (1992:17) titled "Victims, crime and prejudice in the West", reported that Aboriginal peoples make up only 2.7 per cent of the Western Australian population. Almost 70 per cent of the juveniles locked up in Western Australia last year were Aboriginal; 84 per cent of all young peoples detained by police were Aboriginal, as were 87 per cent of young peoples detained for drunkenness.

<sup>15</sup> For instance, see the research by Blogg (1982:4) who reported that 25 per cent of the Victorian population (which represents the ethnic groups in Victoria) have not been formally advised of the role of police in this society.

<sup>16</sup> A research study in 1987 and 1990 of 1473 rape victims in Victoria showed that most rape victims know their attacker. See McDonnell, 1991.

<sup>17</sup> A similar situation is found in Victoria. See Pierce, 1992.

<sup>18</sup> This is true for the resolving of sexual assault of the Hmong, Lao ethnic minority and the American system. See Goldstein, 1986:135-142.

<sup>19</sup> In general view, Jocelyne A. Scutt, a Melbourne barrister stated, "what the law appears to be saying here is that if she says she is raped, the woman falls into a suspect category, one akin to an accomplice in crime" (1991:31).

<sup>20</sup> For details of the situation, see *Fairfield Advance*, 9 February, 1988:3; Easteal, 1989:8-9; Mellor and Ricketson, 1991:24.

<sup>21</sup> Pierce was reconfirmed to the author in Melbourne that the Bao Ve was replaced in 1988 with the Asian Division. See also Wilson and Storey, 1991; McGregor, 1989.

<sup>22</sup> A similar situation had already occurred in California (U.S.A.)

where 40 per cent of the 900,000 Indochinese people in the United States of America live and there is less than half a dozen Vietnamese police officers. See Thompson, 1989.

<sup>23</sup> For details of the face-saving of Southeast Asian people, see Van Esterik, 1980.

<sup>24</sup> This could be a person from outside the family, or a real stranger. For instance, Moon's study (1982) with reference to the health of Asians in the United States of America showed that interpersonal family problems are rarely shared with strangers.

<sup>25</sup> A similar situation was also found among the Aboriginal or the Koorie culture. See Fesl, 1991; Gagliardi, 1992.

<sup>26</sup> For details of the Indochinese behaviour, directness or forthrightness and Western. See Nguyen, Dang Liem, 1986; Crawford, 1966; Merchant et al. 1989.

<sup>27</sup> This observation is not an exception. Other migrants and Australians, have difficulty finding work in a time of such a severe recession. See Marshall, 1991; Millet, 1991.

<sup>28</sup> A similar view expresses by detective Sergeant Stephen Pierce of the Victorian Police Asian division: "police in Victoria do not believe Indo-Chinese communities suffer from high crime rates and acknowledge that 99% of their people are hard working and intent on creating a new and law abiding life within our multicultural society" (1992:8). While Zubrzycki already summed up the Vietnamese people's achievement in Melbourne:

Victoria Street, Richmond is an excellent example of how a hard-working migrant community can transform a once moribund business area into a thriving commercial zone. For Melbourne's Vietnamese community, the rows of shops symbolise a prosperity and hope that few had any chance of ever realising in the war-crippled country they left behind (1987:2).

Two other reporters noted a similar situation in Footscray, an old inner-Melbourne working class suburb where along the main shopping street, eight of every ten shops are Vietnamese- restaurants, supermarkets, amusement parlors, travel agencies (Mellor and Ricketson, 1991:19).

<sup>29</sup> For details of the present situation faced by Indochinese peoples, see Viviani et al. 1993.

<sup>30</sup> Its also relates to other migrants. See Menart (n.d., p.4).

<sup>31</sup> It also occurs to the Lao refugees left in Thailand. See Long,

<sup>36</sup> A similar view exists in the United States. See Tenhula, 1991; Kucway, 1992.

<sup>37</sup> For details of the name, see Crawford, 1966, 108-9; Nguyen Hu Thu (n.d. p.13); Community Welfare Services, Department of the, n.d. p. 11.

<sup>38</sup> This is not an exception, for details of the success of Chinese trade in France. See Le Huu Khoa, 1985; 1989.

<sup>39</sup> On the six forms of abuses used. See Mckenzie, 1993:25.

<sup>40</sup> A similar situation is found among the Cambodian community in New Zealand. See Young, 1991.

<sup>41</sup> It is also true for migrant women. See Mckenzie, 1993.

<sup>42</sup> This ultimate step of sueing the husband before the court is not affordable for everybody. The situation is as described by the Department of Community Welfare Services (n.d., p. 6). Violence in the family is not, of course, confined only to the Indochinese, or to migrant women (Hazlehurst, 1987; Mckenzie, 1993). Unfortunately, it is a serious problem in Australian society too (Davis, 1992). It is also true of women in general in the United States where two million women are beaten by their husbands each year, while a *Boston Globe* article recently quoted an expert in the field as saying that 600,000 are severely assaulted four or more times a year (Martin, 1989:12).

<sup>43</sup> A similar situation occurs in the United States. See Knee, n.d., p. 172.

<sup>44</sup> Migrant women face a similar situation. See Mckenzie, 1993.

<sup>45</sup> The situation is prevalent in the United States. Thompson (1989:32) reported that Kenji Ima, a sociologist professor at San Diego State University, after examining hundreds of cases of Indochinese delinquents, estimates that 80 per cent of all youths are not involved in crime at all. Most of the others will committ a series of relatively minor crimes, such as breaking into cars and stealing radios, but will drop out by the time they are 18 or 19.

\* \* \* \* \*



## TABLES

The following tables are based upon the results of interviews with Indochinese people in Brisbane, Melbourne, and Sydney during 1992. Percentages were rounded.

## I Demographic Characteristics

Table 1. Percentage by Gender and Ethnicity

Gender	Ethnicity						Total
	Cambodian		Lao		Vietnamese		
	Female/	Male	Female/	Male	Female/	Male	
Number	18	12	14	16	12	18	90
Total Percentage	60.0	40.0	46.0	54.0	40.0	60.0	100.0

Table 2. Age Distribution by Gender and Ethnicity

Age/Sex	Ethnicity		
	Cambodian (%)	Lao (%)	Vietnamese (%)
Between 25-45	40.0	53.4	60.0
Over 45	60.0	46.6	40.0
Total Number	30	30	30

Table 3. Family Status by Gender and Ethnicity

Family Status	Ethnicity		
	Cambodian (%)	Lao (%)	Vietnamese (%)
Single	23.4	26.7	16.6
Married	50.0	56.7	70.0
Divorced	16.7	10.0	6.6
Widowed	6.6	6.6	3.4
Single parents	3.4	0.0	3.4
Total Percentage	100.0	100.0	100.0

Table 3. Geographic Location of Place of Origin

Location	Ethnicity		
	Cambodian (%)	Lao (%)	Vietnamese (%)
Urban	33.0	56.0	63.0
Rural	67.0	44.0	37.0
Total Percentage	100.0	100.0	100.0

Table 4. Highest Level of Education Completed in Indochina

Highest level of Education in their Home Countries	Ethnicity		
	Cambodians (%)	Lao (%)	Vietnamese (%)
None	32.0	0.0	1.0
Primary	40.0	77.0	43.0
Secondary	14.0	13.0	30.0
Tertiary	14.0	10.0	26.0
Total Percentage	100.0	100.0	100.0

## II Background After Leaving Indochina

Table 5. Period of Years in Refugee Camp

Year	Ethnicity		
	Cambodians (%)	Lao (%)	Vietnamese (%)
One year to 5 years	31.0	94.0	94.0
More than 5 years	69.0	6.0	6.0
Total Percentage	100.0	100.0	100.0

Table 6. Length of Residence in Australia

Length of Residence	Ethnicity		
	Cambodians (%)	Lao (%)	Vietnamese (%)
Less than 5 years	80.0	07.0	93.0
More than 5 years	20.0	93.0	7.0
Total Percentage	100.0	100.0	100.0

## III Social Background in Australia

Table 7. Occupation by Ethnicity

Occupation	Ethnicity				Total			
	Cambodians (%) (N)		Lao (%) (N)		Vietnamese (%) (N)		(%)	(N)
Process worker	46.6	14	50.0	15	36.7	11	44.5	40
White collar	6.7	2	10.0	3	13.4	4	10.0	9
Business	16.7	5	10.0	3	23.4	7	16.6	15
Unemployed	30.0	9	30.0	9	26.7	8	28.9	26
Total Percent- age/Number	100.0	30	100.0	30	100.0	30	100.0	90

Table 8. Religious Denomination

Religion	Ethnicity		
	Cambodians (%)	Lao (%)	Vietnamese (%)
Buddhism	83.3	80.0	50.0
Catholic	10.0	10.0	16.8
Confucianism/Taoism	0.0	0.0	26.8
Others	6.7	10.0	6.6
Total Percentage	100.0	100.0	100.0

IV Legal Background of Australian Law Before Arrival in Australia

Table 9. Level of Knowledge of Australian Legal System Before Arrival in Australia

Level of Knowledge	Ethnicity						Total	
	Cambodians		Lao		Vietnamese		(%)	(N)
	(%)	(N)	(%)	(N)	(%)	(N)	(%)	(N)
Very much	0.0	0	0.0	0	0.0	0	0.0	0
A little	6.7	2	10.0	3	16.7	5	11.1	10
Not at all	93.3	28	90.0	27	83.3	25	88.9	80
Total Percentage and Number	100.0	30	100.0	30	100.0	30	100.0	90

Table 10. Information on the Australian Legal System After Arrival in Australia

Level of Knowledge of Information	Ethnicity							
	Cambodians		Lao		Vietnamese		Total	
	(%)	(N)	(%)	(N)	(%)	(N)	(%)	(N)
Very much	6.7	2	6.7	2	13.4	4	8.9	8
A little	36.7	11	50.0	15	56.6	17	47.8	43
Not at all	56.6	17	43.3	13	30.0	9	43.3	39
Total	100.0	30	100.0	30	100.0	30	100.0	90

Table 11. Legal Problems Encountered by Indochinese in Australia

Estimation of the Magnitude of Problems	Ethnicity							
	Cambodians		Lao		Vietnamese		Total	
	(%)	(N)	(%)	(N)	(%)	(N)	(%)	(N)
Very much	43.3	13	36.7	11	35.6	8	35.6	32
A Little	33.4	10	30.0	9	35.5	13	35.6	32
Not at All	13.3	4	13.3	4	13.3	4	13.3	12
No Answer	10.0	3	20.0	6	15.6	5	15.5	14
Total	100.00	30	100.00	30	100.00	30	100.0	90

Table 12. Where to Turn For Help When Faced With A Legal Problem

Assistance Provided by	Ethnicity			Total
	Cambodians (%)	Lao (%)	Vietnamese (%)	
Themselves	33.3	40.0	33.3	37.8
Family/Relatives	20.0	30.0	40.0	27.8
Friends/Spiritual/ Community	30.0	20.0	16.7	22.2
No Answer	16.7	10.0	10.0	12.2
Total Number	30	30	30	90

Table 13. Contact With the Police When Having Problems

Inclination to Report to Police	Ethnicity			Total
	Cambodians (%)	Lao (%)	Vietnamese (%)	
Yes	23.3	33.3	36.7	31.1
No	50.0	46.7	46.7	47.8
No Answer	26.7	20.0	16.6	21.1
Total Number	30	30	30	90

Table 14. Fear of Revenge From by Law Breakers

Intensity Express	Ethnicity			Total (%)
	Cambodians (%)	Lao (%)	Vietnamese (%)	
Very Much	53.3	50.0	53.3	52.2
A Little	20.0	23.3	30.0	24.5
Not at All	10.0	16.7	10.0	12.2
No Answer	16.7	10.0	06.7	11.1
Total Number	30	30	30	90



Table 15. Estimation of Types of Offences Encountered by  
Indochinese People

Types of Offences	Ethnicity							
	Cambodians		Lao		Vietnamese		Total	
	(%)	(N)	(%)	(N)	(%)	(N)	(%)	(N)
Family matters	30.0	9	30.0	9	33.3	10	31.1	28
Traffic regulations	23.3	7	26.7	8	20.0	6	23.3	21
Contracts/Debts	23.3	7	20.0	6	20.0	6	21.1	19
Unlicenced Fishing and Hunting	13.4	4	10.0	3	23.3	7	15.6	14
Others	10.0	3	13.3	4	03.4	1	8.9	8
Total Number	100.0	30	100.0	30	100.0	30	100.0	90

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