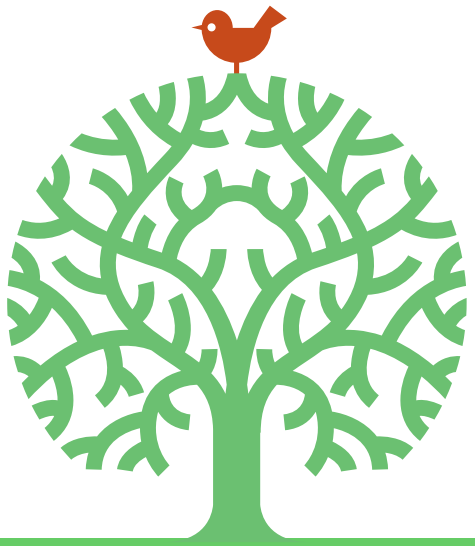
Issues Paper

recognition and respect:
justice for Indigenous Australians



federal election 2007

your faith, your vote, your voice

Uniting Church in Australia
National Assembly

recognition and respect: justice for Indigenous Australians

OUR VISION

We dream of Australia as a nation which values the Aboriginal and Torres Strait Islander heritage and provides justice and equity for all. We hope for a nation which will recognise and apologise for the violence done to Indigenous Australians and acknowledges the rights of Indigenous Australians as the first people of this land. We hope for a nation that respects the land on which we live, and is committed to empowering Indigenous people to take control of their own lives and destinies. Ours is a vision for an inclusive, equal, mutually supportive community that measures justice by the shape of our community, by outcomes rather than whether the processes appear equal, and by the treatment we afford to the most disadvantaged.

GROWING A NATION OF HOPE

Jesus is the love of God breaking into the world, reaching out beyond the barriers that separate people from each other and offering reconciliation and peace. Those who were marginalised by others around him were accepted and loved by Jesus. Those who had suffered persecution and isolation from the world around them, found in Jesus freedom and hope and the courage and strength to transform their lives. Christians, as participants in God's mission in the world are called to be the bearers of this hope.

If we were to identify just one area of Australia's life that was in need of God's transformative hope, the situation of our Indigenous people would be that one. Too many Indigenous Australians are marginalised, sick and living in dire poverty. A new creative energy and vision is needed to open up opportunities for reconciliation and justice. A reconciled Australia will be a nation of hope.

THE ISSUES WE FACE

Indigenous communities, both remote and urban, experience heightened levels of disadvantage. Indigenous Australians have worse health and education outcomes across the board than the non-Indigenous population, and according to the Australian Medical Association, an Indigenous child born between 1996 and 2001 has a life expectancy 17 years less than the general population. This is linked to the effects of racism on people's lives, unchecked intergenerational poverty and reduced access to basic services that other Australians take for granted.

This appalling situation is the legacy of our colonial past and the flawed, abusive and paternalistic policies that have contributed to the breakdown of Indigenous families and communities, such as those outlined in the Stolen Generations report of a decade ago. Indigenous people suffer from both a lack of respect and a lack of rights. Despite compelling evidence of the suffering of our Indigenous people, and strong community support, we are yet to adopt a formal apology and acknowledgement of our nation's fraught history.

In response to the *Little Children are Sacred* report of the Northern Territory Board of Inquiry into the protection of Aboriginal children from sexual abuse, the Australian Government has recently passed legislation allowing it control over the lives of Indigenous people in the Northern Territory. The legislation, some of the most significant in the history of Australia, over-rides some aspects of the Native Title and Racial Discrimination acts, has significant impacts on Indigenous land ownership, and removes the permit system. The Government has also removed Community Development Employment Program (CDEP) payments and proposes to quarantine part of welfare payments for Indigenous people in the NT. While supporting initiatives

to combat disadvantage, many community organisations, including the Uniting Church and the Uniting Aboriginal and Islander Christian Congress, have been highly critical of the lack of consultation around this response, which ignores the recommendations of the *Little Children are Sacred* report.

THE POLICIES WE SEEK

Justice for Indigenous people will depend on policies which ensure appropriate resourcing in the areas of health, housing, education, employment and welfare support. Yet more than that, there is a need for policies which respect self-determination and the ability and desire of Indigenous people to themselves address disadvantage (without the imposition of solutions by outside welfare and government bodies). Justice will depend on support for culturally appropriate Indigenous governance in the form of a representative body, elected by the Indigenous community. Such approaches, accompanied by a reconciliation process which develops non-Indigenous capacity to be respectful of Indigenous culture and peoples, will lead to better outcomes fro Indigenous people

Indigenous poverty, ill-health and disadvantage

Indigenous Australians are severely disadvantaged on all social indicators such as health, housing, education and employment. In some areas, quality of life indicators are getting worse, and this compares badly to countries such as Canada and New Zealand which have taken issues such as Treaty seriously, and which have a legal foundation for the rights of Indigenous people.

National Indicators[1]	Non-Indigenous Australians	Indigenous Australians
Life expectancy at birth (males)	77	59
Life expectancy at birth (females)	82	65
Imprisonment rate per 100,000 (adults)	129.8	1668.2
Live in a home that is owned or being purchased by a family member	74%	27%
Completed Year 12	47%	22%
Average unemployment rate	4%	13%
Labour force participation	78.1%	58.5%
Median household income	$618	$340

We seek a holistic approach to Indigenous health, recognising that these terrible statistics are symptomatic of broader issues of poverty, dispossession and reduced ability to access mainstream services. In remote communities, this is also linked to a lack of qualified personnel and facilities. We seek a long-term, consultative solution to this problem which recognises that each Australian is entitled to live with dignity, and that Indigenous Australians have special rights.

Issues of Indigenous ill-health, disadvantage and poverty must be approached with respect and maximize self-determination. Improvements in education, health, and housing must come through adequate resourcing and partnerships with appropriate local, regional and national Indigenous bodies. Economic empowerment needs to be facilitated through support for local initiatives and Indigenous businesses.

responding to real needs with proper consultation

There is a need for policies and programs that support and empower Indigenous people to address the problems in their communities. Over many years, reports have

shown that there is a significant issue with the sexual abuse of children in Indigenous communities, and with related issues of poor health, drug and alcohol abuse, unemployment, gambling, pornography, poor housing, and poor education. The question is: what policies and actions are most appropriate as a response to these significant issues? The answers must be found in consultation with local communities. It is important that programs do reduce alcohol consumption, and target those outside bodies that profit from alcohol and pornography sales and which encourage prostitution. However, long-term solutions will involve strengthening the life and social fabric of communities and supporting Aboriginal culture as well as improving family support and healthcare services and education and housing.

It needs to be recognised that Indigenous people are not the only victims and perpetrators of sexual abuse, nor the only people for whom drugs and poverty are serious life issues. Any policies and actions should be no more controlling of the lives of Indigenous people, and should not be less respectful of people's desire to care for their own children, than is the case with actions taken in the wider community. The *Little Children are Sacred* report said that most Aboriginal people are willing and committed to solving problems and helping their children. Whatever action is taken needs to be built through consultation, gaining community support in the effort to offer the assistance that would enable the communities and their leaders to act.

empowering a democratic peak body

Indigenous self-determination needs to find expression in government decisions to support the re-establishment of an elected, representative body which can provide advice and direction in regard to the delivery of services to Indigenous communities and the development of policies. The abolition of ATSIC removed this representative structure.

There are peak bodies that do give Indigenous bodies a chance to work together (e.g. the Combined Aboriginal Organisations of the Northern Territory, or the recently formed coalition of Indigenous churches), yet they do not have a place in Government structures, nor the power to change the delivery of government services. There is a need for an elected, representative body which has a real voice in government policy making.

policies of respect

Government policy must treat people with dignity and respect, honour Indigenous culture, language, law, courageous survival in the face of dispossession, the right to land, and the ability to make responsible and life-affirming decisions. Governments cannot change everything, and many of the images and myths are carried in local stories and media coverage. However, governments can influence the images by the way they develop and explain policies. It is very important that Indigenous policy is based in respect; that respectful language is used to describe Indigenous people and communities, and that appropriate and respectful consultation is undertaken when formulating long-term, respectful Indigenous policy.

Indigenous people have particular and specific needs that arise from both their culture and from their experience of disadvantage. These needs are not met when they are placed within the mainstream departments and treated like all other people. There is a need for policies that recognise the unique place of Indigenous people in Australia, and which find support through the role of Indigenous Affairs Ministers who have a real voice in the parliamentary processes, and through separate funding of Indigenous services. There is also a strong need for an apology for past hurt, and an act which will recognise that Indigenous people as the First People in this land.

addressing the stolen generation

The *Bringing Them Home Report* of 1997 focused national attention on the devastating impact of past Government policies to remove Aboriginal and Torres Strait Islander children from their families. In response, the Government refused to offer a formal apology or establish a reparations tribunal. We seek a commitment to implementing the recommendations of the *Bringing Them Home Report* to provide appropriately resourced counselling and reunion services, to issue a national apology to those affected by the policies, and to establish appropriate compensation measures.

The recent *Trevorrow* case ruled that Bruce Trevorrow was entitled to reparations from the South Australian Government after being taken from his family as a small child. It is important that Governments do not now take action to stop other claims for compensation in the courts or, if they do, it is because they have established an alternative compensation process.

recognition of native title

Recognition of Native Title is foundational to a just Australia. It is a symbolic and important denial of *terra nullius*, a recognition that Indigenous people were part of this land at the time of European occupation. It affirms the importance of land for identity, culture, economy, law and relationships. The *Native Title Act 1993* was an important step, but these gains were significantly reduced by amendments passed in 1998. The amendments were opposed by Indigenous leaders, and by many other Australians, and were found to be discriminatory by the United Nations Committee for the Elimination of Racial Discrimination (CERD). The Native Title Act has been further eroded with the 2007 Northern Territory intervention legislation.

We seek a commitment to continuing control of land by Indigenous people, and a commitment to not further change Native Title in ways that are detrimental to Aboriginal communities. We seek a further commitment to amending the *Native Title Act* to retain the common law definition of native title, as per the Mabo decision, and to remove the provisions deemed racially discriminatory by CERD.

WITHIN THE UNITING CHURCH

At its 7th National Assembly, the Uniting Church formally entered into a relationship of Covenant with its Indigenous members, recognising and repenting for the Church's complicity in the injustices perpetrated on Australia's Indigenous community, and pledging to move forward with a shared future. The President's statement to the Uniting Aboriginal and Islander Christian Congress ("Congress"), avowed:

> We seek to journey together in the true spirit of Christ as we discover what it means to be bound to one another in a covenant. Christ has bound us each to himself, giving himself for us, and he has bound us to each other with his commandment 'Love one another as I have loved you'.
>
> It is our desire to work in solidarity with the Uniting Aboriginal and Islander Christian Congress for the advancement of God's kingdom of justice and righteousness in this land, and we reaffirm the commitment made at the 1985 Assembly to do so. We want to bring discrimination to an end, so that your people are no longer gaoled in disproportionate numbers, and so that equal housing, health, education and employment opportunities are available for your people as for ours. To that end we commit ourselves to work with you towards national and state policy changes. We commit ourselves to build understanding between your people and ours in every locality, and to build relationships which respect the right of your people to self determination in the church and in the wider society.

Congress' generous response to this statement, among other messages, called upon the broader Church to take up the mission of reconciliation

> Because it is pleasing to God to love one another, and it is our commitment to do so, we invite you on behalf of Congress members to develop a new relationship by entering into the struggle of those issues that presently are the cause of continuing injustice resulting in broken relationships.

The ongoing and continually renewing nature of the Covenant, and its clear missional grounding in the life of the nation as well as the life of the Church, calls the Uniting Church to continually act to remove the systems and structures of discrimination and oppression in Australia.

The national website of the Uniting Aboriginal and Islander Christian Congress can be found at http://assembly.uca.org.au/uaicc/

National Assembly statements around covenanting can be found online at http://assembly.uca.org.au/unitingjustice/resourcearchive/assemblyresolutions/index.html

A resource on covenanting will soon be available on the Christian Education website at http://assembly.uca.org.au/UE/index.htm

FURTHER INFORMATION

Information about the Australian Government's policy initiatives concerning Indigenous communities can be found via http://www.Indigenous.gov.au/

The Federal Minister for Indigenous Affairs has a website at http://www.atsia.gov.au/

Read the *Little Children are Sacred* report at http://www.nt.gov.au/dcm/inquirysaac/pdf/bipacsa_final_report.pdf

Australians for Native Title and Reconciliation (ANTaR) are running a Close the Gap campaign on Indigenous health. For more information about their work, please visit them at http://www.antar.org.au/

Information on About FACE, a Uniting Church culture immersion program allowing non-Indigenous youth to visit Australian Indigenous communities, can be found at http://aboutface.unitingchurch.org.au/

UnitingCare Wesley Adelaide is running an online initiative tracking Government commitments to the Anangu Indigenous communities. It can be found online at http://www.papertracker.com.au/index.php?option=com_frontpage&Itemid=1

This paper was prepared by Chris Budden for UnitingJustice Australia

1 *Overcoming Indigenous Disadvantage: Key Indicators 2007*, Report of the Steering Committee for the Review of Government Service Provision, Australian Government Productivity Commission, June 2007.

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