

FEDERAL ELECTION 2010

ISSUES PAPER

RECOGNITION AND RESPECT  
*Justice for Indigenous Australians*

BUILDING AN  
ECONOMY FOR LIFE  
*Your faith, your vote, your voice.*



Produced by  
The 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 respects the land on which we live. We hope for a nation which recognises the injustice and violence done to Indigenous Australians and which is committed to justice and equity for all. We hope for a nation actively building upon the goodwill of the Government's formal Apology to the Stolen Generations by acknowledging the rights of Indigenous Australians as the First Peoples of this land, empowering Indigenous people for self-determination and placing Indigenous rights and responsibilities front and centre of Indigenous policy making, not merely as an adjunct to mainstream legislative decisions. Ours is a vision for an inclusive, equal, mutually supportive community that measures justice by the shape of our community and by the treatment we afford to the most disadvantaged.

### Building an economy for life

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. As followers of Jesus in this land we are challenged to ask how we might be good news in our world in ways that acknowledge the dispossession of Australia's Indigenous peoples and the ongoing damaging effects of racism and long-term injustice on people's wellbeing. We are challenged to seek alternatives that build new relationships of mutual understanding and respect. Such alternatives would promote policies which express genuine commitment to community development which is culturally-sensitive and empowering.

In an economy for life, cultural heritage (including sites, language and customs) would be recognised as intrinsically valuable, as an expression of the wholeness of humanity, rather than solely for the economic gain that can be garnered from the commercialisation of culture. This recognition would engender government policies which support the expression, education and preservation of cultures, especially those of Indigenous peoples.

### The issues we face

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



Indigenous communities, both remote and urban, experience heightened levels of disadvantage across all socio-economic indicators. 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 boy born during 2005-2007 has a life expectancy 11.5 years less than a non-Indigenous boy born in the same period.<sup>1</sup> 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 basic human rights.

While aspects of the Northern Territory Emergency Response policies (or "Intervention") have been changed since its introduction in 2007, the Intervention remains a highly divisive and discriminatory policy. There has been widespread criticism of the Government's consultation with Indigenous communities about the future of the Intervention, on the grounds that it was designed to seek approval for a pre-determined outcome and inaccurately reflected the views of the community consulted.

## 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). 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 for Indigenous people.

### Indigenous poverty, ill-health and disadvantage

Indigenous Australians are severely disadvantaged on all socio-economic 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.

<sup>1</sup> Australian Medical Association Indigenous Health Report Card 2009: *The Health of Indigenous Males – Building Capacity, Securing the Future*, Australian Medical Association, 2009





National Indicators	Non-Indigenous Australians	Indigenous Australians
Life expectancy at birth (males)	79	67
Life expectancy at birth (females)	83	73
Homicide (per 100,000)	1	6
Live in a home that is owned or being purchased by a family member	74%	27%
Year 12 attainment	74%	36%
Year 10 Retention Rate (from year 8-9)	100%	89%
Average unemployment rate	4%	13%
Labour force participation	78.1%	58.5%
Median household income	\$618	\$340

From *Overcoming Indigenous Disadvantage: Key Indicators 2009*, Report of the Steering Committee for the Review of Government Service Provision, Australian Government Productivity Commission, 2009

We seek a holistic approach to Indigenous wellbeing, recognising that these dire statistics are inherently linked and 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, unemployment, disadvantage and poverty must be approached with respect and maximise 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.

The *Close the Gap* pledge, a statement of intent between the Government of Australia and the Aboriginal and Torres Strait Islander Peoples of Australia, supported by non-Indigenous Australians and Aboriginal and Torres Strait Islander and non-Indigenous health organisations signed in March 2008, was a very welcome first step in addressing the Indigenous health crisis. Also welcomed has been the increase of 87 percent in total investment across the Health and Ageing portfolio for Indigenous people since 2007-2008, to \$1.16 billion in the 2010-2011 budget. We look forward to a sustained commitment to address all areas of deprivation and exclusion experienced by Indigenous people is needed.



### 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 which 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 noted 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 national representative body

The Federal Government is to be commended for moving toward establishing a National Congress of Australia's First Peoples. However such a body needs to have vested in it, the power to positively influence legislation concerning Indigenous people, both while it is being formulated and during the review processes, and not just be a 'sounding board' for predetermined Government decisions.

There are peak bodies that do provide Indigenous bodies the opportunity 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 an established place in Government structures, nor the power to change the delivery of government services.

### policies of respect

Government policy must treat people with dignity and respect which means honouring Indigenous culture, language and law, Indigenous people's courageous survival in the





face of dispossession, their right to land, and their ability to make responsible and life-affirming decisions for themselves and their communities. 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 on such respect; that respectful language is used to describe Indigenous people and communities, and that appropriate and respectful consultation is undertaken when formulating long-term policy.

Indigenous people have particular and specific needs that arise from both their culture and from their experiences of disadvantage. Substantial cultural differences exist when comparing Indigenous cultures to the dominant culture. For example, Indigenous cultures are highly collectivist and relationship focused as opposed to the highly individualistic task-based society in which we live. These unique needs and important cultural differences cannot be properly considered or supported in policy making when areas relating to the lives of Indigenous people are placed within the mainstream departments. Success often abounds for Indigenous people when these cultural differences are accommodated in decision making. There is a need for policies that recognise the unique place of Indigenous people and their cultural influences 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.

### 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. On 13 February 2008, the Federal Parliament passed a [National Apology](#) to Indigenous people with specific reference to the Stolen Generations. We seek a commitment to implementing the recommendations of the *Bringing Them Home Report* in full, implementing and building on the commitments made in the Stolen Generations Working Partnership<sup>2</sup>.

### 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, customs 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.

<sup>2</sup> Information on the Stolen Generations Working Partnership is available from the [Department of Families, Housing, Community Services and Indigenous Affairs website](#)



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 in Australia

At its Seventh 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 '[w]e 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.'

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.

At the Church's most recent triennial Assembly in 2009, it was resolved to support substantial [changes to the Preamble of the Church's Constitution](#), in order that it include the following statements:

When the churches that formed the Uniting Church arrived in Australia as part of the process of colonisation they entered a land that had been created and sustained by the Triune God they knew in Jesus Christ.

Through this land God had nurtured and sustained the First Peoples of this country, the Aboriginal and Islander peoples, who continue to understand themselves to be the traditional owners and custodians (meaning 'sovereign' in the languages of the First Peoples) of these lands and waters since time immemorial.





The First Peoples had already encountered the Creator God before the arrival of the colonisers; the Spirit was already in the land revealing God to the people through law, custom and ceremony. The same love and grace that was finally revealed in Jesus Christ sustained the First Peoples and gave them particular insights into God's ways.

The Synods and Presbyteries of the Church are now considering these changes as part of the Church's process for changing its Constitution.

## Further information

The national website of the **Uniting Aboriginal and Islander Christian Congress** can be found at <http://www.uaicc.org.au>

The **Building Partnerships** covenanting resource provides information and suggestions for congregations, agencies, groups, individuals and organisations within the Church who wish to relate more closely to Indigenous people in Australia from a Christian perspective. It is available at <http://assembly.uca.org.au/uaicc.html>

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

Read the **Little Children are Sacred** report at <http://www.inquirysaac.nt.gov.au/>

The **Australian Human Rights Commission** *Bringing them home: The 'Stolen Children' report* page has many useful resources for understanding the Bringing them home report and the Apology to the Stolen Generations [http://humanrights.gov.au/social\\_justice/bth\\_report/index.html](http://humanrights.gov.au/social_justice/bth_report/index.html)

**Australians for Native Title and Reconciliation** (ANTaR) are running a number of campaigns, including *A Better Way*, promoting community-led, sustainable alternatives to the Northern Territory Emergency Response, and 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 Indigenous communities, can be found at <http://aboutface.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>



*this paper was prepared by  
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