

Submission to the Australian Parliament's Senate Standing Committees on Legal and Constitutional Affairs Inquiry into the application of the United Nations Declaration on the Rights of Indigenous Peoples in Australia

The Parliament of Australia's Senate Standing Committees on Legal and Constitutional Affairs are interested in better understanding the application of the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) in Australia.

About Life Without Barriers

Life Without Barriers acknowledges Aboriginal and Torres Strait Islander peoples as the Traditional Owners and Custodians of this Country and their connection to land, water and community. We pay our respect to them, their cultures and customs and to their Elders past, present and emerging. We strongly believe in recognising, respecting and advancing the inherent rights, cultures and traditions of Aboriginal and Torres Strait Islander people and communities and that reconciliation must live in the hearts and minds of all Australians.

We are committed to an ongoing journey towards truth telling and reconciliation. We recognise and value the contribution of Aboriginal and Torres Strait Islander employees, carers, people we support, peak bodies, organisations, their leaders, and communities across Australia as we continue our reconciliation journey together. As a nation we need to work together to close the gap in life expectancy by improving the cultural, spiritual and emotional well-being of Aboriginal and Torres Strait Islander people.

We recognise the deep injustices and international trauma created by colonisation and years of oppression and racism that still exists for Aboriginal peoples across Australia. We also acknowledge the importance of family, cultural and community ties for Aboriginal and Torres Strait Islander people. While we are working tirelessly in practical ways to bring about real change – advocating for children and young people, improved employment and education – we also want to change attitudes.

Life Without Barriers (LWB) is a large charitable organisation, providing services across Australia to people with the assistance they need so they can achieve their goals and maximise their opportunities to participate in the community. Life Without Barriers partners with Elders, communities, governments and other stakeholders to support people so they can achieve positive long- term change. We offer services to Aboriginal and Torres Strait Islander peoples, people with disability; children, young people and families; people with mental health needs; refugees and people seeking asylum; and people who are experiencing homelessness.

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In the spirit of Reconciliation, Life Without Barriers acknowledges Aboriginal and Torres Strait Islander peoples as the Traditional Owners and Custodians of this country, and their connection to land, water and community. We pay our respect to them, their cultures and customs, and to Elders both past and present.

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Our Strategy2025 recognises the unique and important rights of people in our community who are not afforded equally opportunities, and we believe in protecting and promoting the fundamental human rights of people. The organisation continues to be deeply committed to reconciliation. We are in the process of applying to Reconciliation Australia for an Elevate Reconciliation Action Plan and a developing partnership with SNAICC – Voice of Our Children.

We respond to the Senate Standing Committees on Legal and Constitutional Affairs Inquiry as follows. Life Without Barriers' submission pays particular attention to community and stakeholder efforts to ensure the application of UNDRIP principles in Australia.

The application of the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) in Australia, with particular reference to:

h. community and stakeholder efforts to ensure the application of UNDRIP principles in Australia

Life Without Barriers is committed to applying each of the articles detailed in the UNDRIP and has a long-standing commitment to upholding the rights of Aboriginal and Torres Strait Islander Peoples. The articles outlined in the UNDRIP are the foundation of all that we do, as we believe that Aboriginal and Torres Strait Islander peoples have the right to self-determination, self-government, to belong to their communities and not be forcibly removed from their land. As an organisation we actively support Aboriginal and Torres Strait Islander peoples to connect with language, cultural and spiritual identity, to have access to education, information and employment and uphold rights to country, resources and knowledge.

Life Without Barriers applies these rights through a variety of activities across our organisation and believes that all aspects of civil society, as well as State and Federal Governments, have a role to play in ensuring that these rights are upheld.

Life Without Barriers' Reconciliation Action Plan

Life Without Barriers works with Aboriginal and Torres Strait Islander children, young people and adults across Australia and in almost all of our service delivery areas. We know that ensuring respect for cultural connectedness is vital for our clients and all Aboriginal and Torres Strait Islander peoples.

We particularly identify the distressing over-representation of Aboriginal and Torres Strait Islander peoples who, as our country's first peoples, are continuing to face systemic barriers. Our focus is working in partnership with Aboriginal led organisations, community, Elders and emerging leaders to constantly review our own practices and provide culturally respectful support that contributes to equality, reconciliation and healing. This is why we have given a public commitment to honouring this goal through our Reconciliation Action Plans.

In 2009 we began our journey to Reconciliation. It was then we established the Life Without Barriers National Cultural Respect Steering Committee which comprised equal representation of Aboriginal and non-Aboriginal employees from across Australia.

Our first Reconciliation Action Plan (RAP) was also finalised in 2009 which led to us developing relationships with Reconciliation Australia, Aboriginal and Torres Strait Islander peoples, ACCO's, non-government organisations and communities, to provide leadership and advice for the children, adults and families we support. We also sought to expand our knowledge of and embrace Aboriginal and Torres Strait Islander wisdom, and to learn more about the criticality of identity, belonging and

WE LIFE WITHOUT BARRIERS VE

culture for children, and the role of Elders in their lives.

We then extended this RAP between 2010 and 2012, embarking on our second RAP between 2012 and 2015, and a Stretch RAP from 2016 to 2019. During these years, we engaged with Aboriginal and Torres Strait Islander Leads, Elders and designated representatives to promote and recruit Aboriginal and Torres Strait Islander employees and carers to provide culturally safe and responsive care to children. We implemented longer term strategies for children's health and wellbeing, addressing impacts of trauma and ensuring cultural safety. During the period of the Stretch RAP, we focused on children's education and, where possible, their reunification to family and kin, embedding children's rights in their case plans as well as in the organisation's business plan.

We have again refreshed the governing body – National Reconciliation Strategy Group – that continues to comprise of equal representation of Aboriginal and Torres Strait Islander and non-Indigenous members. This model of governance embeds leadership at the highest level of governance, creating accountable and engaged leaders, shared ownership and allowing communication to be dispersed to state, territory, national, and regional Reconciliation Working Groups, and subsequently to the people we support and those who support them.

We recognise that it is important we make conscious, cooperative, and determined action to ensure our work is founded on a keystone of justice. Our people respond with action to this social and moral responsibility within a model of respect in their work, every day. We joyfully and purposefully 'walk and talk' the plan together.

As a leader in the social services sector, we stand firmly in the important part we have to play in helping shape the future and forging a way forward in partnership with Aboriginal and Torres Strait Islander peoples, so distinctive cultural identities are respected and self-determination is supported along with the sharing of economic benefits and opportunity.

Articles 3, 8 & 10: Self-determination, freedom from assimilation and destruction of culture and removal and relocation

In September 2021, Life Without Barriers was pleased to announce a new partnership with SNAICC – National Voice for our Children (a national non-governmental peak body for Aboriginal and Torres Strait Islander children), that will support a historic commitment from Life Without Barriers to transfer its out-of-home care services for Aboriginal and Torres Strait Islander children to Aboriginal and Torres Strait Islander community-control within 10 years.

Life Without Barriers will work with SNAICC to develop the first National Partnership Agreement between SNAICC and a non-government organisation that outlines the roadmap for reform with the Coalition of Peaks, non-government agencies and government departments across states and territories.

SNAICC CEO Catherine Liddle at the time said that "the future of decision-making about the safety and wellbeing of Aboriginal and Torres Strait Islander children is community-controlled. Our communities are the experts. We know that culturally-appropriate services designed, led and delivered by our services, get better outcomes".

Life Without Barriers is committed to being responsive and courageous so that self-determination can flourish. The need for courage is most evident in the deeply troubling over-representation of Aboriginal and Torres Strait Islander children in the child protection system. We observe the

WE LIFE WITHOUT BARRIERS VE

distressing rates of Aboriginal children entering care, our organisation is clear that we must make this commitment to children and their families if we are ever to realise giant steps towards Reconciliation.

We are grateful to our partnership with SNAICC, Aboriginal and Torres Strait Islander organisations and communities to understand the most effective way we strengthen families to stay together with their children and by supporting our children to be strong in culture, Life Without Barriers believes the initiative will also serve to support the sector on a much wider scale.

Articles 14, 15 & 17: Education, Public Information and Employment and Working Conditions

In 2020 Life Without Barriers established a specialist Education Unit as we acknowledged that a successful education journey is essential for a positive future. However, many Aboriginal and Torres Strait Islander children and young people growing up in foster or kinship care are at risk of not achieving their educational potential as they are often impacted by complex histories and challenges.

As a large provider of out of home care for children and young people in Australia, Life Without Barriers recognise that we play an important role – not only are we responsible for ensuring children and young people have the best start in life, but also to support them reach their educational/learning goals and full potential. Life Without Barriers creates opportunities for connection to culture including connection of country, community and schools for Aboriginal and Torres Strait Islander children and young people including trips to country, art immersion sessions and language lessons. Staff working with children are trauma trained, based on the CARE model from Cornell University. We are currently working with Cornell to embed Aboriginal perspectives into the CARE model, particularly for our work with young people in residential care in the Northern Territory.

We provide our foster, kinship carers and our workforce with the materials and resources that they need to support learning at the key developmental stages in ways that work for them.

As well as establishing the Education Unit, Life Without Barriers has developed a Cultural Learning and Cultural Capability Framework that includes a focus on Truth Telling; Aboriginal and Torres Strait Islander Self-determination; Intergenerational Trauma; Structural and Institutional Racism; Strategies to Challenge Workplace Racism, Cultural Safety Responsibilities, and Cultural Capability. The suite of learning modules provides a sustainable approach to cultural learning, and a clear learning path focused on building cultural capability and creating culturally safe environments, services and workplaces.

Life Without Barriers also ensures that all staff undertake cultural learning throughout their induction to the organisation. The purpose is to provide information to enable everyone to work with Aboriginal and Torres Strait Islander peoples in a sensitive and effective way. On completion of this course, staff have an awareness and understanding of:

- What being culturally respectful means
- Some of the key elements of Aboriginal and Torres Strait Islander cultures
- The disadvantages still experienced by many Aboriginal and Torres Strait Islander peoples in areas including education, employment, health and housing
- The impact of government policy and legislation on intergenerational trauma
- How reconciliation fits with LWB's Values.

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Aligned with greater cultural safety and cultural learning across Life Without Barriers and a more targeted approach to racism and anti-racism strategies, we have a substantive focus on building the Aboriginal and Torres Strait Islander workforce and investing in workforce development. This two-fold approach within our workforce overall enables a renewed focus on employment opportunities and experiences for Aboriginal and Torres Strait Islander employees, improves attraction and retention, drive outcomes and builds a safer and more inclusive organisation.

Articles 13, 18 & 19: Our Ways of Being and Knowing, Decision Making and Consent and Partnership

Life Without Barriers' commitment to raising awareness of Aboriginal and Torres Strait Islander peoples by hearing their voices and recognising their achievements and shared histories in our communities is ongoing, as we work towards making sure Aboriginal and Torres Strait Islander peoples have access to the same opportunities as all Australians.

We also acknowledge the importance of family, cultural and community ties for Aboriginal and Torres Strait Islander peoples. While we are working tirelessly in practical ways to bring about real change – advocating for children and young people, improved employment and education – we also want to change attitudes.

Life Without Barriers publicly supports the Uluru Statement from the Heart. We believe this represents a powerful and unique opportunity for all Australians to come together in support of a better future and we call for the establishment of a 'Aboriginal and Torres Strait Islander Voice' to be codified and enshrined in the Australian Constitution.

Life Without Barriers supports a referendum to change the constitution. We believe that much positive change and greater advancement towards Reconciliation and self-determination will be possible if this important step is taken to enshrine recognition of Aboriginal and Torres Strait Islander peoples in Australian law.

Life Without Barriers also publicly supports the advancement of the Treaty processes under way in some States and Territories as we recognise Aboriginal and Torres Strait Islander peoples as the Traditional Owners and Custodians of this country and accordingly, we recognise their right to self-determination.

Recommendations

Life Without Barriers encourages the Senate Standing Committees on Legal and Constitutional Affairs to urge the Australian Government to apply all 46 articles of the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP).

It is recommended that they are embedded into legislation to ensure that the Australian Government adheres to the principles of the UNDRIP and we call for the establishment of a 'Aboriginal and Torres Strait Islander Voice' to be codified and enshrined in the Australian Constitution.