

Mercy International Justice Network – AP-

SUBMISSION TO SENATE INQUIRY INTO THE ADMINISTRATION OF INDIGENOUS AFFAIRS

To:

The Secretary
Senate Select Committee on the Administration of indigenous Affairs
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BACKGROUND TO THE SISTERS OF MERCY INVOLVEMENT WITH THE INDIGENOUS PEOPLE OF AUSTRALIA

The Sisters of Mercy Justice Network in the Asia Pacific Area is a network of groups of Sisters of Mercy throughout the Geographic Area. The Sisters of Mercy are a religious congregation within the Catholic Church.

As Mercy women we

- advocate for people whose voice has been silenced and those seeking justice by collaborating with these people to influence the structures that are oppressing them
- work in our traditional ministries of education, health and social services and other ministries including spiritual direction, parish ministry, pastoral care
- sponsor institutions of learning, health care, aged care and social services

We have a long history of working alongside Aboriginal people in urban and country areas and on traditional lands. In some parts of Australia we have been working in this way for over 70 years. We are working in many cities and towns throughout Australia including the Kutjungka ward of East Kimberley (Malarn, Wirrumanu, Kururrungku, Yaka, Yaka), Central Queensland, Cairns, Gibbs River, Woorabinda, Mt Morgan, Bowraville, Albury, Fregon, Bourke, Wilcannia and Dubbo.

The Sisters have worked alongside many other agencies and groups and have formed valuable networks in the Indigenous communities.

The Sisters of Mercy take a social justice and human rights approach to our work in the community with those who have been put into powerless positions in our society through structural inequalities. This approach implies that citizens have rights expressed through international and national covenants, agreements and commitments.

THE FOCUS OF THIS SUBMISSION

This submission by the Sisters of Mercy Justice Network will focus on the abolishing of ATSIC and the mainstreaming of Aboriginal Services.

1. THE ABOLISHING OF ATSIC

The Australian State is obliged under International Law to protect Human Rights. These rights encompass economic, social, cultural and political rights, including the right to:

- Self determination
- Education, training and employment
- Health and housing
- Safety

Self Determination

With the election of the Whitlam Government in 1972, the policy of self-determination was established as official Australian Government Policy within Australia. Under the Fraser Government this was changed to self-management and has remained as this ever since. The Australian Government has registered formal opposition to self-determination for Indigenous Peoples as proposed in the United Nations Draft Declaration on the Rights of Indigenous Peoples. The Howard Government has actively opposed the right of self-determination for Indigenous peoples, claiming it would result in a separate Indigenous state. It even argued for the removal of the term from the UN Draft Declaration on the Rights of Indigenous Peoples. For the Indigenous people of Australia (as for most Indigenous peoples) self-determination is about many things – the right to their culture, customs, their law and beliefs. It is also the right to determine their own future. Self Determination is a fundamental principle of international law, contained in the first Articles of the United Nations International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights. It is the right of all people to be able to control their destiny and to make decisions about their own future. Indigenous people have consistently asked throughout the Reconciliation process for this right to apply to them. Consistently throughout they have been denied this right.

Dr Bill Jonas AM Aboriginal and Torres Strait Islander Social Justice Commissioner, has made it clear in his Reports of both 2000 and 2001 that ‘self-determination is not about the creation of separate rights. It is about inclusive government, in which Indigenous people rightly have a role in determining their priorities and destiny’ (Jonas, 2000, p.32)

However even the right to self-management has been taken away in the latest government decision handed down on the 15th April, 2004. Under the government’s new arrangement there will be no replacement elected Indigenous body. There will be a government appointed advisory body. Under the new arrangement that seems to have been created for the sake of efficiency, no value has been placed on the value of Indigenous decision-making ability at a local level. This decision has taken Australian Indigenous Affairs policy back into the 1960s.

Reflection

The Sisters of Mercy believe that it is a violation of human rights as expressed in the first Article of the United Nations International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights.

As suggested by Dr Jonas, the development of framework agreements followed by Constitutional entrenchment of the human rights to self-determination for the Indigenous People of Australia, is crucial to ensuring that these rights are respected.

Recommendation 1

The Sisters of Mercy Justice Network recommends that the retention of self determination as the basis of Commonwealth policy is crucial to the credence of our indigenous Affairs Policy in the light of our United Nations Treaty obligations.h

1. THE MAINSTREAMING OF ABORIGINAL SERVICES

Anecdotal Material

As noted above the Sisters of Mercy are dispersed throughout Australia living and working with Indigenous People. The figures we have quoted are brought to life by the statements from the Sisters and the people they work with. They note:

'There is an acute lack of adequate housing, adequate health care, adequate education, adequate employment, adequate self-esteem of our Indigenous sisters and brothers. What has worked in past as far as service responses will not work today. Ways of being with and acting with the dis-possessed of our land, need to match this world of today. We must not assume the role of 'experts' or 'superior to' but a 'side-by-side' stance is required'.

'I work in Mossman in North Queensland and the Indigenous people here are in dire need of adequate housing satisfactory employment and adequate health care'.

'And this is the story of one of the Indigenous people I work with. I have changed her name. Rosie comes from Yam Island, one of the approximately 70 Islands in the Torres Strait. Yam Island is one of the 25 inhabited islands in the strait. It is about 5 hours by boat from Thursday Island which is the closest island to the Australian mainland. Rosie attends boarding school at St Patrick's College in Townsville. Like approximately 80% of students in the Cape and Straits communities, Rosie has a hearing impairment. Her hearing loss is caused by chronic Otitis Media, contracted while she was a younger child. What we have here on the one hand is a personal story of Rosie, what we have on the other, since 80% of students from the Straits are affected in a similar way is a political issue'.

Reflection

As we listen to the experiences of our Sisters and those with whom they work we are convinced that mainstream services are not adequate for Aboriginal children and adults who are experiencing specific health and social problems that are linked purely to the fact that they are Aboriginal.

To be Aboriginal in Australia in 2002 means that you are 20 times more likely to be admitted to hospital as a result of domestic violence than the rest of the society (Tracey Carpenter, 2002). Aboriginal people are 4.6 times more likely to be victims of violent crime than non-Aboriginal people; approximately 75% of Aboriginal victims are women (Women's Service Network: 2000, *Domestic Violence in Regional Australia: a Literature Review, A Report to the Commonwealth Department of Transport and Regional Services under the Partnerships Against Domestic Violence Program*, Commonwealth of Australia).

One of the Sisters who works in Cairns tells the story of one of their young Indigenous students whose mother is an alcoholic and is not able to look after the child. The child was gang raped when she was very young. This is a story of one child that highlights a community that is beset by violence, drugs and overcrowding. The sister notes that the parents of these Indigenous students see St Patrick's boarding school as providing a 'home life free of

violence, drugs and overcrowding and of giving the girls a glimpse of possible futures not possible in their own communities.

The Sisters of Mercy in Rockhampton have links with the Central Consortium against Family Violence through their Prison Ministry. The Central Consortium against Family Violence was established in 2001. There is a strong understanding among both female and male participants of the forums run by this consortium that historical factors have led to the current crisis situation for Indigenous peoples. The root cause of family violence is considered to be 'colonisation' and that legacy continues to this day. Women and children are the primary victims of violence. For the female participants, in the above-mentioned forums, the need for a 24 hours crisis accommodation service was a priority. A general concern for the women in this area was that money that could be used for the Indigenous services was going to mainstream women's services. The Indigenous women who attended these forums want the situation of their men to be addressed as well as their own.

These snapshots form a picture of a group of people –the Indigenous people of this land whom we have relegated to an extremely low status of health, well-being and safety. To stop specific services and send these people to mainstream services is ignoring the whole history of oppression that these people have suffered in this land.

Recommendation

The Sisters of Mercy Justice Network recommend that special Aboriginal services be maintained for Aboriginal people. In addition to this we call on the Federal Government to recognise that Aboriginal people do have the expertise on issues that affect their communities, and to implement programs that are based on a 'self determination' principle .

To conclude this submission we quote the words of Nugget Coombs who worked so well with Gough Whitlam in the 1970s attempts to further the process of Reconciliation, *It is never divisive to correct injustice, it is divisive to leave it in place.*

Helen Owens

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