



**Submission of the
Justice and International Mission Unit, Synod of
Victoria and Tasmania, Uniting Church in Australia**

Supported by

**Uniting Aboriginal and Islander Christian Congress
(UAICC) Victoria**

**to the Senate Inquiry into the
Administration of Indigenous Affairs.**

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TO: Senate Select Committee on the Administration of Indigenous Affairs,

1. Introduction

The Justice and International Mission Unit, Synod of Victoria and Tasmania, Uniting Church in Australia, with the support of the Uniting Aboriginal and Islander Christian Congress (UAICC) Victoria welcomes the opportunity to contribute to the Inquiry in relation to the provisions of the Aboriginal and Torres Strait Islander Commission Amendment Bill 2004 and the proposed administration of Indigenous programs and services by mainstream departments and agencies.

In 1982, the National Assembly of the Uniting Church in Australia resolved to call upon the Australian community to recognise the hopes and aspirations of its Aboriginal and Islander people, and strongly support them in their legitimate seeking after social, legal and economic justice and equality.

The Uniting Church in Australia continues to uphold the policy values: that all people must be enabled to make the critical decisions about their own lives and, therefore, supports the Aboriginal and Islander people and their self-governed organisations who seek control of their own lives/operations; who act to provide their communities with the services they need; who exercise their initiative in attempting new enterprises; who struggle to bring new hope and a new age for Aboriginal and Islander Australians¹.

In 1985, the Uniting Aboriginal and Islander Christian Congress (UAICC) was established and confirmed in its responsibility for the work of the Uniting Church among Aboriginal and Islander people in Australia². The Justice and International Mission Unit, Synod of Victoria and Tasmania, supports the work of the UAICC and contributes the following submission, including information from the experience of two agencies of the Uniting Church based in Victoria – one Indigenous, the other non-Indigenous - both working in partnership with government and mainstream agencies.

2. Partnership as a focus – A Role for Indigenous and Voluntary Sectors with Government Funding

The Justice and International Mission Unit, upholds self-determination as the primary policy for addressing all matters referred to in the Inquiry's Terms of Reference. The Charter of the United Nations, the *International Covenant on Economic, Social and Cultural Rights*, the *International Covenant on Civil and Political Rights* and the *United Nations Draft Declaration on the Rights of Indigenous Peoples* affirm the fundamental importance of the right of self-determination of all Indigenous peoples. According to such international human rights standards, Indigenous people in Australia should be given opportunity to determine their political status and freely pursue their economic, social and cultural development.

¹ For a copy of the National Assembly decision

http://vic.uca.org.au/jim/Resolutions/Resolution_Topics/AboriginalAffairs.html

² For a copy of the Covenanting statement between the UAICC and the UCA

<http://www.covenanting.unitinged.org.au>

Indigenous Peoples have unique rights arising from their prior occupation of Australia and recognised in common law by the High Court's Mabo and Wik decisions, the Native Title Act 1993 and Declarations of the Commonwealth Parliament. Administration of services to Indigenous peoples must not inhibit self-determination and the rights recognised in common and statute law.

The Justice and International Mission Unit acknowledges that realising self-determination is a living process, not a fixed goal or end. Former Aboriginal and Torres Strait Islander Social Justice Commissioner, Dr Bill Jonas suggests that self-determination is a process of negotiation, accommodation and participation³. This process involves partnership between Indigenous leaders, peoples and organisations, Governments (Commonwealth, States/Territories and Municipal), the private and voluntary sectors. It is a process where the Indigenous community accepts responsibility and government walks alongside and in dialogue, not in front or by withdrawing support.

The model of partnership presented here is currently being implemented in a local context by Uniting Church agencies in Victoria. Partnership between mainstream voluntary sector welfare agencies and Indigenous controlled agencies play an important role involving capacity collaboration, capacity building and mutual benefit.

Example 1: Kilmany UnitingCare – “Walking beside – not in front”

In 2004 Kilmany UnitingCare, Sale and Bairnsdale applied for Uniting Church funds to assist them implement a project for young people, in particular Koori young people, in the Gippsland region. The project has been intentionally designed to have a partnership focus between a number of Koori and community service agencies in order to more effectively deliver services to Indigenous and non-Indigenous young people.

Kilmany UnitingCare have entitled their project “**Walking beside – not in front**”. The name of the project is a powerful symbol of the desire to deliver services in partnership.

The project has been designed with a number of key elements:

- Partnership between Koori and mainstream services
- Relationship with State Government
- Delivery of services is targeted appropriately
- Capacity building between agencies
- Oversight and evaluation performed by a reference group of local agencies and members of the Koori community.

This combination of key elements contributes to the vision of the project which extends beyond the short term goal of delivery of services to clients to the long term goal of development of both Indigenous and non-Indigenous agencies in their capacity to engage with the local Indigenous population. The project is an attempt to place the principles of self-determination alongside the capacity to deliver services to the Indigenous population.

The “*Walking beside – not in front*” project is a local example, among others, of what is possible in partnership between Indigenous and non-Indigenous service delivery agencies.

³ “The reality of Indigenous self-determination, however, lies between these extremes and is a process of negotiation, accommodation and participation. Importantly, it is also about Indigenous peoples accepting responsibility and governments removing the controlling hand in order to ensure that such acceptance is meaningful and has consequences.” Dr William Jonas AM, HREOC Aboriginal and Islander Social Justice Commissioner, Social Justice Report 2002 http://www.hreoc.gov.au/social_justice/sjreport_02/index.html

We suggest: A Regional Indigenous representative structure with connection to a national Indigenous body could enhance the development of such partnerships in a local context through policy and program design support. Clear relationship with Local, State and Federal Governments would further complement the partnership arrangement between Indigenous and Voluntary Sectors⁴.

Example 2: Narana Creations –Juvenile Justice

The vision of Narana Creations (a division of the Uniting Aboriginal and Islander Christian Congress, Victoria) works in partnership with the wider community for the benefit of all people, Indigenous and non-Indigenous alike. In doing so, links with local government, non - government organisations, church organisations and individuals has been an essential part of Narana’s being able to deliver services to young Indigenous people. In 2003, links with the Parkville Juvenile Justice Centre through Rev. Greg Crowe, Uniting Church Chaplain, led to the development of a working relationship between the Centre and Narana using a community development model to mentor pre-release Aboriginal young people.

The project highlights the positive possibilities of working collaboratively between Indigenous agencies and State Government bodies with the following aims;

- Access to positive culturally appropriate activities both onsite and offsite (at Narana Creations)
- Mentoring program to promote mutual respect, wellbeing and leadership
- Capacity building for Centre staff through cultural awareness program
- Ongoing post-release mentoring
- Promotion of positive pathways for employment and training

This combination of aims requires access to service provision offered by government and mainstream Voluntary agencies. In upholding links with government and mainstream Voluntary agencies as fundamental to their work, Narana is in a position to work in partnership to achieve long term benefits for Indigenous clients. Narana sees the changes in people when they come to an Indigenous organisation - where they see that all people have an opportunity to advance.

With clear communication between regional and national Indigenous representative structures and Voluntary groups, Local, State and Federal Governments, Narana would be better placed to identify services in the local community for whom a partnership relationship would benefit. A strong Indigenous representative regional presence would also assist with the establishment of, and networking between, local Indigenous agencies⁵.

3. Recommendations

Using the above examples to highlight the importance of government and other agencies walking alongside Indigenous people in Australia and Voluntary agencies, the Justice and International Mission Unit, with the support of the Uniting Aboriginal and Islander Christian Congress (UAICC) Victoria recommends the following:

⁴ For more information about the *Walking beside – not in front* project contact Mr John Lawrence, Executive Director, Kilmany UnitingCare (03) 5153 1146 (Bairnsdale); (03) 5144 7777 (Sale); (03) 5662 5150 (Leongatha) mail@kilmany.org.au

⁵ For more information about Narana Creations <http://www.narana.com.au/>

1. Self Determination

- That “Self Determination” as upheld in the Charter of the United Nations, the *International Covenant on Economic, Social and Cultural Rights*, the *International Covenant on Civil and Political Rights* and The United Nations *Draft Declaration on the Rights of Indigenous Peoples* be actively affirmed and implemented for Indigenous peoples in Australia
- In support of international Indigenous rights standards, that Australia embrace and incorporate self determination principles in the structures of service delivery and policy making for Indigenous people in Australia so that the role of Indigenous community controlled organizations is maintained and developed
- That a process of consultation with the Indigenous community be undertaken on the appropriate structure for a representative national and regional body where participation in policy decision making and delivery of services is foundational .
- That the resources be provided for these consultations to occur.

2. Decision Making

- Establishment of a national representative Indigenous body with strong State and regional links for the purpose of:
 - Representation and advocacy on a local/regional, State, national and international levels
 - Providing the principal source of Indigenous policy advice to all governments;
 - Providing principle advice in relation to program design and delivery
 - Participation in the monitoring and evaluating of the effectiveness and efficiency of Indigenous specific services
 - Continuing and permanent relationship with the Council of Australian Governments (COAG)
- That the current ATSIC funding be preserved for transfer to new bodies

3. Services

- That advice of the national representative Indigenous body and its regional links be the fundamental element for establishing the structure and function of services to Indigenous peoples.
- That partnership between mainstream services (including voluntary agencies), and community controlled Indigenous agencies be a key principle of structuring and funding services to Indigenous peoples

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