



**SUBMISSION TO THE REFERENCE COMMITTEE ON
THE *INQUIRY INTO THE PROGRESS TOWARDS*
NATIONAL RECONCILIATION**

Submitted by
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INTRODUCTION

This submission is presented on behalf of the Josephite Justice Network, a group established by the Sisters of St Joseph. The five congregations of the Sisters of St Joseph (numbering fourteen hundred religious women) were founded in the mid- nineteenth century by Mary MacKillop and Julian Tenison Woods, to work with those suffering from poverty and social disadvantage in our society. The congregations have a long history of involvement with those most marginalised in the community (particularly families and children) in the areas of education, health and welfare.

This submission will focus on the effectiveness of the Commonwealth Government's response to, and implementation of, the recommendations regarding Reconciliation, particularly in the ways that these affect families and children. Our conclusions are derived from our own involvement with Aboriginal Communities and families:

- **In schools in both the city and country** e.g. *Bourke, Walgett, Warman, Port Augusta, Eden, Mount Isa*
- **in communities in remote and rural areas** e.g. *Mirrilingki, Kununurra, Coober Pedy, Yaruman, Bidyadanga*
- **in tertiary education** e.g. *Notre Dame (Broome Campus)*
- **in pastoral work in parishes and local communities** e.g. *Halls Creek, Lightning Ridge, Mount Druitt, Kuri Ngai Partners, Wadeye*
- **in health centres, crisis centres and institutions in prisons across Australia**
- **in Aboriginal Catholic Ministries**, e.g. *Melbourne Aboriginal Catholic Ministry, Brisbane Archdiocesan Murri Ministry*

Underpinning the current Government attitude to Reconciliation is an emphasis on 'practical' Reconciliation, seen almost exclusively in terms of economics. The final report of the Council for Reconciliation (*Reconciliation: Australia's Challenge*), as well as The Council for Aboriginal Reconciliation's *Roadmap for Reconciliation* and *National Strategies*, and the *ATSIC Commissioner's social justice reports*, indicate clearly that economics is but one aspect of a highly complex situation. Informed opinion within the community points to the need for

- *effective leadership, especially at national level,*
- *bipartisan support within the Parliament,*
- *long-term mandated objectives and strategies, supported by monitoring powers and real accountability.*
- *recognition of the need for substantive equality*

Such elements are essential if any fundamental realisation of meaningful reconciliation is to be achieved. For families and children, strong support from an effective leadership will demonstrate a clear valuing of Indigenous culture and its contribution to the entire Australian community. Long-term mandated objectives and strategies, supported by monitoring powers and real accountability, will facilitate improvements in health, employment, housing, education and rates of imprisonment. Substantive, rather than 'formal', equality will lead to increased opportunities for families, and especially for young people, who embody our hopes for a united and vibrantly diverse Australia. Until these needs are met, our nation will not realise its potential. At the present time, we would consider that there are serious limitations in the Government's responses in all of the areas outlined above.

Much of the current debate is motivated by fear, a fear engendered by political debate, hearsay evidence and the media. Significant and complex issues have been simplified and sensationalised with simplistic solutions being offered as serious options. Media publicity and the resultant fear and adverse public opinion (reinforced by political point-scoring) have resulted in a political, economic and social situation which stands condemned by its own exploitation of events, its own political agenda, and indeed, by its own inhumanity.

We commend the Senate and the References Committee for the establishment of this Inquiry. It is hoped, that in addressing the issues named, the Committee may be in a favourable

position from which it can provide the Government, the community and the media with a more informed basis from which just decisions may be taken.

AREAS OF CONCERN

1. Inadequacy of The Commonwealth Government's Response to Reconciliation

In 2000, the Council for Aboriginal Reconciliation handed down its final Report. Almost two years later, the Federal Government released its formal response to this document. Not only the unnecessary time taken by the Government to respond to this significant document, but also the incomplete and inadequate nature of the response, indicate the Government's lack of commitment to the overall process of reconciliation. For families and communities, whose spirits and hopes had been raised by the groundswell support for Reconciliation (peaking with the events of 2000), such inaction was debilitating, particularly in the wake of the Prime Minister's passionate speech on the night of his election in 2001, when he committed his Government to ensuring that Reconciliation would become a greater priority during his next term of office. Throughout this period, however (as many Josephite Sisters attested from their own experiences), the economic, physical, emotional and spiritual situations worsened for the Indigenous people among whom the Sisters worked. Government inaction, tardiness and negativity have undermined Reconciliation and the enormous energy that had been generated prior to 2001.

2. Reconciliation: the Government's Revision of the Agenda

[Terms of Reference 1(a)]

The *Recommendations* from The Council for Aboriginal Reconciliation included frameworks for partnerships, agreements, and legislation, as well as requests for ongoing Government support and recognition, and the provision of needed resources.

The *Declaration* and its *Recommendations* were the result of extensive and lengthy consultations across a wide and representative cross-section of the Australian Community. These were nonetheless opposed by the Government, which drew up its own *Revised Declaration*. The focus in the media at the time, on the Prime Minister's opposition to significant areas of the *Declaration*, led to divisions within the wider Australian community, and to inaccurate and biased reporting of the *Recommendations*. To many Australians, the launching of a Revised Document after wide and lengthy consultation across Australian society is a clear statement of dismissal of the efforts of that cross-section, and its contribution to the Reconciliation Process.

2.1 Recommendation 1: Failure in Establishing Frameworks for Partnerships

Role of The Council of Australian Government

The proposals by COAG for trialling 'whole of Government' approaches are positive, although the fact that performance benchmarks and timelines have not yet been put in place indicates a lack of commitment by the Government, and leaves indigenous families and communities wondering about the importance placed by the Government on the whole issue of Reconciliation.

In addition, Government statistics regarding improvements and the action taken to address disadvantage are inaccurate or misleading. Claims by the Government regarding land ownership, reinforced by their development of the 1998 Native Title Amendments have been shown by recent court decisions to have led to the racially discriminatory extinguishment of valid native title rights of Indigenous Australians. As in a number of other Land Claims with which Josephite sisters are familiar, the dismissal of the De Rose Hill Claim appeared to show scant regard for long years of demonstrated indigenous occupancy and knowledge of the land - focussing instead on the more immediate twenty years of absence (an absence caused among other things by death, by pastoralist occupancy and the subsequent lock-out of Indigenous people). The stories of being 'driven out' and 'shut out' are many and diverse in the areas in which our sisters work. The changes to the Native Title Act appear to be leading, as was promised by this Government, to 'bucketloads of extinguishment'.

2.2 *Recommendations 2 and 4: Lack of Government Support For the Document*

This has been an area of significant failure. The Government removed key issues from *The Declaration* (e.g. recognition of customary law, self determination and a formal apology to the Stolen Generations), and imposed its own revised document, without widespread community consultation. It has also removed Indigenous issues from the national agenda, and impeded ongoing discussion through misleading and biased statements that have only served to build up prejudice and fear among non-indigenous Australians.

Points to note:

- *There is now no nationally agreed upon document on Reconciliation*
- *The Government's claims regarding the National Strategy to overcome disadvantage are misleading and inaccurate and include all expenditure*
 - *whether related to disadvantage or not (e.g. museums)*
 - *whether detrimental to Indigenous Australians or not (e.g. funding to pastoralists and to those Governments opposing Native Title. ATSIC also has been forced to make a significant commitment of funding to Native Title claims).*
- *There are no national strategies and benchmarks for achieving economic independence.*
- *The funding provided by the Government to sustain the Reconciliation Process (\$5.6m) is approximately the same as the amount it was considering spending on subsidising the doctor's lobby group, which wanted to build a new office in Canberra.*

Families and communities see this as the Federal Government's lack of commitment to the whole Reconciliation process. ATSIC cuts of more than \$4 million spelt the death knell to many grassroots Aboriginal organizations, such as :

- the Port Pirie Community Group
- Lower Murray Nungas Club at Murraybridge

- the Gerry Mason Centre.

The closure of so many grassroots organisations has exacerbated other problems (e.g. difficulties in local Correctional Centres).

2.3 Recommendation 3: Constitutional Reform

The proposal for a Preamble to the Constitutions recognising the Aboriginal and Torres Strait Islander Peoples as the First Peoples of this land was not accepted by the Australian People in the National Referendum in 2001. The divisive environment in which the Referendum took place ensured its failure. If rightful recognition is to occur, and if indigenous communities are to feel valued as the First Peoples of this land, there is need for further discussion of the proposal in a positive and unprejudiced environment.

The removal of the racially discriminating Section 25 of the Constitutions is essential, and needs strong support and a clear strategic plan by the Government.

2.4 Recommendations 5 and 6: Treaty or Agreements Process

The Federal Government has rejected the Recommendations regarding a treaty or agreement as inappropriate and divisive. In ignoring examples of successful treaty processes (e.g in Canada and New Zealand) and in arguing that such a process would undermine national unity, the Government in fact has promoted irrational fears within the non-indigenous Australian community and has itself encouraged divisiveness and prejudice. In practice, prejudice has been manifest in many local communities in racist behaviour and attitudes - in schools and on sporting fields, in the scarcity of employment opportunities, in the rate of imprisonment, and in the low levels of available housing. Agreements become difficult to negotiate in such a negative climate.

True reconciliation must involve the recognition of Indigenous rights in Australian law and their protection in the Constitution. This is a clear responsibility of

Government. It is a matter of justice, of setting things right between Indigenous and non-indigenous Australians. To date, the Federal Government has avoided both the opportunity and the responsibility of this task.

3. Roadmap for Reconciliation: Government Inaction

[Terms of Reference 1 (b)]

The **Roadmap** for Reconciliation proposed a number of national strategies to advance Reconciliation. It was intended that these measures would address the practical, cultural and spiritual dimensions of reconciliation. The **National Strategies** encompassed four major goals:

- *to sustain the Reconciliation Process*
- *to promote recognition of rights*
- *to overcome disadvantage*
- *to promote economic independence.*

Despite the positive climate which developed in the 1990s (culminating in the Reconciliation Walks across the nation and in the *Draft Document of Reconciliation*), the national mood has shifted radically in the past two years. Under the current Liberal Government, the political and cultural climate have been characterised by injustice, poor relationships and an undermining of Indigenous law and culture. There is no longer a separate portfolio for Aboriginal Affairs, and the subsequent minimisation of the Reconciliation process has rendered Aboriginal issues and rights either unimportant or simply invisible in the eyes of non-indigenous Australia.

3.1 Failure to Sustain the Reconciliation Process

At grassroots levels, the people's movement for reconciliation has continued

- *in individual and community support, in protocol and ceremony,*

- *in the symbols of reconciliation that have been used and revered (e.g. in recognition ceremonies of Traditional Owners at the beginnings of social and community functions,*
- *in agreements that have been made between Indigenous and non-indigenous groups in local and regional communities,*
- *in a greater awareness, which enables non-indigenous Australians to apply their knowledge of Aboriginal culture to their jobs or everyday life.*

The opposition of the Federal Government to the process of reconciliation, however, has ensured that this impetus has stalled at the national level, and the resultant conflict and polarisation in community debate has led to increasingly negative attitudes and prejudices in the broader community. National leadership has failed to sustain the process, or to initiate any long-term strategies, targets, benchmarks or monitoring procedures. Without such leadership, there is little chance that enduring reconciliation can be achieved.

3.2 Failure to Promote Recognition of Rights or to Provide Policies that Counter Disadvantage

The Federal Government claims that its program of 'Practical Reconciliation' addresses issues in health, education, employment, housing, law and justice. Yet in spite of the Government's rhetoric, statistics demonstrate that Indigenous Australians are the poorest, unhealthiest, least employed, worst housed and most imprisoned Australians. Six years of 'practical reconciliation' policies, racially discriminatory legislation on native title, and the promotion of Assimilationist views have not only contributed to a polarisation in community attitudes, but have failed fundamentally to deliver an equality of outcomes for differently situated individuals and communities. Families and communities have suffered significantly under 'Practical Reconciliation':

- *The privatisation of correctional centres has resulted in families' having to pay \$500 or more for the release of a relative to attend a funeral.*
- *No action has been taken on well-documented signs of disfunction, such as petrol sniffing.*
- *A significant proportion of the Aboriginal population are young people; yet there has been negligible funding committed to youth programs.*

- *The Federal Governments withdrawal of dental services has impacted significantly on Aboriginal families and children, particularly in remote areas.*
- *In the Kimberley, the Argyle Mine Authorities have been paying only a fraction of the electricity rates paid by Indigenous communities at Warmun and Mirrilingki. The service that has provided for the Argyle Company by the Government is reliable and up to date. This service was not extended to the Aboriginal communities (less than an hour away) that are forced to make do with inferior, older and more costly equipment.*
- *The Mittiwoong-Gadgerong people of the East Kimberley are confused about where they stand regarding ownership/custodianship of their traditional land, in the light of the amended Native Title Act. While judgements are being appealed, there is much uncertainty and mistrust between traditional owners and the large companies wishing to push forward with technological and economic development.*
- *The current controversy in Broome regarding the re-siting of the airport is also a clear example of the difficulties caused by the amended Act*
- *In 1991, the Aboriginal community numbered less than 2% of the overall Australian population but comprised 14% of the prison population. By 2001 the latter had grown to 20%, with devastating effects on families, and particularly on young Indigenous men.*
- *Mining operations in remote areas such as Kakadu and Roxby Downs not only threaten the water table, but undermine the sense of responsibility of traditional owners who are keenly aware of the environmental issues and the need to protect the land.*

3.3 Inadequate Promotion of Economic Independence

The strategy promoting economic independence (supported widely by Indigenous leaders) recognised that economic empowerment will not occur through welfare programs. In none of the areas named (access to meaningful capital, business planning advice, resources, skills development, partnerships, reform of programs) has the Federal Government demonstrated leadership, or initiated true reform that could support communities endeavouring to break out of the welfare dependency cycle.

4. Social Justice Report 2000 and Social Justice Report 2001

[Terms of Reference 1 (c)]

Social Justice Reports from the Commissioner have continued to lament the failure of the Federal Government

- *to exercise leadership in the area of Reconciliation*
- *to develop strategies, targets, benchmarks and monitoring procedures*
- *to provide a continuing, adequately resourced, formal reconciliation process.*

The Sisters of St Joseph support the repeated calls for justice in all of these areas, and commit themselves to a continuation of support for Aboriginal families and their children as they navigate this difficult path into the Twenty-first Century.

CONCLUSION

All the documents under consideration indicate clearly that Indigenous Australians are entitled to a distinct set of political, economic and cultural rights. The policies of the current Federal Government have failed to promote or support, in spirit or in policy, the realisation of these rights. For families, and especially for young people (Indigenous and non-indigenous), who are the Australians of today and tomorrow, such policies undermine aspirations for a hope-filled future. William Deane has articulated the dangers of this for the entire Australian community:

Until reconciliation and peace are achieved, our nation will remain diminished, unable to fulfil its enormous social, cultural and moral potential. For our search for national reconciliation is not a matter of charity or generosity. It is a matter of basic justice and national decency.