

INQUIRY INTO OVERCOMING INDIGENOUS DISADVANTAGE

Organisation: Conference of Leaders of Religious Institutes in New South
Wales

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**CONFERENCE OF LEADERS OF RELIGIOUS INSTITUTES IN NEW SOUTH WALES
CLRI (NSW)**

ABN 52 476 362 010
Member of Catholic Church Religious Group

The Director
Standing Committee on Social Issues
Legislative Council
Parliament House
Macquarie St
Sydney NSW 2000

Friday 30 November, 2007

Dear Mr West,

Re: Overcoming Indigenous Disadvantage – Closing the Gap

I present this submission on behalf of the CLRI Justice committee, a group representing the Conference of Leaders of Religious Institutes in NSW. CLRI includes approximately 3,500 Catholic Religious and their associates.

We commend the Standing Committee on Social Issues 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 all Governments, the community and the media with a more informed basis from which just and long-lasting decisions may be taken.

Yours sincerely,

Jan Barnett rsj
For the Social Justice Committee

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SUBMISSION TO
The Standing Committee on Social Issues
OVERCOMING INDIGENOUS DISADVANTAGE –
CLOSING THE GAP

Submitted by
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30 November, 2007

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INTRODUCTION

This submission is presented on behalf of the NSW Justice Committee of the Conference of Leaders of Religious Institutes (CLRI NSW). CLRI represents approximately 3,500 members and their associates in NSW. The Justice Committee is responsible for research, resourcing, reflection, advocacy and action in the areas of justice, peace and human rights, and is accountable to CLRI through its executive members.

Religious congregations in Australia have a long history of involvement with those most marginalised in the community in the areas of education, health and welfare. Current involvements include ministry with Aboriginal communities and families in urban, rural, and remote areas: in city areas (e.g. Redfern), in rural areas (Dubbo, Walgett, Lightning Ridge), in remote areas (Mirrilingki, Warmun, Wadeye), in specific programs (Josephite Rural Ministries, Aboriginal health centres, Aboriginal Catholic ministries, prison ministries, Kuri Ngai Partners), in education (Warmun, Notre Dame University). We thus bring to our discussion of this issue a wide range of practical experience and a deep concern for our Aboriginal brothers and sisters who are among the most disadvantaged people in our world today.

This submission will focus on

1. the impact of health, housing, education, employment, imprisonment, and other infrastructures on the current lifetime expectancy gap;
2. the limitations of short-term commitments to policies and programs (including the Murdi Paaki Trial) that have been initiated;
3. concerns about the Federal Government's intervention in the Northern Territory.

There has been significant research on Indigenous disadvantage within Australia. The well-documented facts indicate unequivocally both the urgency of the issues being faced and the ongoing failure of governments at all levels to implement report recommendations. Governments have either initiated a number of short term trials (such as the Murdi Paaki), which while positive in themselves, give no promise of the long-term implementation demanded by the depth and seriousness of the acknowledged crisis; or they have ignored recommendations altogether, arguing that an emphasis on 'practical' Reconciliation, seen almost exclusively in terms of economics, is the way forward. The decline in standards during the past decade (reinforced by a lack of will and limited financial commitment) demonstrate the failure of this approach. Informed opinion across the community, which has been reiterated over and over again, points to the need for

- Long-term mandated objectives and strategies for improving living conditions and opportunities for Aboriginal people, supported by monitoring powers and real accountability;
- recognition of the need for substantive equality among stakeholders;
- effective leadership, especially at national level;
- bipartisan support within Parliaments, and between the States, the Territories and the Commonwealth; underpinned by
- real respect for, and partnership with, Indigenous leadership and communities in the development of ongoing policies and programs.

The Murdi Paaki Trial has aimed at improving coordination of government services for Indigenous people based on priorities agreed with communities. There is no doubt that many people of good-will have been engaged in this trial in the development of ongoing policies and programs to overcome Indigenous disadvantage. The uncertainty around roles of stakeholders and the lack of long-term commitment of governments, however, will undoubtedly undermine much of the good that has been achieved, especially since uncertainties and community fears have been confirmed by the Federal Government's Intervention in the Northern Territory.

Much of the current debate is motivated by prejudice, lack of political will and fear – a fear engendered by Governmental misrepresentation, hearsay evidence and the media. Significant and complex issues have been sensationalised, with simplistic

solutions offered as serious options. Media publicity, and the resultant apprehension 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 Standing Committee on Social Issues 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 all Governments, the community and the media with a more informed basis from which just and long-lasting decisions may be taken.

THE IMPACT OF INFRASTRUCTURES AND OTHER FACTORS ON THE CURRENT LIFETIME EXPECTANCY GAP.

Health in Aboriginal communities

Clearly, the health of Indigenous Australians is a matter of critical concern. According to a 2007 report by the World Health Organisation, Aboriginal health lags almost 100 years behind other Australians, and Aborigines are the sickest Indigenous people of all the wealthy nations. In addition, the rate of illegal substance abuse has escalated in Aboriginal communities throughout Australia

As the incoming Federal Government has pointed out, it is unacceptable that in a country as prosperous as Australia, the health of one group of citizens should be so much worse than the rest of the population. It is unacceptable that Indigenous people in Australia are still suffering from diseases more commonly associated with the third world – such as trachoma, rheumatic fever, and leprosy – in the 21st century. It is also unacceptable that Indigenous people suffer as well from first world health problems, such as diabetes and heart disease, at disproportionately high rates.

Turning around Indigenous health needs to be based on a long-term investment in preventative medicine and comprehensive primary health care – that is, on directing the resources to where it is known that they will make the greatest difference.

Setting long term objectives and clear targets for improvement (like those proposed by Aboriginal and Torres Strait Islander Social Justice Commissioner, Tom Calma),

need to be established within specific time-frames, with adequate investment, political accountability and a sense of national leadership. Bipartisan support at all levels of government is essential if this goal is to be achieved. As the UN Report points out, progress will not be made until all parliaments publicly acknowledge and deal with the causes rather than the symptoms of disadvantage. Only when the underlying causes – a combination of material deprivation and psycho-social stressors related to stress, alienation, discrimination and lack of control – are addressed, can this situation improve.

Housing in Aboriginal communities

Housing is of critical importance in any process that aims to close the gap. The well documented inadequacies in Aboriginal housing place severe limits on satisfactory standards of living, including

- the right to shelter, food, clothing and adequate living conditions,
- reasonable standards of health,
- education,
- liberty and security of persons,
- privacy,
- enjoyment of culture and participation in cultural life,
- the human right to be treated with humanity and dignity,
- the human right to non-discrimination.

Reports from the past ten years have been a serious indictment of decades of government mismanagement and neglect in delivering the basic human right of housing to Indigenous Australians. Despite Minister Brough's comments blaming the previous ATSIC organisation for failures to improve Indigenous housing, the 2007 review by Price Waterhouse Coopers (PWC) found that governments are just as much, if not more, responsible for the program's failure as are Indigenous organisations.

The Redfern-Waterloo Built Environment Plan

Governments at all levels have failed dramatically to accept their share of the responsibility for the lack of progress in Indigenous housing over the last decade. This has been no clearer than in the difficulties surrounding the Redfern-Waterloo Built Environment Plan. The treatment of the Aboriginal community by the Housing

minister, and the severe reduction in the number of dwellings proposed under the Pemulway Plan (despite its being awarded a number of architectural accolades and being seen as a model for other housing projects), indicate the intrusion of both commercial and political interests that shame the NSW Government and its professed lack of bias.

If there is to be any progress, then, it is critical that Governments accept responsibility for their neglect, and listen to the advice of Indigenous peoples and organisations about Indigenous housing, including the design, delivery and maintenance of Indigenous housing and infrastructure. If Governments are serious about boosting Indigenous economic independence, they will also ensure that Indigenous peoples are trained to work in the housing sector so they can build and maintain their own housing stock and infrastructure.

Not only is there a problem in the area of affordable and suitable housing stock however; it is well known that there are substantial invisible obstacles that make it very difficult for Indigenous peoples to access mainstream housing in the rental market, yet governments have failed to address these, and acknowledge, at the same time that Indigenous clients will have distinct cultural needs that the mainstream cannot accommodate.

Education and Employment

Inadequate and overcrowded housing also impacts on access to educational opportunities. Students without space, books, equipment, lighting, and other requirements suffer severe disadvantage in education. In the areas of early child development and growth (pre-natal to age 3), early school engagement and performance (pre-school to Yr 3), positive childhood educational experiences and transition to adulthood, substance use and misuse, economic participation and development, the statistics remain clear and largely unchanged, despite trials that have been initiated.

A number of programs have given promise of new ways forward. Our experiences with specific programs offered at Australian Catholic University and Notre Dame Broome have provided Indigenous people with long term tools to move forward. The fledgling efforts of the Mardi Paaki Trial to improve educational attainment and school retention are indicators of future potential. Until they become more than short term fixes, however, there is little hope of significant change.

Poor educational outcomes in turn limit employment opportunities, and are major contributors to low levels of employment skills and high unemployment within Aboriginal communities. Distance from employment and limited employment opportunities exacerbate the situation. These problems cannot be resolved by short-term trials. As has been pointed out over and over again, unless long-term mandated objectives and strategies are set in place for improving living conditions and opportunities for Aboriginal people (supported by monitoring powers and real accountability), then this situation will not change.

In short, leadership, participation, and improved living conditions correlate with improved housing, education and employment opportunities.

Indigenous Australians and the Criminal Justice System

The criminal justice system's disproportionate focus on Aboriginal people is evidenced by the fact that they are 27 times more likely to be in police custody, and nearly 16 times more likely to be in prison than non-Aboriginal Australians. Sixteen years after the report by the Royal Commission into Aboriginal Deaths in Custody, the rate at which Aboriginal people are being incarcerated has increased by 55 per cent. And this is exacerbated by current government attitudes. When politicians think that the way to look tough on crime is to increase imprisonment rates - as NSW has done, virtually doubling its rate over a decade - Aboriginal imprisonment rates will increase at a far faster rate than in the general population. This helps to explain why one in every seven Aboriginal men and women and children in NSW has undergone at least one jail sentence, and why the rate of Aboriginal women being jailed is increasing at extraordinary rates.

Indigenous Women and the Criminal Justice System

Indigenous women have been described as the most legally disadvantaged group in Australia, and are the fastest growing prison population. Nationally, Aboriginal women are imprisoned at nearly 30 times the rate of non-Indigenous women. NSW has more Aboriginal women in prison than any other state. 31% of women in prison in NSW are Aboriginal, despite the fact that Aboriginal women make up only 2% of NSW's female population. Consistent with patterns of female offending, Indigenous women are more likely to be in prison for non-violent property offences than for violent offences.

Many alternatives to gaol, including the Drug Court (orders for treatment in lieu of a gaol term), periodic and home detention, and community service orders have limited availability in rural and remote areas.

Aboriginal Deaths in Custody

The Royal Commission into Aboriginal deaths in Custody (1991) examined the disproportionate rate at which Aboriginal people are arrested and imprisoned in Australia, and the alarming numbers of Indigenous people who died while in prison. The final report made 339 recommendations, concerned with procedures for persons in custody, liaison with Aboriginal groups, police education and improved accessibility to information. The continuing increasing numbers of deaths in custody, highlighted by the public concern about the perceived injustices in the Palm Island case, indicate the magnitude of progress yet to be made in this area.

RESPONSE OF GOVERNMENTS TO RECOMMENDATIONS OF REPORT RECOMMENDATIONS OF THE PAST TEN YEARS.

Both governments and non-government organisations have attempted in different ways to respond to the numerous recommendations that have come from a recognition of the crisis facing Aboriginal communities. These responses however have been patchy. Lack of political will on the part of many governments (territory, state and commonwealth), short term trials, and limited finances in many non-government organisations have limited what could be achieved. The Murdi Paaki COAG Trial is an example of this.

The Murdi Paaki Trial

The goals of the Murdi Paaki Trial aim to come to grips with precisely the Indigenous disadvantage outlined above. There has been a professed commitment to the trial, and concrete initiatives have been set in place to achieve these goals. The short term nature of this project however and the uncertainty about its future, especially following the Federal Government's intervention in the Northern Territory, have undermined much of the optimism generated by the plan.

Those involved in the project have reiterated over and over that the causes of disadvantage are deep-seated and that the challenges are both complex and convoluted, requiring long-term and sustained commitment. Making substantial improvements will take decades rather than years, and long-term mandated objectives and strategies for improving living conditions and opportunities for Aboriginal people, supported by monitoring powers and real accountability; need to underpin projects such as this one. At present, the absence of long term commitment severely limits the degree of trust in the project, and the capacity of the stakeholders to move forward in meaningful ways.

As is abundantly evident from projects such as this one, despite good will and positive efforts, the short term, and thus inherently deficient, government responses during the past decade have not narrowed the gap . There appears to have been a lack of political will to come to terms with the complexity of Indigenous disadvantage. The absence of long-term mandated objectives and strategies has been reinforced by a lack of substantive funding, supporting monitoring powers and real accountability. Nowhere is this clearer than in the case of the Federal Government's Intervention in the Northern Territory.

THE FEDERAL GOVERNMENT INTERVENTION IN THE NORTHERN TERRITORY.

Australians in general welcomed the Government's determination to address the longstanding situations of abuse and neglect in Aboriginal communities. However to address the underlying causes of violence and abuse long term, comprehensive and fully funded responses are required, which in partnership with Aboriginal people, commit greater resources to culturally appropriate support services that foster strong families and communities. It is also necessary that these be provided without Aboriginal people having to forego any of their rights as Australian citizens.

It is of great concern that the Commonwealth response to the well documented crises in Aboriginal communities does not address the deep underlying problems outlined in the 'Little Children are Sacred' Report. It is more to do with so called 'law and order' issues, and will have the effect of removing control from Aboriginal communities,

families and individuals. It appears to be as much about the acquisition of Aboriginal land and the curtailing of welfare payments as it is about eliminating disadvantage.

Responses to the problems outlined in the 'Little Children are Sacred Report' must first and foremost be about providing the communities with services such as these and not contain other contentious or politically-driven agendas. Clearly, seizing Aboriginal land, removing the permit system, quarantining welfare payments or removing Aboriginal people from CDEP will not stop child abuse.

The situation of violence and abuse in Aboriginal communities is about more than 'law and order' issues. There are specific aspects of the Report that have not been addressed in public statements concerning this 'national emergency':

- The Inquiry recommended that improvements be made to Aboriginal education, including local language development, to make education more effective for Aboriginal children;
- Public education campaigns were recommended to inform people about child abuse and its mandatory reporting, and the impact of alcohol and pornography on children and families;
- Family Support Services in Aboriginal communities were recommended to be improved in order to strengthen families and keep children safe and healthy;
- The Report called for better dialogue between Aboriginal groups and mainstream society and recommendations were made regarding the empowerment of Aboriginal communities through more local decision making, e.g. in community justice groups;
- The recommendations emphasise over and over again the need for consultation with Aboriginal communities. Responses need to clearly show that this has occurred.

There is little evidence that the plans outlined by the Intervention legislation will be able to deliver, either the wide ranging goals it set for the communities, or even the necessary personnel it claims it will provide for this intervention.

All Governments need to work in partnership with each other and with Aboriginal communities, if they are to even begin the complex and difficult process of overcoming Indigenous disadvantage in Australia.

RECOMMENDATIONS

As outlined at the beginning of this submission, numerous reports on Indigenous disadvantage have reiterated over many years the shameful statistics on health, housing, education, employment, imprisonment and loss of culture. Recommendations have persistently stressed that closing the gap requires significant, persistent, lasting and real commitment of personnel and finance. Such an undertaking necessitates:

1. Long-term mandated objectives and strategies for improving living conditions and opportunities, supported by monitoring powers and real accountability;
2. recognition of the need for substantive equality among stakeholders;
3. effective leadership, especially at national level;
4. bipartisan support within Parliaments, and between the States, the Territories and the Commonwealth; underpinned by
5. real respect for, partnership with, and involvement of, Indigenous leadership and communities in the development of ongoing policies and programs.

It is impossible to overstate the need for long-term commitment, substantive support (financial and of personnel), and partnership with Indigenous leaders in all projects that are introduced. The goals of the Murdi Paaki Trial are commendable. They need however to incorporate the above features if they are to make truly significant and long-term inroads into Indigenous disadvantage, which are essential to overcoming the unacceptable gap and shame in our Australian history and current reality.

CONCLUSION

Human rights and the demands of justice indicate clearly that Indigenous Australians are entitled to a distinct set of political, economic and cultural rights. History and current statistics demonstrate that policies of the Governments of Australia have failed to promote or support, in spirit or in long-term 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, and a different tomorrow for Indigenous Australians. Only with self-reliance and greater personal responsibility, accompanied

by educational opportunities (of a level and quantity as that enjoyed by other Australians), health services which are focused on their needs, community infrastructures and health hardware (which make it possible to be healthy in body and in spirit), and a strong sense of government partnership in the process, will it be possible to move forward in a meaningful way.