



THE UNITING CHURCH IN AUSTRALIA

NORTHERN SYNOD

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Prof. S. James Anaya
Special Rapporteur on the situation of human rights and fundamental freedoms
for indigenous people

OHCHR
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Dear Professor Anaya,

**RE: SUBMISSION FROM THE UNITING CHURCH IN AUSTRALIA, NORTHERN SYNOD CONCERNING
THE NORTHERN TERRITORY INTERVENTION**

On behalf of the Uniting Church in Australia Northern Synod, I wish to thank you for making the effort to visit our part of this country. Your visit has greatly encouraged us and is of specific encouragement to our Indigenous members.

The Uniting Church in Australia Northern Synod, has already made a submission to you concerning your visit to Australia. As you are visiting Darwin and have visited Alice Springs, both of which are part of our Synod, this submission seeks to add further comment in relation to the Northern Territory Emergency Response, the so called "Intervention".

Our Synod has made a submission to the Australian Government's Intervention Review, that contains a human rights assessment prepared by UnitingJustice, an agency of the National Assembly of the Uniting Church in Australia.

This submission wishes to focus on the future as our earlier submissions have dealt with our responses to the immediate issues pertaining to the Intervention and what should be retained, changed or discontinued.

Where do we want to be?

It is significant to note the comment concerning **Re-setting the relationship**, contained in the *Future Directions for the Northern Territory Emergency Response – Discussion paper*, by The Hon. Jenny Macklin, Minister for Families, Housing, Community Services and Indigenous Affairs, 21 May 2009. On page 5 of the paper, the comment is made that:

The Australian Government is committed to a more respectful and supportive relationship with Indigenous Australians.

While this statement is appreciated for its inherent values and intent, it is also at the heart of the problem with the Intervention, which is that the Australian Government's initial and continuing actions as undertaken through the Intervention do not contain a basis for a more respectful and supportive relationship. Instead the Government's approach lays a basis for ongoing mistrust because Government spin has made a casualty of community understanding.

Our agency wishes to cite several examples from the Government's own Discussion paper that bear this out.

1. The paper (see page 11) tells that the Government believes that income management should continue because it is doing a "good job". Anyone who has consulted widely with Indigenous peoples will say this is not true as the income management approach is strongly welcomed by some and strongly opposed by others. Hence to say that this program aspect is doing a "good job" only confirms the view that the Government is at least being very disingenuous in its communications with Indigenous peoples.
2. This same section of the Discussion paper (see pages 11 and 12) provides two options for consideration of the income management model. Neither of these options included abolition of the income management approach and one was to retain the existing approach as it currently exists.

If the Australian Government is committed to a more respectful and supportive relationship with Indigenous peoples, this has to at a minimum include having a wider range of options available for discussion, or better still having discussions where those involved, especially those directly affected, may bring their options to the table.

3. The Discussion paper (see page 17) says that Indigenous land owners have to sign leases in order for the prompt delivery of services, repair of buildings and upgrade of infrastructure in communities. Putting aside the debacle of the Strategic Indigenous Housing and Infrastructure Program (the program reportedly yet to build one house), the linking of a signed lease agreement to receiving Government funding for housing purposes is shameful. If the Government is serious about addressing housing needs in Aboriginal communities, the demand that traditional land owners sign away one of the very few rights they still retain is unacceptable.

Similar comments to that above may be made in relation to the Intervention's alcohol and pornography restrictions where the Australian Government has acted without any consultation with Indigenous peoples, especially peoples at the local community level.

So in regard to where do we want to be, our organisation calls for a series of measures that will assist in building a respectful and supportive relationship with Indigenous peoples, as opposed to the process and mechanisms in current use.

How many a respectful and supportive relationship with Indigenous peoples be established?

1. Fully restore the *Racial Discrimination Act 1975* and other human right obligations.

2. Disengage the spin doctors and provide information, with an appropriate range of options as applicable, to aid meaningful communication.
3. Stop further consultation process and refocus these processes as negotiations with community representatives.
4. Cease head-deals with influential Indigenous powerbrokers and engage with local community leaders as relevant to the matters to be addressed.
5. Where negotiations/discussions involve people whose first language is not English, use interpreters/translators to ensure community leaders and members understand what is being considered.
6. Where negotiations/discussions involve people whose first language is not English, conduct negotiations in the languages of the Indigenous peoples involved.
7. Require Government Business Managers and other public servants interacting with Indigenous people to have completed cross-cultural training.

It remains a tragedy that the statement made by the annual meeting of the Northern Synod in September 2007 is just as relevant for our organisation now as it was then. Accordingly we repeat our 2007 statement that:

The Northern Synod calls on the Australian Government to enter into a real partnership with Indigenous people in the Northern Territory by enacting legislation that upholds human rights, affirms self-determination and enhances the capacity of individuals and communities to contribute to solving issues of concern within their own lives.

I may be contacted on 0437 529 227 or peter.jones@ns.uca.org.au.

Shalom,



Peter Jones
General Secretary

21 August 2009