

JUST ACT

ACT WITH JUSTICE IN MIND

News & resources from the Justice and International Mission Cluster

NOVEMBER 2018



GETTING CHILDREN OFF NAURU

At the time of writing this article, there were about 50 children on Nauru who are part of families that were seeking asylum in Australia. That is 50 too many.

It has been documented that the children transferred to Nauru have been suffering from 'resignation syndrome'. Resignation syndrome was first reported in the 1990s in Sweden, and mainly affected psychologically traumatized children and adolescents. Children experiencing this illness become so depressed that they begin to lack critical mental functioning, leading to withdrawal and a decrease in consciousness. Recovery from this syndrome can take months or even years. Doctors who have visited Nauru have reported that the medical facilities on the island do not have the capacity to treat the sick and sometimes suicidal children, and that the cause of the illness is the state of being

held in detention. Therefore, one way to help these children recover is to bring them off the island of Nauru along with their families to Australia, where they can be treated adequately and humanely.

The Justice cluster is part of a coalition alongside the Refugee Council of Australia which is calling on Prime Minister Scott Morrison and Opposition Leader Bill Shorten to free the children trapped on Nauru by Universal Children's Day, 20 November.

The Wentworth election

Now that Dr Kerryn Phelps has potentially won the seat of Wentworth, the Coalition Government may have lost their one seat majority in parliament. This provides hope to refugee advocates across the nation, including many of you reading this right now.

Both the Liberal and Labor candidates for Wentworth did not attend the town hall meeting on the issue of people seeking asylum on 14 October. In

contrast, Dr Phelps, former president of the Australian Medical Association, attended the forum and has been vocal about her support for getting children and their families off Nauru.

Polling in the Wentworth electorate conducted by the Refugee Council of Australia before the election showed the voters cared about this issue and want the children and their families brought to Australia. Faith leaders in Wentworth were active in informing voters there about the issues on Nauru and were mobilising people to vote for a candidate that wants to bring people seeking asylum to Australia.

Cross party bill to get kids off Nauru

We are now seeing cross-party support to get children off Nauru.

The Coalition government and the Labor Opposition are discussing the

Continued on page 2

Continued from page 1

settlement of the people seeking asylum to third countries, especially New Zealand.

Three Liberal backbenchers – Russell Broadbent, Craig Laundry and Julia Banks, have urged Prime Minister Scott Morrison to do more on the issue.

Andrew Wilkie, Independent MP

from Tasmania, has recently a Bill that would temporarily bring children and their families on Nauru to Australia for medical treatment. This Bill has support from the Greens and Independent Rebekha Sharkie.

We will keep our readers informed about what happens in Parliament and lobby for the rights of refugees settled in New Zealand or

elsewhere. We also want legislation to prevent a permanent ban on people ever entering Australia if they arrive by boat. In this edition of the JustAct, you will find postcards to help get Kids Off Nauru. We hope you can participate in this action alongside your congregation and families. Please contact us to order more postcards. •

AUSTRALIAN POLICE ACTING ON BRIBERY OF FOREIGN GOVERNMENT OFFICIALS

The Australian Government has been criticised by international experts for its failure to actively investigate and prevent Australian corporations from paying bribes to officials of overseas governments. This has real impacts on the wellbeing of people living in developing countries. That is why we have requested you write letters to the Australian Government urging them to take greater action on the issue.

In good news, on 14 September the Australian Federal Police (AFP) announced that they had charged a Sydney man alleged to have been involved in paying bribes to government officials in the small Pacific island nation of Nauru. The investigation into the Sydney-based company Radiance International Pty Ltd and its related groups of



companies began in 2015. The man charged was a director in the Radiance International group of companies. The police allege that more than \$100,000 of bribes were made on five occasions relating to the export of phosphate from Nauru and imports of diesel fuel into Nauru.

“Our allegation in this case is that a small country with a population of just 10,000 people, and its primary resource has been exploited by a company for their own illegitimate

purpose”, said AFP Commander Peter Crozier. “Foreign bribery has a real human impact – livelihoods are exploited when foreign officials are bribed to enter into contracts that do not provide the appropriate economic benefit to the community.”

Thanks to everyone that wrote to the Australian Government urging greater action to address the bribery of foreign officials by Australian companies. •

FROM THE JUSTICE & INTERNATIONAL MISSION CLUSTER

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All of the resources in this mailing can be found on the JIM website.

If you would like to subscribe (or unsubscribe) to either this hardcopy mailing (bi-monthly) or email update (weekly), contact the JIM Cluster.

VICTORIAN GOVERNMENT PURSUES YOUTH JUSTICE REFORMS

The Victorian Government in recent months has announced a number of small scale reforms to help prevent crimes being committed by younger people and help get them back on track with their lives. This was something we requested that you ask of the Victorian Government in a February 2017 letter-writing action.

In early August the Victorian Government announced it was establishing an Aboriginal Youth Justice Taskforce to examine the current care of Aboriginal young people within the youth justice system and identify issues that impact on their development and

cultural connectedness.

In late August the Victorian Government announced a trial of a small program in the local government areas of Wyndham, Hobsons Bay, Maribyrnong, Casey, Cardinia and Greater Dandenong where youth workers will team up with police to respond to crimes involving children in an effort to help the children back on track. The program will operate outside of normal business hours when police most commonly encounter young people at risk of breaking the law. If the trial is successful it could be rolled out statewide.

Also in late August, the Victorian Government announced an Adolescent Family Violence Program to reduce family violence and increase the safety of all impacted

family members through family-based case management and group-based support to young people. Children aged 12 to 17 who access the program are helped to address issues that may be contributing to, or resulting from, their use of violence, such as mental health, homelessness and dropping out of school. The program also seeks to strengthen the relationships between parents and their children through the development of communication, problem-solving and relationship skills within the family.

Thanks again to everyone who wrote letters to the Victorian Government about effective measures to prevent crime and rehabilitate those who have broken the law, rather than the failed focus on imprisonment. •

IMPROVED FUNDING MODEL FOR VICTORIAN STUDENTS WITH DISABILITIES

In May 2013 we requested that you write to the Victorian Government urging them to implement the recommendations of the Held Back report by the Victorian Equal Opportunity and Human Rights Commission on the treatment and funding of children with disabilities in the school system.

At the start of August the Victorian Government announced that it will trial a new funding model for students with disabilities in 100 schools. Instead of having to report on what their child cannot do,



parents of children with disabilities will focus on the strengths their child has. The focus will be on the child's needs. The changes will provide more support to students who had slipped through the cracks because they didn't meet the Department of Education's rigid funding rules for the Program for Students with a

Disability.

The new initiative is designed to maximise the independence and achievements of students with a disability and was a key recommendation of the 2016 review of the Program for Students with Disabilities. •



GETTING MULTINATIONAL CORPORATIONS TO PAY THEIR FAIR SHARE

The *Multinational Anti-Avoidance Act* that took effect in 2016 is estimated to have raised an extra \$2.7 billion in taxes to pay for important community needs such as schools, hospitals, disability support and aged care.

This is in part due to the efforts of the Tax Justice Network Australia, which actively campaigns on the issue. Many of you have assisted by writing letters, visiting MPs or inviting someone to speak on this issue at your church. The impact of this advocacy is billions of dollars added to the federal budget for the benefit of the community.

A further \$1.8 billion has been collected from addressing the tax cheating behaviour of wealthy individuals, who were using trusts and complex tax avoidance

schemes to cheat on their taxes. This includes \$65 million from Australians named in the Panama Papers, the leak of data from law firm Mossack Fonseca, who set up shell companies to provide secrecy to clients engaged in tax evasion and/or fraud.

The four biggest US tech corporations paid an extra \$380 million in tax to the Australian Government last year. Facebook, Google, Apple and Microsoft paid combined taxes of \$616 million in the last financial year, a 160 per cent increase in the tax paid compared to the previous financial year. These corporations have been forced to restructure their tax affairs so more of their Australian profits are being taxed in Australia, rather than being sneakily shifted to places like Singapore and Ireland. The Australian Taxation Office has reported that 44 corporations have

now reported local sales in Australia as taxable income in Australia, rather than shifting it offshore to avoid paying tax.

However, there is still work to be done. A study by the Universities of California, Berkeley and Copenhagen released in June 2018 found that in 2015 around \$16 billion in corporate profits was shifted out of Australia to secrecy jurisdictions.

The JIM cluster will continue to act as the secretariat for the Tax Justice Network Australia and seek further reforms to ensure multinational corporations pay the taxes they should to governments, wherever they are actually conducting their business.

Thanks to everyone who took action in support of ending the tax cheating behaviour of multinational corporations. •

THE STRUGGLE AGAINST TAX EVASION BY MULTINATIONAL CORPORATIONS

Tax Inspectors Without Borders (TIWB) is a program established between the OECD and the UN Development Programme to assist the tax authorities of developing countries tackle tax evasion and tax avoidance by multinational corporations.

TIWB has continued to make solid progress. We previously asked you to write letters to the Australian Government to support TIWB. Allowing developing country governments to collect the taxes they are fairly owed means they

become more self-sufficient and can fund their own schools and hospitals rather than having to rely on aid.

The UN Development Programme has a roster of 40 tax audit experts that can be deployed to work with tax authorities in developing countries. So far 11 governments that allowed their tax officials to assist in TIWB and it has 29 active placements with seven that have been completed, with a further 20 on the drawing board.

TIWB has helped developing countries collect an additional \$580 million, with the initiative raising \$100 for every \$1 spent running the program.

Most of the assistance has been to African governments, with Sri

Lanka and Cambodia being the only two governments in our region to have benefited so far. Vietnam and Papua New Guinea plan to join the program in the next round of placements.

The Australian Government is yet to contribute Australian Taxation Office staff to assist in TIWB.

The JIM cluster continues lobbying the Australian Government and the Opposition to give concrete support to TIWB.

Thanks to everyone who wrote in support of this issue. When developing countries have more tax revenue in their budgets, they are less reliant on foreign aid. •



POSITIVE MOVEMENT ON POLITICAL DONATIONS REFORM

Thanks to everyone who took action on the Electoral Legislation Amendment (Electoral Funding and Disclosure Reform) Bill 2017.

Our collective actions with other community organisations have made a difference. Because of your lobbying efforts and petitioning, we have improved this piece of legislation to maintain civil society's ability to speak out on issues such as homelessness, family violence, people seeking asylum and climate change.

After experiencing community pressure, the Coalition Government has put forward a revised Bill to deal with anonymous and foreign donations to political parties and

other organisations in the political system. This is an issue we requested you write letters on and collect signatures for, as the first draft of the legislation risked treating donations to any organisation that expressed views on any issue, including churches, as if they were political donations. The redrafted Bill now only regards donations as being political donations if they are used in ways that are intended to impact on how people vote.

The concern with the redrafted Bill is that it opens up loopholes to allow anonymous donations to be made to political parties. For example, as long as a political party or political organisation checks that a company is registered in Australia, it can accept a donation from the company without having to check

who is behind the company or where the donation is really coming from.

The current draft of the Bill also seeks to override state government restrictions on political donations. For example, NSW has a ban on political donations from property developers and gambling corporations. The current Federal Coalition Bill would override these restrictions and create a loophole where these businesses could make political donations to parties for a state election, as long as they do not explicitly declare they are for the state election. This means we still have advocacy work to undertake on this Bill. Thanks to all those who lobbied and completed petitions. •

FAIRNESS ON OUR FARMS



Participants at meetings of governments to discuss people from the Pacific coming to work in Australia and New Zealand. Courtesy of Karen Young, Labour Mobility Assistance Program.

Recently, Mark Zirnsak travelled to the Pacific to contribute to a meeting discussing guest workers in Australia. He was interviewed about his trip for this month's JustAct.

Please tell our readers about your recent trip to the Solomon Islands, why you were there and what impact it may have on Pacific Islanders.

The meeting in the Solomon Islands was between the governments of the Pacific countries with the governments of Australia and New Zealand to discuss the programs in Australia and New Zealand that bring workers in to work temporarily in both countries. The Pacific Island countries have growing problems with unemployment. For example, the Solomon Islands Government spoke about how there were 18,000 people reaching working age each year in the Solomon Islands and only around 3000 new jobs are created each year. For many of the Pacific countries there are few opportunities for economic development to bring in money to fund things like schools and health care clinics. Therefore, having people go overseas to work and send money back is a major source of revenue for these

countries and benefits the people working and their families.

I am notified by the Commonwealth Department of Jobs and Small Business every time a group of workers from the Pacific comes in on the Seasonal Worker Program in Australia to work on farms or in hospitality. I try to link the workers in with local churches if they wish to do so, for support and social connection. I was at the meeting in the Solomon Islands to feed in my experience of the program in Australia.

Why is this issue of importance to the Uniting Church?

The Uniting Church has a strong partnership with churches in the Pacific and has a long standing concern for addressing poverty. The Uniting Church also opposes racism, and people from the Pacific too often face racism in rural Australia.

We have tried to ensure that the people from the Pacific get decent

treatment while working in Australia. Ideally the Australian farmers should get reliable workers to fill jobs they cannot find Australians to do and the people from the Pacific get to go home with around \$10,000 at the end of six months for their families. People from the Pacific returning home with that amount of money have often used it to provide better education for their children, build better homes and set up their own small business.

In your opinion, what are the pros and cons of the seasonal worker visa program in Australia?

When the programs work well, the people from the Pacific gain much needed money and they often pick up skills while in Australia. They can also make meaningful friendships with members of the Australian community and their employer. Some employers have gone to the Pacific to visit the villages where the people working for them have come from.

On the negative side, since the Seasonal Program started in 2012 there have been 14 deaths of people from the Pacific on the program. Some have been in car accidents and others from health conditions. In some cases the Australian labour hire company or the farmer have ripped the people from the Pacific off, usually through overcharging on accommodation and transport. In the worst case we have dealt with the workers were only clearing \$50 a week despite working more than full-time. However, the Department of Jobs and Small Business have increased their oversight of the program and such cases of exploitation appear to be becoming rare.

What is the main interest of the National Farmers Federation on this issue?

The National Farmers Federation (NFF) claims to represent the interests of farmers. Farmers do have a great need for people to work on the farms, especially at fruit and vegetable harvest time. However, in my opinion the NFF has worked to provide cover for farmers engaged in criminal activity, resisting reforms that would help weed out those farmers that exploit and mistreat the people working on their farms.

The NFF does not support an expansion of the Seasonal Worker Program to cover the shortage of people working on the farms. It is instead lobbying for a new agricultural visa that would have less safeguards against exploitation.

What are the main categories of temporary farm workers? What are the distinct issues they face?

There are four main groups that work on farms. Local Australian workers, who have become fewer over time, because of the frequently low (often illegally low) pay on farms and hard work. Then there are the nearly 8,500 the people who last year were part of the Seasonal

Worker Program. There are also over 35,000 backpackers who get their visa extended by a year if they work 88 days on a farm and the farmer signs off on this. Finally there are tens of thousands of people working illegally on farms, usually having a tourist visa. There are organised trafficking rings that trick thousands of people from Malaysia to come and work illegally in Australia.

Each of these groups gets exploited to varying degrees. Those working illegally usually are subject to the greatest exploitation, as they fear the employer will report them to the Department of Immigration and Border Protection. If they do not comply with whatever the employer wants them to do.

The people on the Seasonal Worker Program have the greatest number of safeguards against exploitation, except they are tied to the employer that brings them into Australia. They cannot change employers and the employer can have them removed from Australia at any time. This has made people on the program open to exploitation for fear they will be removed from Australia.

Backpackers have the option to leave the farm any time they want. That said, many put up with illegal treatment to get the second year on their visa. Women backpackers have been subjected to sexual assault and exploitation, especially on remote farms where they cannot easily leave.

What other advocacy work has the Justice and International Mission cluster been involved in on this issue?

The JIM cluster has worked with the Department of Jobs and Small Business to make sure the safeguards on the Seasonal Worker Program work. We have also been part of a Labour Trafficking Working Group of the Attorney General's National Roundtable on Human Trafficking and Slavery. The Working Group was made up of

government officials, the Australian Federal Police, Border Force, the Fair Work Ombudsman and anti-slavery groups such as ourselves. The Working Group has produced a report with recommendations for the Attorney General to help stamp out exploitation of people coming to Australia temporarily to work.

We have campaigned for labour hire businesses to be licensed, so we know and hold to account for exploitation of the people they employ. The Victorian and Queensland Governments have introduced labour hire licensing schemes.

We have also campaigned for laws to protect whistleblowers that expose criminal activities by private businesses, which would include on farms and by labour hire companies. Such protection is currently lacking. The first step towards whistleblower protection for people working for private business is currently before the Senate, but the government has not brought forward the Bill for debate nearly a year after they introduced it.

What can our readers living in rural areas do to help with the issue of exploitation of agricultural workers and/or seasonal workers?

Our members should seek to befriend people working in their area from overseas. Some congregations have provided great support to people working in Australia from overseas. This has included involving them in church services, taking them on picnics, taking them on shopping trips, helping them with accommodation and with navigating life in Australia. Some congregations have held BBQs for backpackers in their town to make them feel welcome and to support them.

If our supporters become aware of any allegations of exploitation, they should report such allegations to us for further investigation and we can also pass them on to the appropriate authorities. •

WHAT IS POPULISM?

With the term “populism” being bandied about regularly in the media, Professor Jan-Werner Müller’s short book *What is Populism?* helps clarify what distinguishes populist politicians from politicians who are simply responding to public opinion.

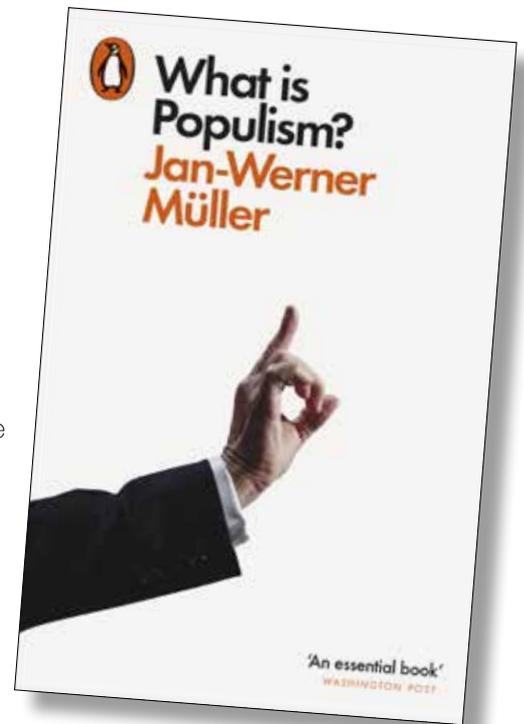
Professor Müller argues that populist politicians seek to exclude those who do not support them. They claim to represent the legitimate people in society, such as President Trump’s “real Americans” or Turkish President Recep Tayyip Erdogan, who declared at his party’s congress to his political opponents: “We are the people. Who are you?” Those who do not support them are seen as having no legitimacy. Further, while traditional political parties might passionately disagree with each other, they accept that other political parties have a legitimate right to participate in the political system. Populist politicians reject that other political parties have

a legitimate place in the system. Thus, some populist leaders in government have sought to change constitutions to make it harder for opposition parties to get elected.

As populist politicians see themselves as the only legitimate choice for people in an election, if they lose elections they will claim the process was rigged, or that media and the ‘elites’ interfered with the process to obtain an illegitimate result. Conspiracy theories are the bread and butter of populist politicians.

Professor Müller argues that while populist politicians do not seek to impose dictatorships, they are anti-democratic in their impulses and actions. They undermine liberal democratic processes by seeking to skew legislation and institutions to their favour and to keep them in power.

He says populism has been a response to the insecurity some people feel as a result of the ongoing struggles within democracy about who gets to be represented in the political system. The question of who are ‘the people’ remains an



open question as different minority groups in society struggle for recognition and to have their voices heard and considered. Populist politicians provide a concrete answer to who ‘the people’ are by excluding many minority groups as not being legitimately part of the democratic electorate.

From a Christian point of view, the Gospel calls on us to be inclusive of people, across race, ethnicity and gender. Thus the exclusivity and divisiveness of populists runs counter to our understanding of loving our neighbours (meaning love of all people) and the need to be in right relationship with God and other people. •

MAKE A DONATION

FULL NAME	CREDIT CARD	<input type="checkbox"/>	CHEQUE	<input type="checkbox"/>	Cheques payable to Uniting Church In Australia
ADDRESS	CARD #				
PHONE	NAME				
MOBILE	EXPIRES				
EMAIL	A ONE-OFF DONATION OF	<input type="text"/>	OR A REGULAR CONTRIBUTION OF	<input type="text"/>	
					every 1/2/3/4/6/12 months (please circle) until further notice
	SIGNATURE	<input type="text"/>			

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