

JUST ACT

ACT WITH JUSTICE IN MIND

News & resources from the Justice and International Mission Cluster

APRIL 2019



MODERN SLAVERY ACT PASSED INTO LAW

At the end of 2018 the Federal Parliament passed into law the *Modern Slavery Act*, which will require corporations and organisations in Australia with more than \$100 million in revenue to publicly report on what they are doing to tackle the risks of slavery and human trafficking in the supply chains of companies from which they buy goods and services, as well as in their own operations. The Uniting Church in Australia will need to produce a report.

The law passed with near unanimous support, with only Liberal Democrat Senator David Leyonhjelm voting against.

The Justice and International Mission (JIM) Cluster has already started to further investigate the risks of slavery and human trafficking in the production of goods and services bought by the Synod, and is assisting Uniting (the community service arm) to assess its supply chains. The initial focus of the work has been in tackling forced labour in the production of rubber gloves manufactured in Malaysia. Rubber gloves are used in significant quantities in aged care facilities associated with the Synod and the Epworth Hospital (which is also associated with the Synod).

Thanks to everyone who wrote letters and signed postcards over the past few years to help us in this campaign to see the *Modern Slavery Act* become a reality. •

LAWS TO PROTECT AND COMPENSATE WHISTLEBLOWERS PASS THE FEDERAL PARLIAMENT

Whistleblowers are very important in exposing serious harmful activities by corporations and businesses. For things like the bribery of government officials, it is often whistleblowers who reveal what has happened.

Whistleblowers exposed the Luxembourg Leaks, revealing the corrupt deals between the Government of Luxembourg and multinational corporations to cheat the people of other countries of tax revenue to pay for their hospitals, schools, aged care, mental

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LAWS TO PROTECT AND COMPENSATE WHISTLEBLOWERS PASS THE FEDERAL PARLIAMENT

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health services and police.

We have invited you to take part in the campaign to pressure the Australian Government into introducing laws to protect whistleblowers in Australian corporations. This has mainly involved postcard campaigns and letter-writing actions, with the most recent letter-writing action being issued in July 2018.

There was good news in February with Parliament finally passing a law to protect whistleblowers who expose the harmful and criminal activities of corporations and to allow them to gain compensation where they are subject to retaliation for being a whistleblower.

The law does not cover everything we wanted. There is still no Whistleblower Protection Authority to provide a central agency that will support the whistleblower with assistance and advice. Also, there is no system of rewards for whistleblowers. This is critical for whistleblowers who cannot be protected from retaliation and where seeking compensation against the retaliation will involve lengthy court processes with no certain outcome.

In 2018 there were 45 Australian whistleblowers who reported serious harmful and criminal activities to US authorities through the US Securities and Exchange Commission. The US system offers a reward to the whistleblower where a corporation is penalised in excess of US\$1 million.

The whistleblower who exposed corrupt practices at the Commonwealth Bank, Jeff Morris, has supported the introduction of rewards for whistleblowers because "it would virtually guarantee that more people would come forward".

Labor has promised that if elected at the federal election it will introduce a Whistleblower Protection Authority and a scheme to reward whistleblowers with a percentage of the penalty imposed on a corporation in cases where the information provided by the whistleblower leads to a successful prosecution.

Thank you to everyone who wrote letters and sent postcards in support of protecting and rewarding whistleblowers. •

INCREASED FUNDING FOR ADDRESSING FAMILY VIOLENCE

In April 2017 we requested that you write to the Commonwealth about the lack of funding it has allocated to tackle family violence. We have also invited you to participate in a postcard campaign we initiated.

In good news, on 11 February 2019 the Prime Minister announced an additional \$78 million to assist people affected by family violence. Of the funding, \$60 million will be available as grants to organisations that provide emergency accommodation for people escaping family violence. It is estimated the

funding will help about 6,500 people a year.

The other \$18 million will be used to provide security upgrades to help survivors of family violence stay in their own homes, when it is safe to do so.

The Prime Minister said in announcing the funding: "We can't ask women and children to leave dangerous homes if they have no place to go. And where it is safe, women and children survivors should be helped to remain in their homes and communities."

On 5 March 2019 this was followed by the Prime Minister announcing \$250 million over the next four years to fund additional

initiatives. The funding includes \$68 million for prevention strategies and \$35 million in support and prevention measures for First Peoples communities. A Prevention Hub will be established to support mothers groups, sporting clubs and churches to help people better recognise signs of family violence, while teachers and coaches will be encouraged to act on comments from children and be equipped on what steps to take to intervene.

Thank you to everyone who wrote letters or sent postcards to the Federal Government on providing increased funding to address family violence. •

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.

SOME GOOD NEWS ON WORKERS FROM THE PACIFIC BEING ABLE TO WORK IN RURAL AUSTRALIA



In November 2018 we requested you write letters to the Federal Government urging that it allow more people from the Pacific to work in rural Australia.

The National Farmers Federation (NFF), on the other hand, would rather a new visa introduced that gives preference to workers from countries like Malaysia and Indonesia. This visa would not have the same safeguards to protect these workers from exploitation by labour hire businesses and farmers.

In good news, on 15 November 2018 the Federal Government announced the removal of the cap of 2,000 places on the Pacific Labour Scheme. This means the number of people who can come from the Pacific to work in regional and rural Australia is only dependent on the number of workers that employers in Australia want.

In late November the Fair Work Ombudsman (FWO) released the results of its investigation into 444 farming businesses and 194 labour hire businesses associated with the harvesting of citrus fruit, grapes, strawberries, cherries, mushrooms, apples and tomatoes. The FWO found that more than half the businesses engaged in

illegal activities when it came to the treatment and pay of their employees. The FWO recovered more than \$1 million for 2,503 employees who had wages stolen from them by their employers. However, FWO reports that because records are often not kept of who was employed and how much they were paid, that many payments are cash in hand, and that employees who are backpackers often move from farm to farm, FWO believes the full extent of theft from the people working was much higher than the amount recovered.

The FWO issued 150 formal cautions to the businesses investigated, issued 132 fines and 13 notices requiring formal compliance with employment law. It also took eight employers to court for serious breaches of employment law, with half the businesses targeted being labour hire businesses and the other four being farmers. Six of the cases were finalised and the employers were collectively fined \$500,000.

The FWO found labour hire businesses and farmers engaged in stealing their employees' wages, falsified records to try to hide the thefts from the FWO and the Australian Taxation Office, did not issue employees with pay slips and

stole money by making unlawful deductions from their employees' pay.

Overseas backpackers working on Australian farms are also subject to mistreatment because they are sometimes expected to live in substandard accommodation. The FWO reported that one hostel in Gatton, Queensland, was prohibited from offering accommodation as a result of legal action by the Queensland Fire and Emergency Services (QFES). The QFES took the view that:

If a fire started at this building, our officers were concerned the people inside would have had absolutely no chance of escape... We're confident that the court action will prevent a serious tragedy and protect at risk persons like transient workers and international tourists working in the horticulture industry from serious risks such as injury or death.

The JIM Cluster will continue to invite you to be part of our campaigns to end the exploitation of people working on Australian farms and to help people from the Pacific being able to escape poverty and unemployment by being able to work in rural and regional Australia. •

WALKING ALONGSIDE FIRST PEOPLES FROM A UNITING CHURCH PERSPECTIVE



Many of you have indicated that you wish to be part of working for justice for First Peoples in Australia. The following outlines the Uniting Church's history and engagement of justice for First Peoples.

The Uniting Church has a rich history of working with, and walking alongside, First Peoples in Australia. Including the calling for Aboriginal and Islander land rights in the 1980s, to publicly declaring in 1997 that celebrating a day of national identity on January 26 divides us rather than unites us. However, alongside this recent history it's important to remember the church's past includes a darker complicity and perpetration of injustice, racism and paternalism. Today, the contemporary relationship between First and Second people within the Uniting Church is expressed through three key features; 1. the Uniting Aboriginal and Islander Christian Congress, 2. a call to embrace reconciliatory justice within the theology and ethos of the church, and 3. the Covenanting agreement.

The Uniting Aboriginal and Islander Christian Congress (UAICC or simply Congress) was formed in 1985 and exists at a state and national level. It has a membership base of Aboriginal and Islander peoples within the Uniting Church. UAICC has authority to make decisions in all matters relating to ministry with Aboriginal and Islander Peoples. Its mission is holistic, and seeks to minister to people's spiritual, physical, social and cultural needs, and rights the wrongs of colonisation in an empowering way. The UAICC provides a contextual place for First People's theology to be explored according to the needs of community it serves, which the whole of the church recognises as being different from that of second peoples'. The nature of UAICC gives it a special place within the life of the church. Its presence is a constant reminder of the church's call to be a uniquely Australian church seeking reconciliation in this land.

The theological context

In living out the Uniting Church in Australia's constitution, the church recognises it has a responsibility to pursue justice. Paragraph 3 reminds

the church it is obliged to work towards, and bear witness to, the examples of Christ, in order to build a community of reconciliation and renewal on earth. With that belief in mind, the church acknowledges reconciliation is of God, and is an expression of renewing life based on love and forgiveness.

Mark 12:28-34 further reminds us to love our neighbours, and treat those as we wish to be treated. And so, the church is called to action to reconcile the injustice of the past and recognise the treatment of Aboriginal and Torres Strait Islander Peoples in our pursuit of a just world reconciled under God.

Covenanting Agreement

In 1988, Congress began the journey towards establishing what is known as the 'Covenanting Agreement' by encouraging intentional relationships between First and Second Peoples. During this time of sharing and creating a deeper understanding of the UAICC's contribution to the life and mission of the church, the founding UAICC President Rev Charles Harris suggested entering into a covenantal

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relationship between First and Second peoples. Its purpose was to be an intentional commitment, freely entered into as a beginning of a renewed relationship between Indigenous and non-Indigenous peoples. It is a joint commitment to share in the struggle for a more just and equitable society, bound together by a common faith.

At the Seventh Assembly of the Uniting Church in Australia in 1994, the Covenanting Agreement between UAICC and the Uniting Church Assembly was established.

Sovereignty and Treaty

On 13 July 2018, at the Fifteenth Assembly of the Uniting Church in Australia, the way First Peoples understand themselves to be the traditional owners and custodians of the land was affirmed by the

church. A resolution was brought before Assembly that offered the church a new understanding of sovereignty to be “a spiritual notion, reflecting the ancestral tie between the land and the First Peoples”. This understanding was taken from the document Uluru statement from the heart, a document that was the outcome of the May 2017 ‘First Nations National Constitutional Convention’. The convention was held at the foot of Uluru on the lands of the Anangu people, and the statements itself clearly articulates a national Indigenous consensus position on Constitutional reform.

In the history of the Uniting Church, First Peoples had never been affirmed as sovereign people, and the 2018 Assembly decision to acknowledge the Sovereignty of First Peoples, by consensus, was a historical moment in faithfully living out the life of the Covenanting

Agreement.

What Comes Next?

While there is discussion of a treaty nationally, it is not something the current Commonwealth Government has supported. In various states, especially here in Victoria under the stewardship of the Treaty Commissioner Jill Gallagher AO, the Uniting Church remembers its own history in this space. The Covenanting Agreement, as a commitment between two peoples in pursuit of a more just tomorrow, is a treaty of its own kind that reminds us that we are called to live out the promise to reconcile.

JustACT readers are invited to reflect on what your response to a treaty might be, and consider what an authentic response to the request of Traditional Owners to honour their sovereignty in an empowering way could look like. •

COMMUNITY DEVELOPMENT PROGRAM CONTINUES TO ATTRACT CRITICISM

In April 2018 we requested that you write to the Federal Government asking that it work with First People’s organisations to reform the discriminatory Community Development Program.

The CDP compels First People’s to do jobs for New Start payments under threat of having all payments cut off.

The CDP has continued to attract criticism, with Jobs Australia publicly stating the “CDP is an unfair and punitive program, that disproportionately penalises participants through unreasonable and inflexible participation requirements”. Jobs Australia is the national peak body that helps not-for-profit employment and community services all over Australia to provide the best possible assistance to disadvantaged

communities and people.

Jobs Australia has stated that each year less than 10% of people on the CDP get a job that lasts six months or more. On average a person needed to be on the CDP for 9.5 years to get a job that lasts at least three months and has to be on the program for an average of 12.7 years to get a job that lasts six months.

The Government has released its own assessment of the CDP program, which found that 36% of First People surveyed reported that their communities were worse off as a result of the CDP, while 21% said their communities were better off and 32% said it had made no difference. The assessment found that First People who lacked transport options to get to employment, had low levels of English literacy, had the fewest communication options and lived in areas that lacked jobs were the people most likely to be punished

under the CDP.

Labor announced in December 2018 that it would scrap the CDP if it wins the election and replace it. The Aboriginal Peak Organisations Northern Territory response to Labor’s announcement was: “We welcome Labor’s commitment to work with First Nations people to co-design a new program and their recognition that our communities must be involved in decisions about policies that affect us.”

The Government has said that from March 2019 the number of hours people on the CDP must participate in approved activities, under threat of having their support payments cut off, will be cut from 25 hours to 20 hours a week. Also, from 1 July 2019 the CDP will only be delivered by Indigenous organisations.

Thanks to everyone who wrote letters in support of reforming the CDP. •

SUPPORTER PROFILE

DAVID COLLETT, CROYDON UNITING CHURCH BY TIM MOLINEUX

On a late Tuesday afternoon I phoned David Collett to discuss being interviewed for this piece.

He answered, and in a reserved but confident voice he struck up a conversation with me about the Social Justice Committee at Croydon Uniting Church, a committee that David convenes. I asked David if he would be willing to talk about the committee in detail for this edition of the JustACT 'Supporter Profile', to which he humbly replied "hmm, I'm not sure why you'd want to talk to me about what we do. We just do the normal things". As the conversation unfolded, I reflected on what the 'normal' things can mean for our lives, and the lives of others. When a group of people get together with a shared heart for justice, no matter the group's size, age demographic or cultural background, they feed into a greater movement toward a just world that we all want to see in our lifetime. With every letter of concern written, every petition signed, and every group meeting held to imagine what a better world might look like, we lend our voice in support of an idea bigger than just ourselves.

Can you tell me how the Croydon Uniting Church Social Justice Committee came to be?

Croydon Uniting Church is actually an amalgamation of two churches in the area; Croydon Central Uniting Church and Tallent Street Uniting Church. I was there during those years. When they came together in 1996-7, both congregations had their own social justice groups then, and so the Croydon Uniting Church Social Justice Committee was formed when they combined.

What are some of the activities you engage in when you take action on an issue?

These days, we hold our meetings after the JustACT magazine comes out. We meet to discuss the issues and go through the postcard and letter writing campaigns. Between us we take up most of the letter writing issues, and often we go to the rest of congregation and invite them join in the action. Occasionally some of the congregation members pick up on the letter writing, but we usually get a higher response from people wanting to send a postcard or sign the petitions. Some of the JustACT campaigns I can remember us being active on were the Fair Wear, Addiction to Gambling, and Just Treatment for the underprivileged in this country, so, NewStart and that sort of thing. Overall, there have been a fairly wide range of things that have

kept our interest over the years, even the issue of human rights records in the Philippines. That's something we like to keep a constant eye on. And climate change to some extent as well.

Can you tell me about the issues the Committee have been most passionate about over the years?

There's diversity of opinion in the congregation, but the strongest issues we've always been active on is asylum seekers and refugees. It's been a constant issue throughout the life of the committee. One of our committee members is also a member of the Outer East Asylum Seeker Network, and gave a lot of support to one family. Our committee and congregation have helped support this network over the years through committed donations and fundraising and helping out where we can. Some members of our congregation have helped asylum seekers with getting furniture, and helping set up and maintain their rented houses.

What are the different types of personal backgrounds members bring to the group, including your own David?

Our regular group is a small, older group. We have one or two who keep in touch even though they're not able to come to the meetings. We're not a big group, but we're always willing to

urge the rest of the congregation to support the issues that come up. In the group itself we have had several ex-teachers, including myself, some with a small business background, nursing, a child care worker, and one with experience in a political office. One of us used to work in some Indigenous areas, which has given us some great contacts in the past.

How would you describe what's kept you all together over the years?

We're a loose association of people, we don't require people to sign up to particular attitudes before joining, and we do have differences of opinions when it comes to certain issues. For me, and I think for all of us, pursuing social justice is an important element of being Christian and, of course, of following Jesus. Seeking justice and caring for the marginalised is what we're supposed to do.

From your own perspective, what is the biggest justice issue you think about the most, and why is it important to you?

Probably the asylum seeker situation would be the most important one that I've been campaigning on for ages now. I think there are some changes in the air that give me hope, and I'd like to think we're making progress. As a country we can't be treating people like that, it's unjust and heartless. •

INTERVIEW WITH A REFUGEE

Manningham Uniting Church and the Synod of Victoria and Tasmania recently funded Pacifique Ndayisaba, a refugee from Burundi who is connected with the Mildura Uniting Church, to attend the Refugees Alternatives Conference in Adelaide in February. He was interviewed by SBS radio while at the conference. Mark Zirnsak, who also attended the conference, interviewed Pacifique about the conference.



Can you tell our readers something about how you ended up in Australia?

I was studying law at a university in Burundi and in 2010 I became involved in leading a student organisation of 10,000 members. It was a time when the government was killing students because they were demanding civil rights and an end to the killings of other people asking for change. I was speaking publicly and to the media. I was imprisoned a number of times. In 2011 I was abducted by Burundi security forces, imprisoned and tortured. After I was released I went into exile in Uganda for seven years. Life in Uganda was hard. Uganda was hosting almost one million refugees. I was French-speaking and English is the language used in Uganda, so the language barrier made it hard. It was very hard to access school due to the language barrier. It was a hard time for refugees, with their children not at school due to the excessive fees, lack of food, lack of school supplies and the language barrier. It was a miracle that I ended up in Australia. As a refugee you do not know when you might be called on and offered a refugee place in

another country. It can happen at any time. It is then a lengthy process that can take two to three years. You need to go through a medical check-up. I was sad to leave behind members of my family, but glad to go to Australia.

After seven years in exile in Uganda I came to Mildura on 11 April 2018.

What were the highlights of the Refugee Alternative Conference for you?

The best thing was the commitment of the Refugee Council of Australia to give a platform for change to Australian refugee policy. It is better where refugees are not seen as simply a source of information, but rather as a partner for the change. Refugees know what they need. As Ghandi said: "Whatever you do for me but without me, you do against me." People now have the consciousness to allow refugees to be partners in leading the movement for change.

What do you plan to do as a result of being at the conference?

I will use the ideas from the conference to continue advocacy around education and human rights impacting refugees. I will work with media and other partners so people know of the needs of refugees. I will continue to work for my community and other refugees.

Is there anything you would like to add?

I would like to say thanks to the Uniting Church, Synod of Victoria and Tasmania. Without their support I would not have been able to attend the conference. I hope to continue the partnership to bring about change in Australia and in Africa where I have family and there are other refugees. •

RENEWABLE ENERGY GENERATION CONTINUES TO GROW DESPITE LACK OF FEDERAL GOVERNMENT POLICY

We have requested that you write letters, sign postcards and sign petitions to urge the Federal Government to facilitate an increase in renewable energy generation in Australia.

Renewable energy generation continues to grow at a significant rate despite the absence of a consistent national energy policy. In-fighting within the Coalition Government has made it impossible for the Government to settle on a comprehensive energy policy.

The move to renewable energy generation is an important contribution that Australia needs to make to reduce its contribution to the harmful impacts of climate change on people and the natural environment.

More than 1 GW of wind energy generation was added to the electricity grid in 2018, and a further 2 GW are expected to be added in 2019. Wind power generation is expected to exceed 8 GW in the next five years, which will be enough to power 5.6 million homes. Renewables now provide 23.7% of the electricity generated in Australia, which is enough to power 10 million homes.

An estimated 330 large scale solar farms are in the pipeline. Green

Energy Markets has estimated that at the current rate of installation of renewable energy generation up to 80% of Australia's electricity could be generated by renewable sources by 2030. Labor has committed to seeing at least 50% of Australia's electricity generated by renewable sources by 2030 if it forms the next government. The current Coalition Government opposes the policy.

The cost of renewable energy generation is continuing to fall. Finance body Bloomberg estimates that by 2036, coal power generation will cost \$60 per MWh for existing power stations, wind power will be \$45 per MWh, with large-scale solar half the cost of coal generation at \$30 per MWh. Any new coal-fired power stations would generate electricity at a cost of \$95 per MWh and natural gas power generation would be an estimated \$105 per MWh.

A report by CSIRO and the Australian Energy Market Operator found that solar and wind electricity generation is already cheaper than building new coal-fired power stations. The report found that building nuclear power would be the most expensive form of electricity generation.

The head of infrastructure and utilities at Westpac has publicly stated that new coal-fired generation of electricity projects is unlikely to

proceed unless the government propped them up financially.

This explains why far-right members of the Coalition Government are pushing for government assistance to build coal-fired power stations - to satisfy their ideological commitment to coal.

However, unfortunately, the expansion of renewable energy alone will not be enough to ensure that the Australian Government meets the pollution reduction target it agreed to under the Paris climate change treaty. Official figures released by the Commonwealth Department of Environment and Energy in late December showed that on present trends Australia will only reach an emissions reduction target of 7 per cent on 2005 levels by 2030, well short of the 26% reduction the Australian Government agreed to in the Paris treaty. While emissions from electricity generation are expected to decrease by 26% on 2005 levels by 2030, emissions from transport are expected to increase by 35% on 2005 levels if there are no changes made in policy and practice.

Global insurance company Allianz ranked this Australian Government last among 20 countries with leading economies for its efforts to implement the Paris climate change treaty. •