

JUST ACT

ACT WITH JUSTICE IN MIND

News & resources from the Justice and International Mission Cluster

FEBRUARY 2019

MOST CHILDREN SEEKING ASYLUM HAVE BEEN REMOVED FROM NAURU



There are just four children and their families seeking asylum in Australia still on Nauru at the time of writing and they have been approved to be resettled in the USA.

In the last three months of 2018, more than 100 children seeking asylum were taken off Nauru. This was down from 222 who were on Nauru at its peak in 2014. Minister Dutton has publicly insisted that none of them will be given permanent resettlement in Australia.

A further 456 refugees who had been detained on Nauru and Manus island have been resettled in the US through an agreement between the Australian and US Governments. However, 188 applicants for resettlement to the US have been rejected, including 91 Iranians.

The US Government paid for the costs of resettlement, including temporary accommodation and a caseworker for

three months — flight tickets were also provided as an interest-free loan. But at the end of three months, the refugees are on their own.

There remain around 420 adults seeking asylum on Nauru and 600 in Papua New Guinea.

The Commonwealth Government has announced that will set up a panel of medical experts to advise the government on when to transfer these people to Australia for medical treatment. The panel would be able to review assessments currently undertaken by the Department of Home Affairs on the medical needs of people seeking asylum. It would be able to recommend that a case be reassessed, but would have no power to force the government to take action on any case. It would report to the Parliament twice a year. At present, transfers of people seeking asylum to Australia from Nauru and Manus for medical treatment is decided by senior bureaucrats.

The mental health crisis amongst refugees and people seeking asylum on Manus Island continued over the Christmas period, with at least three men medically evacuated to Port Moresby for hospitalisation after suicide attempts or acts of self-harm.

The ongoing harm to people seeking asylum through the Federal Government's actions has resulted in a lawsuit being brought against the government in a case of a 10-year-old Iranian boy who was allegedly raped three times in an immigration detention centre on Nauru. The boy, now 14 and living with his mother in Sydney, suffers from post-traumatic stress disorder, major depression and anxiety, thoughts of suicide, incontinence and on-going physical pain. The boy and his mother travelled by boat in October 2013 to Christmas Island, where they were detained. A few days later they were sent

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to the detention centre on Nauru. The alleged sexual assaults took place over a six week period in late 2014, carried out by an older teenage boy who was also a detainee. After a report to centre officials and Nauruan police, the incident was investigated but did not press charges. The case alleges that the Commonwealth Government failed in its duty of care by not putting in place proper systems within the detention centre to prevent sexual assaults, and that staff were not given adequate training to ensure that such assaults did not happen. •

TRAINING OPPORTUNITY

Thanks to everyone who signed and sent off postcards to the Minister for Immigration asking that children seeking asylum and their families detained on Nauru be brought to Australia to have their claims for asylum assessed. We are now planning campaigning and advocacy training sessions on this issue, for anyone wanting build their knowledge and capacity as advocates. If you would like to be on the mailing list for these opportunities, please email Denisse: denisse.sandoval@victas.uca.org.au. •

ROHINGYA FACE THE RISK OF FORCIBLE RETURN TO MYANMAR

We have requested that you write letters seeking to ensure that the members of the Rohingya ethnic minority who fled the campaign of mass murder in Myanmar are not forced to return to Myanmar from Bangladesh.

Unfortunately on 30 October 2018 the governments of Bangladesh and Myanmar announced that 2,260 of the 720,000 Rohingya refugees would be returned to Myanmar, causing widespread fear in refugee camps along the border

The refugees were not consulted, and a Rohingya man tried to take his own life after learning his family was among those on the list to be returned to Myanmar. Fearing forced deportation back to Myanmar, it has been reported that others now gone into hiding in Bangladesh.

Many Rohingya that are still in Myanmar have been rounded up and placed in concentration camps



by the Myanmar military who have razed their homes to the ground. These camps are effectively open air prisons.

Over 40,000 Rohingya have fled to India, but the Indian government arrested and detained around 230 of them in late 2018. Some were then forcibly sent to Myanmar. The arrests caused panic, resulting in around 1,300 Rohingya to flee from India to Bangladesh. Hardline Hindu nationalists in India have called for

the Rohingya to be rounded up and sent back to Myanmar, while more radical voices have publicly called for them to be massacred in India itself. The Chamber of Commerce & Industry in the Jammu state of India has publicly issued a statement calling for Rohingya to be systematically rounded up and deported, or they would identify them and massacre them. •

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.

EVIDENCE OF THE NEED FOR A PROPER SAFEGUARD REGIME UNDER THE NDIS

We have been requesting you write letters to the Victorian and Commonwealth Governments to seek assurances that a proper safeguard regime will be put in place under the National Disability Insurance Scheme (NDIS) to ensure people with disabilities are protected from rape, sexual assault, abuse and neglect.

So far the Victorian Government has promised it will do what it can to ensure such safeguards exist, but the Commonwealth Government has, so far, failed to offer such assurances.

At the end of 2018 it was revealed that in the last three months of 2018 there had been 29 reports of sexual assault against people on the NDIS in just two states NSW and SA, where there are 115,000 people with disabilities on the NDIS in those two states. There were a total of 184 reports of abuse and neglect in this three month period, of which 68 were referred to the police for further action. There were an additional 34 complaints against individual staff or service providers and 75 cases of alleged unauthorised restrictive practices. There were 17 reports of providers under the NDIS engaging in fraud. So far 37 disability service providers have been kicked off the

scheme for non-compliance within the expected standards.

Children with a disability are 3.4 times more likely to experience abuse and violence than their peers. Women with a disability experience family violence 37.3% more often than other women, and women with intellectual disabilities are somewhere between 50 and 90% more likely to be raped or otherwise sexually abused.

The Australian Bureau of Statistics



reported at the end of 2018 that almost one in eight people with a psychological or intellectual disability experienced physical violence in 2016, compared to one in 20 people with a physical disability.

The Victorian Government has replied to letters from those of you who wrote to state the Victorian Disability Services Commissioner will continue to operate until the Victorian Government is satisfied that the new NDIS Quality and Safeguards Commission is fully operational. The Victorian Disability Services Commissioner currently takes complaints about cases of abuse and neglect by businesses and

organisations that provide services to people with disabilities. It can also choose to initiate investigations of its own into such businesses and organisations and has a team of staff that investigate any preventable deaths of people with disabilities when they lived in accommodation provided by a business or community service organisation.

The Victorian Government has also provided assurance that the Office

of the Public Advocate will also continue. It also investigates complaints of abuse and neglect of people with disabilities by businesses and community service organisations that should be providing them with care.

A survey of 626 organisations and businesses providing support services to people with disabilities found that over half said they would need to cut the quality of the care they provide to people with disabilities as a result of the pricing model adopted by the NDIS for services.

It is not too late to write the Commonwealth Government using the letter-writing action we issued in November 2018 if you did not yet get a chance to do so. Thank you to everyone who has written letters and campaigned with us so far. •



ADANI'S CARMICHAEL COAL MINE UPDATE

Adani has started building roads for their Carmichael coal mine, despite some legal issues that are still being scrutinised regarding ground water management and the conservation for the black throated finch.

Groundwater management issues are still being scrutinised by the Department of Environment and Science in Queensland. They are also checking the plans for the conservation of the black-throated finch habitat, a bird whose population has been rapidly declining.

Adani has also stated that the Carmichael mine will be self-funded. Lucas Dow, chief executive of Adani Australia, has said that the company would also self-fund the construction of a smaller mine than what was originally planned. The smaller mine would produce

10 million tonnes of coal per year rather than 60 million tonnes per year it had originally planned, with the aim to ramp it up to 27 tonnes of coal per year thereafter. Recently, Adani's stocks have taken a hit as market speculation caused severe selling pressure. Adani Power stock decreased by 18.6% while Adani Ports went down 12.7% and Adani Gas decreased by 9.2%. However, Adani Enterprises was only down by 0.7%.

The United Nations has now called for the Carmichael Mine to be suspended until all impacted traditional indigenous owners support the mine. The UN Committee on the Elimination of Racial Discrimination has written to Australia's UN ambassador to flag concerns around the consultation process. They noted that members of the Wangan and Jagalingou (W&J) family group were excluded from consultations, and that the mine does not have the informed

consent of all W&J representatives.

Traditional owner and indigenous activist Adrian Burragubba has been targeted by Adani by filing a petition to bankrupt him. Adani wants Burragubba to pay over \$600,000 in legal costs incurred by the mining company. Mr Burragubba is part of the Wangan and Jagalingou (W&J) family group.

Mr Burragubba previously took Adani to court because of a land use consultation where voting was allegedly was stacked with people who had no official ties to the W&J land council. The W&J Traditional Family Owners Council claim that the council was stacked with people who are not legitimately tied to their council. Recently, a public interest legal fund has offered to support the mine's opponents from the W&J group.

We will continue to campaign and bring you updates on stopping the Adani mine in Queensland. •

BOTTLE SHOPS CONTINUE TO FEED FAMILY VIOLENCE PROBLEMS IN VICTORIA

The JIM Cluster is continuing its postcard campaign urging the Victorian Premier to adopt alcohol brake zones, where the community can have a say about no additional bottle shops if the area is already saturated with bottle shops.

The frequency and intensity of

incidents of family violence has been shown to increase as the number of bottle shops in an area increase, as the bottle shops seek to drive up alcohol consumption in their area as they compete with each other.

On 5 December 2018, the Victorian Crime Statistics Agency released the latest figures for recorded cases of family violence. The number of incidents decreased from 76,494 in the 2016-2017 financial year to 76,124 in the 2017-

2018 financial year. In just under 30% of cases, alcohol was a definite or possible contributing factor. Less bottle shops and alcohol consumption will mean these numbers could be reduced further.

If you would like more of the postcards please let us know and we will post them out to you. Phone (03) 9340 8807 or e-mail mark.zimsak@victas.uca.org.au. •

LAW TO COMPEL TECHNOLOGY CORPORATION CO-OPERATION PASSES THE PARLIAMENT

In November 2018 we requested you write letters to the Labor Party to request they pass the *Telecommunication and Other Legislation Amendment (Assistance and Access) Bill*, giving police the power to compel technology corporations to assist them in investigations of serious crime.

However, we requested that you ask them to amend the legislation to ensure it is not misused by police and that there will be transparency on how the law is used. On the last sitting day of the Parliament the law was passed, although not with all the safeguards we would have preferred to see.

The Bill was amended to improve oversight of the use of the powers by the Independent National Security Legislation Monitor, increasing the powers of the Commonwealth Ombudsman to investigate how

police and intelligence agencies use the powers and ensure that police cannot request assistance that would create a systemic weakness in the technology that could be exploited by criminals in order to target innocent people. Disappointingly, the powers can only be used in relation to crimes that carry a three year prison term. In many countries around the world, offences relating to the access, production, sale and dissemination of child sexual abuse material online do not carry a three year prison term as a penalty. Therefore, the powers cannot be used to assist investigation by police from such countries into child sexual abuse online.

The Labor Opposition plan is to move additional amendments to the law when Parliament sits in February.

The law has already been used by the Australian Federal Police to force a person to provide their passwords to devices on which they were storing images of child sexual abuse.

Engagement with this law

has revealed to the JIM Cluster concerns about when multinational technology and social media corporations obstruct investigations into child sexual abuse, murders, human trafficking and other serious human rights abuses. For example, Google's public policy is to advise those engaged in criminal activity they are under investigation, unless prevented from doing so by a court. This position could allow those engaged in serious human rights abuses and criminal activity to destroy evidence or escape to a location where police will be unable to find them.

The JIM Cluster is engaging with these corporations to clarify their policies and practices and expects to invite you to be part of campaigning for reforms to stop such corporations interfering with the legitimate functioning of police.

Thank you to everyone who wrote to the Labor Party in support of these reforms. •

SUPPORTER PROFILE

Rev Claire Dawe is a minister over at Mannigham Uniting Church. She is a keen advocate for social justice issues and we wanted to highlight her work and opinions on a few things in the lead up to the federal election. (The original interview has been edited and shortened.)



For all our readers that don't know you, could you please tell us a bit about yourself?

I was ordained five years ago, and before that I was a family and youth worker in the Uniting Church. I have three teenagers, or young adults, and one of them is very interested in social justice. I have always been very interested in social justice issues, since I was a child. I used to write to my MPs about things I didn't think were fair. People ask me what I do in my own spare time, and part of it is actually writing to MPs and checking things out, not because it's my job, it's because I'm a Christian.

You used to be at Chelsea Uniting Church (now called Uniting by the Bay) and now you are at Manningham, what are some of the differences you see between the two communities and what are the similarities? Do people there care about different things or the same?

The Uniting by the Bay congregation, they were people who had a strong sense of justice. Some would question why we were standing up for refugees for example, but developed really good discussion protocols throughout the congregation. At our discussion group, Hard to Swallow, we would invite guest speakers such as Mark Zirmsak and Jill Ruzbacky, to come speak to us about issues. We discuss other issues around ethics

such as drones and robots used in war vs real life human soldiers. The congregation at Chelsea put themselves forward as a sanctuary for refugees, and contribute to the community pantry, they also provide a Christmas day meal, and work tirelessly through the church and also in the community. It's a very active church.

And Manningham?

I didn't want to move from Chelsea but I came in for the conversation. I was in the parking lot at Manningham and saw there was a huge banner that said 'we welcome refugees', and I thought 'OK' and then saw the shared garden. They (Manningham Uniting Church) are about social justice, they are involved in community groups and for example they hold English classes for refugees. They volunteer a lot, and set up LinC, a network of different churches working together to help people. They participate in a lot of justice projects. At Manningham, we held a day of mourning on the Sunday after Australia day, and had people speak and share and pray. It was powerful, and another example of what the Manningham congregation is all about. A new project they are working on is "Bridging Through Stories" which will start in October. This is about working with groups that are vilified in our society, Refugees, indigenous people,

LGBTIQ people, and listening to them through sharing stories. It is open to all to come learn and listen. Manningham City council is supporting this program as well.

I heard that you recently met with MP Chris Crewther. How did your meeting go?

We agreed to disagree...he is a lovely local guy but the Liberal party has made their pitch on how they see themselves as turning back the boats and saving lives. But incarcerating anyone on those islands in offshore detention is not the way to go. The international community has been explaining why this doesn't work, but the Liberal party genuinely believes they are saving lives. In twenty years I can't look at my kids in the eye and say I did nothing on this issue of people seeking asylum. I just keep on and on, because I don't want people thinking that what the way asylum seekers are treated in this country is OK. I am persistent.

What are the issues that you will be paying attention to the most in the lead up to the federal election?

Definitely asylum seeker and refugee policy, and tax related issues because a lot of our issues could be alleviated if everyone paid their tax, and if companies paid their fair share. If companies paid what they are meant to we could actually

pay for healthcare and education for more people. I also will pay attention to policies around incarceration of indigenous people. The idea that some people live well and others really don't bothers me.

What are some of the similarities and differences you have seen between church goers in the UK vs. church goers in Australia?

I was a member of the United Reformed Church in the UK, which is like the Uniting Church in Australia. I was raised Catholic, and the churches I was a member of growing up were very justice

focused, about helping people and supporting people, although some missionaries totally got it wrong. It was drummed into to us to help those who were without.

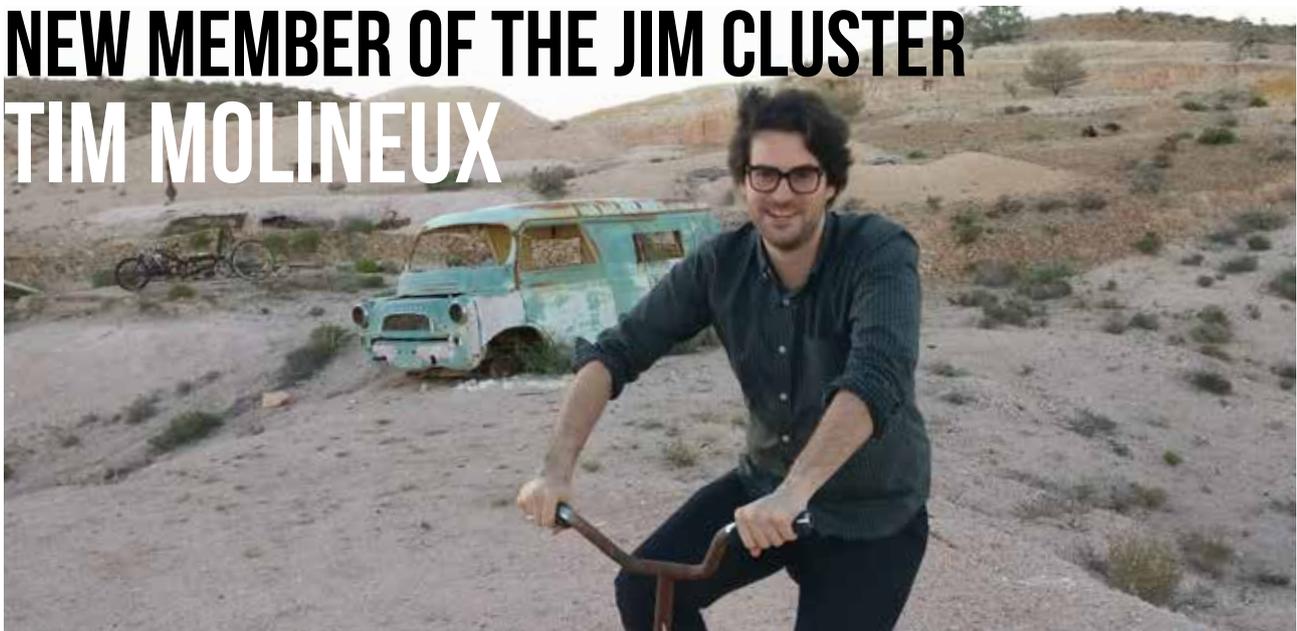
Keeping in mind that I have been in Australia almost 15 years, when I left the URC it was mainly male led, and female in ministry had just started. In Australia there are more female ministers and way more multicultural ministers and members, but it has been 15 years so I can't make a contemporary comparison.

How are churches best able to participate in non-secular society?

Being vocal, being seen, get out there and let's not be scared to do our theology in public, let's be proud of who we are and why we do what we do , and do this publicly.

I stay doing this work because I am motivated by my faith, my faith tells me or leads me to believe that god wants creation as a just and righteous place, and we haven't got that. We sometimes forget why we are getting involved, why we are participating in social justice issues as a church. It's because of our faith that we have to. The message of hope and God's grace is for everyone, it's not just for us, we must share it. •

NEW MEMBER OF THE JIM CLUSTER TIM MOLINEUX



We are excited to welcome Tim Molineux to our JIM team, joining Mark Zirnsak and Denisse Sandoval.

Tim started in February as the Social Justice Officer.

Originally from Port Augusta, Tim comes to us after working for the past 4 years at the South Australian Presbytery and Synod, where he had a variety of roles in social justice and international projects, as well as PA to the Moderator.

Tim, 31, has a Bachelors degree in Media, a background in community radio, and his honours

thesis had a focus on hearing Indigenous voices within policy formation. Tim was also a project coordinator for a community-building project using narrative therapy and audio-visual art to address trauma within the regional SA Bamgarla Indigenous community.

Tim says he finds purpose working in the "grace margin".

"Throughout 2016 and 2017, and especially in my work as Transforming Mission Project Officer, I have consciously equipped myself with the knowledge of creating a 'Space for Grace' so that I may live in the grace margin," he said.

"I seek to pursue respectful, empowering and inclusive decision-making in my professional and personal life."

Tim will work with the wider team in developing and implementing a range of campaigns and projects, as well as engaging congregations and social justice groups.

He will also have a specific focus on working with other ministry staff in developing youth and young adults in their understanding, practice and engagement of social justice. •

COME SUNDAY EXPLORING GOD'S UNCONDITIONAL LOVE

Come Sunday is a movie available on Netflix in Australia and is based on the life of US African American evangelical Bishop Carlton Pearson.

The movie raises the question if God has unconditional love for humanity and what the implications of that are for our Christian communities and our concepts of salvation. It is largely about one person struggling with a radical change in how they understand God. This is not a movie that explores the theology in great depth, but certainly would be a valuable discussion starter.

At the start of the movie Carlton is the lead pastor of a multi-racial congregation of 6,000 people in Oklahoma. It is a position of wealth,

status and privilege. We are given an uncritical insight into this branch of Christianity, which is male dominated and has a sincere focus on 'saving' people and allowing them to enter eternal life by accepting Jesus as their "Lord and Saviour". There are harsh attitudes that those that do not adopt such a path and change their 'sinful' ways will be condemned to Hell, but those holding these beliefs are portrayed sympathetically.

While watching footage of the 1994 Rwandan genocide, Carlton is struck that those being slaughtered would not be condemned to Hell by a loving God. He proceeds to preach a message that God's unconditional love means all people are saved and our faith means we seek to live out that faith, rather than seeking to do so to gain eternal life or out of the fear of Hell.

Pressure is quickly applied to make Carlton see the error of his message. His close friends suggest that the message is from Satan, not God, and that Carlton should recant. The white members of his congregation are the first to leave, forming their own breakaway congregation. He is eventually condemned by his peers and cast out from his denomination for refusing to deny a message he believes came from God. There are moments when Carlton feels God has abandoned him, lamenting that he feels God is not speaking to him while he is being ostracised

Carlton's attitudes to same sex attracted people undergoes a radical transformation over the course of the movie, and this aspect would be useful to any church groups wishing to explore this issue. •

PALM SUNDAY RALLY FOR REFUGEES

The Palm Sunday rally is fast approaching, Sunday 14 April at the Victoria State Library in Melbourne. If you would like to help organise the rally, please email Denisse: denisse.sandoval@victas.uca.org.au

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