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News & resources from the Justice and International Mission Cluster

OCTOBER 2024



COMMONWEALTH GOVERNMENT IMPROVES SUPPORT FOR PEOPLE FROM THE PACIFIC COMING TO WORK IN AUSTRALIA

The JIM Cluster has requested that, over several years, you write to the Commonwealth Governments to seek reforms to improve the Pacific Australia Labour Mobility (PALM) Scheme.

Dating The PALM Scheme allows people from the Pacific Islands and Timor Leste to come and work in Australia for up to four years on farms, meat works, aged care and other areas where there have been workforce shortages. There are currently about 35,000 people on the Scheme working in Australia.

The Scheme has delivered significant financial benefits to the people coming to work in Australia, as well as their families and communities back in the Pacific Islands. The average worker can send \$15,000 home to their family a year in a region where half the population live on less than \$1,000 per year.

The Prime Minister of the Solomon Islands, Jeremiah Manele, recently praised the PALM Scheme as vital to addressing unemployment in the Solomon Islands. There are currently around 7,000 Solomon Islanders on the PALM Scheme in Australia.

"The labour mobility scheme continues to touch the lives of our people as it continues to provide income for our workers and their families and revenue for the Government", said Prime Minister Manele.

However, such temporary migration is not without downsides. One has been family breakdown due to the prolonged separation of spouses. A recent study commissioned by UNICEF found that in some communities so many men have left to work in Australia and New Zealand there are hardly any men left. Gender roles have, therefore, shifted tremendously in these communities, with women overburdened with what is perceived to be "men's" work as well as "women's" work. Grandparents have become exhausted looking

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ELSA'S STORY

Elsa is a 28-year-old seamstress from Bacau in Timor Leste. She wanted to start a sewing business but knew setting up the business would involve upfront costs to buy fabric and machines. Working on her parent's farm in Timor Leste would not generate the funds needed.

Elsa came to Australia on the PALM Scheme and spent eight months picking and packing fruit and operating machines on farms in Victoria.

She saved enough money to repair her family home and open her own business, producing handmade decorations, cushions, and wall hangings for weddings and funerals. Within two months, Elsa had 32

customers. She has been able to employ her mother and aunty.

"The business is going well, and I'm ready to grow it even more. I hope to one day have a proper shop where people can visit", Elsa said. ●



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after the children left behind, with little or no support. The study found that church groups have been able to provide support in some areas. The absence of parents working overseas has negatively impacted children's engagement with their education, resulting in a decrease in numeracy and literacy rates.

At the end of August, there was good news with the Commonwealth

Government announcing it will spend \$8 million assisting people on the PALM Scheme and their families in managing separation. The funds will be spent on engagement with workers and their families before coming to Australia to equip them on how they will manage the time of separation. Some of the funding will also be used to support workers returning from Australia to reintegrate into their communities in the Pacific.

The Australian Government is also trialling allowing workers to bring their families to Australia. The JIM Cluster has been working closely with the Department of Foreign Affairs and Trade on the design and implementation of the trial.

Thank you to everyone who has written letters in support of reforms to improve the PALM Scheme. ●



VENUES FORCED TO CLOSE POKIES AREAS IN THE EARLY HOURS OF THE MORNING

For over two decades, we have invited you to take actions in support of reforms to reduce the harm gambling causes in our community.

Thank you to everyone who has contributed to these efforts.

As of 30 August, all pubs and clubs in Victoria must close their pokies area between 4 am and 10 am. People who gamble at these times have a much higher risk of experiencing gambling harm. The reform stopped venues close to each other from staggering their opening times, which encouraged

people harmed by gambling to move between venues without taking a break. ●

FROM THE JUSTICE & INTERNATIONAL MISSION CLUSTER

Mark Zirnsak – Senior Social Justice Advocate
Tim Molineux – Social Justice Officer

Uniting Church in Australia
Synod of Victoria and Tasmania
Centre for Theology and Ministry
29 College Crescent
Parkville, Victoria 3052

Phone - (03) 9340 8807

jim@victas.uca.org.au
<http://www.justact.org.au>

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.

INCREASED PROTECTION FOR PEOPLE WORKING TEMPORARILY IN AUSTRALIA

90% of people working temporarily in Australia subjected to exploitation take no action to address the exploitation.

A critical factor in them not seeking redress has been the fear that their current visa will be cancelled, or they will be unable to obtain a future visa. Exploitative employers have come to expect they will not be held to account. Where exploitation of people working temporarily in Australia has become a successful business model, employers who are doing the right thing by their employees have become uncompetitive.

We have invited you to support reforms to protect people working temporarily in Australia from

exploitation, as they are often the most vulnerable people in the workforce. Thank you to everyone who has written letters asking for such reforms in response to actions we have issued.

There was good news at the end of July, with the Commonwealth Government introducing a Workplace Justice Visa. The visa can be issued to people on a visa that allows them to work temporarily in Australia and where their employer has exploited them. It will enable the person to stay up to a year in Australia while seeking compensation through the legal system for the exploitation they were subjected to. If the legal action is ongoing, the person can re-apply for a new visa at the end of the first visa.

The claim of exploitation must be verified as credible by accredited



legal services or unions to ensure that vexatious claims are weeded out.

The JIM Cluster participated in the campaign for the Workplace Justice Visa and assisted in designing how it would work. ●

BID TO REDUCE EXPLOITATION OF DELIVERY DRIVERS

In November 2023, we requested that you write letters to Senators Jacqui Lambie and Tammy Tyrrell to support the *Fair Work Legislation Amendment (Closing Loopholes) Bill 2023*.

The Bill provided mechanisms to reduce the exploitation of people working in the on-demand gig economy. The Bill was amended and did pass the Senate.

The Synod has asked its staff not to use rideshare services such as Uber

and on-demand food delivery services, such as UberEats, mainly due to the exploitation of the people working for these platform corporations. Instead, staff are asked to use taxis and food delivery

drivers directly employed by the food outlet, where the drivers are more likely to receive at least the legal minimum wage.

There was good news at the end of August 2024, with the Transport Workers Union making use of the new laws to ask the Fair Work Commission to set minimum employment standards for food delivery riders. The new standards would require delivery riders to be paid a minimum hourly rate.

The union also seeks to negotiate on superannuation, termination notices, consultation rights about changes



to their conditions, unpaid sick leave, annual leave and fatigue breaks for food delivery riders.

Thank you to everyone who wrote letters to support reforms to protect people working in the on-demand gig economy. ●



COMMONWEALTH GOVERNMENT BANS DEEPFAKE SEXUAL MATERIAL

Over many years, we have requested you take action urging the Commonwealth Government to implement measures to make the online world safer for everyone, especially children. Thank you to everyone who has written letters and sent postcards to the government seeking these reforms.

There was excellent news on 21 August when the Commonwealth Parliament passed the *Criminal Code Amendment (Deepfake Sexual Material) Act 2024*. The JIM Cluster had made a submission in support of the legislation to a Parliamentary Committee inquiry.

The new law responds to situations where a person circulates online sexual images of another person without

their consent, including images that have been generated using graphic design software or generative artificial intelligence software. On introducing the Bill to Parliament, Attorney General Mark Dreyfus stated:

Digitally created and altered sexually explicit material that is shared without consent is a damaging and deeply distressing form of abuse. This insidious behaviour is degrading, humiliating and dehumanising for victims. Such acts are overwhelmingly targeted at women and girls and perpetuate harmful gender stereotypes and gender-based violence.

The new law creates an offence where a person posts or shares sexual material that depicts (or appears to depict) an adult other than themselves when:

- the person posting or sharing the image or video knows the other person does not consent to the transmission; or
- the person is reckless about whether the other person consents to the transmission.

The new offence will apply regardless of whether the material is unaltered or has been created or altered in any way using technology.

There are exceptions for where the new offence will apply, including a broad exception where “a reasonable person would consider transmitting the material to be acceptable”, having regard to several factors.

The offence did not need to deal with sexual material depicting a child, as posting or sharing real or created child sexual abuse material is already an offence under the law. ●



ESAFETY COMMISSIONER TAKES FURTHER ACTION TO CURB ONLINE CHILD SEXUAL ABUSE

In addition to the new laws to penalise the posting of deepfakes, on 24 July 2024 the eSafety Commissioner took the welcome step of issuing legal notices to Apple, Google, Meta, Discord, Snap, Skype, WhatsApp and Microsoft.

The notices require the corporations to report to the eSafety Commissioner every six months about what measures they have in place to tackle online child sexual abuse.

"When we sent notices to these companies back in 2022/2023, some of their answers were alarming but not surprising as we had suspected for a long time that there were significant gaps and differences across services' practices. In our subsequent conversations with these companies, we still haven't seen meaningful changes or improvements to these identified safety shortcomings", said

Julie Inman Grant, the eSafety Commissioner.

She further stated, "Apple and Microsoft said in 2022 that they do not attempt to proactively detect child abuse material stored in their widely used iCloud and OneDrive services. This is despite the fact that it is well-known that these file storing services serve as a haven for child sexual abuse and pro-terror content to persist and thrive in the dark."

"Meta also admitted it did not always share information between its services when an account is banned for child abuse, meaning offenders banned on Facebook may be able to continue perpetrating abuse through their Instagram accounts, and offenders banned on WhatsApp may not be banned on either Facebook or Instagram."

The eSafety Commissioner had found that eight different Google

services, including YouTube, allow users to access websites that are known to contain child sexual abuse material. They could make use of databases of websites known to hold child sexual abuse material if they cared about stopping their users accessing such material.

The corporations must comply with the legal notices issued by the eSafety Commissioner. They face fines of up to \$782,500 daily for failing to respond. The corporations have until 15 February 2025 to provide their first round of responses. ●



VICTORIAN PARLIAMENT RAISES THE AGE OF CRIMINAL RESPONSIBILITY TO 12 IN NEW YOUTH JUSTICE ACT

For many years, we have invited you to take actions to seek reforms to the youth criminal justice system, with an aim to prevent crime and rehabilitate those who have broken the law to get their lives back on track.

The most recent letter-writing actions were issued in August 2020, July 2021 and October 2021. The JIM Cluster has also made submissions to government and Parliamentary inquiries on the issue. The Cluster is also an active member of the Smart Justice for Young People (SJ4YP) campaigning coalition.

At the end of August, there was mixed news, with the Victorian Parliament passing a new *Youth Justice Act 2024*. The legislation introduced to Parliament was initially a significant step forward. However, The *Herald*

Sun ran a public campaign focused on harsh penalties for children who break the law, completely disregarding what works to prevent crime. The evidence is clear that pipelining children into prisons undermines safer communities by putting children at risk of being re-criminalised in future. The Victorian Government caved under public pressure and weakened the reforms in their own legislation. The Victorian Government abandoned its commitment to increase the age of criminal responsibility to 14 years of age by 2027.

The chief executive of the Victorian Aboriginal Legal Service, Nerita Waight, said in response to the abandonment of raising the age of criminal responsibility to 14, "We trusted the Victorian Government, and we have been betrayed by their treacherous decision to abandon our children."

The truth-telling body about the historical and ongoing harms to First Peoples in Victoria, the Yoorrook Justice Commission, had recommended raising the age of criminal responsibility to 14.

On the positive side, the new law raised the age of criminal responsibility to 12 years old, making Victoria the first state in the country to do so. However, the ACT increased the age of criminal responsibility to 12 in 2023. The law also provides measures to keep children out of the youth criminal justice system and re-engage in school, jobs and other support programs. It will allow more young people on bail or remand to participate in treatment and rehabilitation without prejudicing their case.

A Council on Bail, Rehabilitation and Accountability will be established to explore how to prevent young people from committing crimes. It will comprise

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representatives from the police, Department of Families, Fairness and Housing, Department of Health and schools.

The new law includes a trial of electronic monitoring of children who have broken the law. Previous assessment of the research on electronic monitoring by the JIM Cluster found that it can be positive

if it is backed by strong mentoring of the person being monitored and is used as an alternative to incarceration. Electronic monitoring can have negative impacts if used for minor offences and used without social and rehabilitation supports. The JIM Cluster will monitor the impact of the trial.

In Tasmania, the State government appointed an expert panel at the end of

August 2024 to provide independent advice on designing the youth criminal justice model in that state. The Tasmanian Government has stated that it is committed to a system focused on the rights of the child, rehabilitation and breaking the cycle of offending.

Thank you to everyone who has supported the campaign seeking youth justice reforms. ●



AUSTRALIAN GOVERNMENT SANCTIONS BRUTAL ISRAELI SETTLERS

In our April 2024 JustAct mailing, we requested that you write letters to the Commonwealth Government asking that they sanction violent Jewish Israeli settlers and members of the Israeli security forces responsible for murdering and carrying out other serious human rights

abuses against Palestinian civilians. Thank you to everyone who wrote letters in response to the action.

There was positive news on 25 July 2024, when Minister for Foreign Affairs, Penny Wong, announced financial sanctions and travel bans on seven Israeli settlers, and financial sanctions on one organisation, for their involvement in violence against Palestinians in the West Bank.

Minister Wong stated that the individuals sanctioned had been involved in beatings, sexual assault and torture of Palestinians, resulting in deaths and serious injuries of the victims. One of the Israelis sanctioned, Elisha Yered, was a former parliamentary aide to a member of the Israeli Knesset.

Australia has now joined the US, EU, UK, France, Canada, Spain and Japan in sanctioning brutal Israeli settlers. ●



JIM CLUSTER CONTINUES SUPPORT FOR PHILIPPINES CHURCH HUMAN RIGHTS PROGRAM

The Synod JIM Cluster has continued to provide \$20,000 a year to the United Church of Christ in the Philippines Southern Luzon Jurisdiction (UCCP SLJ) for human rights initiatives being carried out by the UCCP SLJ.

In the last year, the funding allowed the UCCP SLJ to provide:

- sanctuary to protect two human rights defenders from the threat of harm related to their human rights activities;
- legal and para-legal support to

people being targeted with arrest warrants on false charges related to being falsely accused of terrorism, murder and attempted murder issued by security forces to deter social justice advocacy. One of those who continues to be targeted is Rev Edwin Egar;

- para-legal training to 71 people, including six staff from the Integrated Development Program for Indigenous People, to be able to assist people targeted for harassment with arrest warrants

on false charges as a result of their involvement in social justice activities. The use of arrest warrants for false charges is a prevalent form of harassment used by security forces in the Philippines;

- funding to 20 organisations working for peace, human rights, and the release of political prisoners;
- education assistance to two children of a father who had been subjected to human rights abuses; and,
- medicines to ten political prisoners.●

ILLEGAL LOGGING LAWS STRENGTHENED

There was great news on Monday, 9 September 2024, when the Senate passed the *Illegal Logging Prohibition Amendment (Strengthening Measures to Prevent Illegal Timber Trade) Act 2024.*

The new law strengthens the current law that prohibits illegal logging by:

- Requiring importers of timber and wood products to Australia to provide an import notice before bringing timber into Australia (with information like the species of wood they are importing and where it was logged) making it easier to

detect and respond to attempts to import illegally logged products into Australia.

- Giving the government additional powers to seize and investigate products that are likely to include timber that was illegally logged; and,
- Enhancing current auditing, compliance and enforcement mechanisms.

Illegal logging contributes to climate change, destroys habitat for endangered species, cheats local communities out of the value of their forest resources and deprives Global South countries of valuable tax revenue. The JIM Cluster had requested that

you write letters through several letter-writing actions asking for reforms to strengthen Australia's efforts to curb illegal logging.

Thank you to everyone who wrote letters in support of the illegal logging reforms.

The JIM Cluster also campaigned closely on the issue with Jubilee Australia, the US-based Environmental Investigation Agency, and the Centre for International Environmental Law. Together, we made submissions to government and Parliamentary inquiries and lobbied government in support of the reforms.●