

# Chapter Thirteen

# 13

## Respecting Human Rights and a Fair Go for All

Labor's vision for Australia's future is for a united nation where freedom, responsibility and power are fairly and equitably shared. Our commitment to human rights is based on our belief in the fundamental equality of all peoples. In government, we will work towards recognising and respecting the human rights of all Australians. In particular, Labor will work towards the proper recognition of the unique place of indigenous Australians in our nation's history and future. This is the only basis on which we can build lasting national unity.

### Principles

1. Labor is committed to supporting the international human rights instruments to which Australia is a signatory including:
  - The Universal Declaration of Human Rights;
  - The International Covenant on Civil and Political Rights;
  - The International Covenant on Economic, Social and Cultural Rights;
  - The Convention for the Elimination of All Forms of Discrimination Against Women;
  - The Convention on the Rights of the Child;
  - The Convention concerning the Application of the Principles of the Right to Organise and to Bargain Collectively;
  - The Convention concerning Freedom of Association and Protection of the Right to Organise;
  - The Convention concerning Force or Compulsory Labour;
  - The Convention concerning the Abolition of Forced Labour;
  - The Convention concerning Equal Remuneration for Men and Women Workers for Work of Equal Value;
  - The Convention concerning Discrimination in Respect of Employment and Occupation;
  - The Convention concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour;
  - The Convention on the Elimination of All Forms of Racial Discrimination;
  - The Convention Relating to the Status of Refugees; and
  - The Convention Against Torture and Other Cruel, Inhumane or Degrading Punishment or Treatment.
2. Labor will continue to support a properly funded Human Rights and Equal Opportunity Commission (HREOC) as an independent body advising on, and inquiring into, the protection and advancement of human rights in Australia.
3. Labor will cooperate with the States and Territories to ensure that comprehensive and consistent human rights protection and enforcement mechanisms are available to all Australians.
4. Labor supports both the promotion of human rights internationally and the development of international standards and mechanisms for the protection and enforcement of these rights.

Labor will adhere to Australia's international human rights obligations and will seek to have them incorporated into the domestic law of Australia and taken into account in administrative decision making.

- 5.** Labor recognises the fundamental rights and entitlements of Aboriginal and Torres Strait Islander Australians as the original owners of this land.
- 6.** An awareness and understanding of the human rights enjoyed by all Australians is essential to their maintenance and protection. Labor will promote an awareness and understanding of human rights that should be enjoyed by all Australians and provide education to all Australians about the significance of, and the need to respect, human rights.

### **Human Rights and Responsibilities**

- 7.** Labor will initiate a public inquiry about how best to recognise and protect the human rights and freedoms enjoyed by all Australians.
- 8.** These inalienable rights also carry with them a responsibility to respect the individual and collective rights enjoyed by others and the need to protect and promote institutions and practices fundamental to an equal, just, democratic and tolerant society.
- 9.** Labor will establish a process of consultation which will ensure that all Australians will be given the chance to have their say on this important question for our democracy. Labor will engage with Australians in deciding which democratic, industrial and community rights recognised in international treaties and conventions ratified by Australia should be protected. Any proposal for legislative change in this area must maintain sovereignty of the Parliament and shall not be based on the United States Bill of Rights.

**207**

### **Discrimination**

- 10.** Labor supports legislative and administrative action by all Australian governments to eliminate discrimination, including systemic discrimination, on the grounds of race, colour, sex, religion, age, sexuality, gender identity, disability, genetic makeup, political or other opinion, national or social origin, property, birth or other status.
- 11.** Where necessary, Labor will take special measures designed to achieve equality and eliminate the effects of both historic and contemporary discrimination.
- 12.** Labor recognises the right of all people to live and work in an environment free from vilification or harassment, and will provide an accessible and effective means for all people to protect themselves from such behaviour.
- 13.** Labor supports the protection of the rights of children at the same time respecting the proper role of parents and other persons responsible for their welfare.
- 14.** Labor supports the appropriate protection of the religious freedom of all people.
- 15.** Labor believes that people are entitled to respect, dignity and the opportunity to participate in society and receive the protection of the law regardless of their sexuality or gender identity. Labor supports the enactment of legislation prohibiting discrimination on the grounds of a person's sexuality or gender identity and will audit Commonwealth legislation to amend provisions that unfairly discriminate against any person on the grounds of sexuality or gender identity.
- 16.** Labor will ensure that all couples who have a mutual commitment to a shared life do not suffer discrimination because they are not married.

Labor will take action to ensure the development of nationally consistent, state-based relationship recognition legislation that will include the opportunity for couples who have a mutual commitment to a shared life to have those relationships registered and certified. This legislation will:

- Be based on the scheme that has existed in Tasmania since 2004 and that the Victorian government has announced its intention to introduce;
- Not create schemes that mimic marriage or undermine existing laws that define marriage as being between a man and a woman.

- 17.** Labor recognises the right of people living in rural, regional and remote communities to receive adequate levels of essential services in areas such as access to justice, health, education, housing, employment and technological and physical infrastructure.

### **Women: Making Equality Real**

- 18.** Labor is concerned that women remain concentrated in lower-paid and lower-skilled jobs, and that in recent years the pay gap between men and women has widened. Women are more likely to work part-time, more likely to experience periods out of the labour force and more likely to require support to balance work and family responsibilities throughout their lifetimes. To address these issues, Labor will implement measures to:

- further reduce and ultimately eliminate the earnings gap between male and female workers;
- further reduce occupational segregation;
- ensure women receive equal access to educational and training opportunities and ensure that women are encouraged and assisted to take up these opportunities;
- ensure women have equal access to opportunities within the workplace, specifically to promotions and career development;
- ensure women have access to adequate retirement income, with a particular focus on increasing women's superannuation savings;
- recognise and value women's unpaid work, particularly caring and volunteer work;
- develop specific programs to assist women to better balance work and family responsibilities, in particular flexible workplaces and high quality, affordable childcare and before and after school care;
- promote changes to both the industrial relations system and labour market programs that improve women's access to employment and to their conditions of employment;
- provide strong mechanisms to remove sexual harassment and discrimination from the workplace;
- recognise the particular issues faced by women in rural, regional and remote areas and seek to address inequalities of access to communication services, transport, training and employment;
- recognise the particular issues faced by women of non-English speaking backgrounds and ensure government policies and programs are accessible and appropriate to their needs;
- recognise the particular issues faced by Indigenous women and ensure that government policies and programs are accessible and appropriate to their needs;
- ensure appropriate measurement of the value of unpaid work to the economy; and
- eliminate the exploitation, including sexual exploitation, of women and children, either in Australia or overseas.

- 19.** Labor will:
- strengthen and improve the Sex Discrimination Act and the powers of the Commissioner to protect women against discrimination on the basis of gender and family and carer responsibility;
  - ensure the unfair taxation system introduced by the Coalition is made fairer;
  - invest in lifelong learning so that women are provided with equal opportunities to improve their skills and their life opportunities by getting a better education; and
  - provide Australian women with a new avenue to seek redress of their fundamental human rights where domestic avenues have been exhausted, by signing and pursuing ratification, through domestic treaty-making processes, of the Optional Protocol to the UN Convention on the Elimination of All Forms of Discrimination Against Women.
- 20.** Labor will provide the necessary support services which enable women to balance work and family responsibilities so that they can participate fully in the life of the community.
- 21.** As women are the major users of health and community services, Labor will:
- ensure that health, housing, childcare, aged care, and family and other community services are of high quality and affordable;
  - support the rights of women to determine their own reproductive lives, particularly the right to choose appropriate fertility control and abortion;
  - ensure that women have a choice regarding their reproductive lives on the basis of sound social and medical advice;
  - strengthen programs that assist women escaping family violence;
  - provide assistance to carers, including carers in the workforce; and
  - support the development of local and accessible justice, health, education and training and family and community service programs tailored to meet the needs of women living in rural, regional and remote Australia.
- 22.** Labor will pay particular attention to keeping women and families out of poverty, acknowledging that women of all ages and their dependent children comprise the majority of Australians who live below the poverty line, as well as the majority of social security beneficiaries. Labor will continue to help families lift their living standards by:
- providing income support, health and community services to reduce the number of women and their children living in poverty;
  - linking the provision of these services more directly to employment, education and training opportunities so that women can improve their living standards over their lifetime;
  - reducing the tax and social security penalties that penalise many women when they return to work or increase their hours at work;
  - ensuring that labour market programs of proven benefit to women are maintained and extended; and
  - providing and promoting skilling and education programs for women re-entering the workforce.

### **A Better Balance between Work and Family**

- 23.** Labor will implement measures to:
- encourage employers to provide more family friendly workplaces, including the provision of paid family leave, extended unpaid parental leave, family friendly rostering provisions,

paid maternity leave, quality part-time work including the opportunity to move between full and part-time work and family facilities;

- improve the accessibility of affordable, quality childcare and before and after school care, particularly at or near workplaces and encourage employer investment in childcare;
- provide greater support for pregnant and breastfeeding women in the workplace;
- encourage greater flexibility in the delivery of social security payments so that families, if they want to, can afford to have one parent stay at home in the early years in a child's life;
- promote greater acceptance that women and men will temporarily interrupt their careers for parenting duties and reduce the indirect costs such as loss of benefits and uncertain or reduced employment status associated with these breaks; and
- target social and economic policies to the different needs of families as they pass through each life-stage.

### **A Better Deal for Women from Government**

- 24.** To improve the quality of government decision making as it relates to women, Labor will introduce annual audits by an independent agency of the impact of specific policies on women. These audits will be conducted in partnership with the Office of the Status of Women and will be made publicly available.
- 25.** Labor will support and encourage women to contribute to the development and implementation of policies that affect their lives, and will fund organisations to advocate on behalf of and for women.
- 26.** Labor will strengthen the Office of the Status of Women.
- 27.** Labor will increase the representation of women in parliament, and will continue efforts to increase the number of women at senior levels in both the public and private sectors.

210

### **Children and Young People**

- 28.** Labor believes that all areas of government must reflect the intrinsic value of children and young people in their policies and programs.
- 29.** Labor will establish a specialised government Office for Children and Young People. The Office will have responsibility for developing a coordinated strategy between, and analysing policies arising from, different portfolios for impacts on children and young people.
- 30.** Labor will also establish a National Commissioner for Children and Young People in order to promote their interests as participants in our community and to promote investing in children and young people.
- 31.** The National Commissioner for Children and Young People will establish a national code to protect children and young people from abuse. The national code will be developed in consultation with the States and Territories and will ensure that all organisations have adequate procedures to prevent abuse and handle any complaints. The code will include a national working with children check.

### **Young Australians: Consultation and Inclusion**

- 32.** Young people are a diverse group with different needs, concerns and aspirations. Labor is committed to the development of policies that support their different needs, concerns and aspirations including those who suffer from socio-economic disadvantage, neglect and abuse, shifts in education, employment and training patterns and technological change.

- 33.** Labor is committed to real consultation with children and young people about issues affecting them as well as including parents, communities, community organisations and advocacy groups. Labor will pursue a positive and integrated agenda which recognises and values the strengths, contributions and resources of all young people.
- 34.** Labor is committed to ensuring successful transitions for young people leaving school to pursue employment, education and training. Labor will ensure that appropriate support services are available to young people so that their transition from school to further education and employment is as effective as possible.
- 35.** Labor's education and training strategies will ensure that young Australians have high levels of literacy and numeracy and the confidence, flexibility and maturity to contribute to, and participate in, our nation's economic, social, cultural and technological development.
- 36.** Given structural changes in the economy and the greater flexibility which is demanded of the workforce, a commitment of both government and individuals to lifelong education and training is required to ensure that young workers can shift effectively into growth sectors of the economy.
- 37.** Unless young people are given greater certainty about their post-secondary pathways, they will inevitably lower their ambitions and Australia will become a much weaker nation for this loss of ambition among its young citizens.
- 38.** Education and training has a fundamental role in preparing young people for the employment market, including the exploration of career paths, development of job interview skills, workplace responsibilities and the rights of the employee. This should be available through a wide range of outlets including schools, community groups and other convenient and youth accessible mediums such as the internet.
- 39.** Labor is committed to enhancing pathways that will affect young people achieving employment and job security. In particular, the 15–19 age group requires relevant school to work transition programs, expanded work experience opportunities and work-orientated, careers education in secondary schools. It is also the primary target group for apprenticeships and traineeships.
- 40.** Labor will provide the support and assistance needed by young people at risk of not successfully making the transition to economic independence. Labor will invest in programs to assist young people who face barriers to participation and will integrate employment development for young people into its regional job creation programs.
- 41.** Labor recognises the need to specifically address the health needs of young Australians, including physical and mental health issues, drug and alcohol education and the promotion of a healthy lifestyle. Labor will adopt an integrated health-based approach to youth suicide that works with existing community structures. Part of this approach will include strategies to address contributing factors such as depression, neglect, abuse, drug and alcohol problems, access to firearms and discrimination.
- 42.** Labor will address youth homelessness, recognising the interconnection of employment and education opportunities and the need for a voice in the community for young people. Labor recognises the higher incidence of physical and sexual assault among young people and the need for this to be tackled as a central element of service provision.
- 43.** Labor recognises the need for the reinstatement of a peak youth representative body in order to facilitate a direct voice to government for youth service organisations and to coordinate a national network of autonomous youth services. In addition to this, Labor will examine ways

of improving the access of young people to make recommendations to government across all portfolio areas.

## **Aboriginal Peoples and Torres Strait Islanders**

### **Basic Objectives**

- 44.** Labor will review the current citizenship rights extended to youth, including suffrage, discrimination and representation in the policy making process and seek to extend these rights where they respond inadequately to young people's needs and legitimate aspirations.
- To promote the First Nations status of Indigenous Australians.
  - To build national consensus around a long-term strategy to improve the social and economic well-being of Indigenous Australians.
  - To enable the full exercise of Indigenous Australian's rights and responsibilities on both an individual and collective level.
  - To advance reconciliation and social justice.

### **Guiding Principles**

- Labor respects the right of Indigenous Australians to meaningful self determination arising from their First Nations status.
- A Labor Government will develop a strong political relationship with a new national representative body, and be accountable to it.
- Labor will harness Indigenous decision-making power in relation to the formulation and delivery of policies and programs.
- Labor will endorse the UN Declaration on the Rights of Indigenous Peoples and be guided by its benchmarks and standards.
- Labor will take an evidence-based approach to improve the social, cultural and economic well-being of Indigenous Australians.
- Labor will introduce a national policy framework with transparent goals and timeframes based on research and statistical data and will hold all governments accountable to it.
- Labor will build national consensus and support for the policy framework across political parties and all levels of government.
- Labor believes that government is best placed to act as an enabler, investor and monitor in Indigenous affairs.
- Labor will require that all policies and programs increase independence and self reliance in Indigenous communities.
- Labor understands that policy must reflect the plurality and diversity of Aboriginal people and Torres Strait Islanders.
- Labor believes that Indigenous Australians in urban, regional and remote areas deserve equal attention from government.
- Labor believes that all Indigenous communities are entitled to access equitable standards of infrastructure, amenities and services.
- Labor understands that historical policies are a fundamental cause of poverty and marginalisation today.

### **Reconciliation**

- 45.** Labor remains firmly committed to reconciliation and is encouraged by the initiative of the community and corporate sector in driving reconciliation.

- 46.** Labor values the symbolic importance of a national apology and commits to reconciliation as a vehicle for healing and justice in Australian society.
- 47.** Labor believes reconciliation is also essential for improving unacceptable health, education and economic disadvantage faced by Indigenous Australians.
- 48.** Labor will implement the recommendations made in 2000 by the Council for Aboriginal Reconciliation and will use the Council's Australian Declaration towards Reconciliation as a basis for action.
- 49.** Labor will work towards a lasting settlement with Indigenous Australians. Labor will build public support to meet the goal of providing constitutional recognition of the First Nations status of Indigenous Australians and their custodianship of land and waters.

#### **National Representative Body**

- 50.** Labor remains committed to establishing a national representative body and regional representative structures for Indigenous Australians.
- 51.** Labor will empower Indigenous Australians to hold all levels of government to account through this national body and regional structures.
- 52.** Labor will finalise this structure and its functions in partnership with Indigenous Australians.

#### **Good Governance, Capacity Development and Indigenous Service Delivery**

- 53.** Labor will target the structural deficiencies within the federal system to ensure that the funding distribution is efficient and equitable according to need.
- 54.** Labor recognises that all Indigenous Australians should have access to equitable standards of services, amenities and infrastructure and will address the current neglect of service provision that exists in many remote communities. Under Labor, all levels of government will be held accountable for service provision to Indigenous Australians.
- 55.** Labor will revitalise and reform the culture of government agencies to balance compliance with community outcomes and capacity development.
- 56.** Labor supports preferential tendering for service delivery contracts where an Indigenous organisation can deliver a higher quality and competitive service and promote local employment and greater community benefits.
- 57.** Labor will invest in developing the capacity and governance of Indigenous community organisations.

#### **Early Childhood Development and Intervention**

- 58.** Labor believes early childhood intervention is one of the best means of providing a pathway out of disadvantage for many Indigenous children.
- 59.** In cooperation with the States and Territories, and in consultation with Indigenous communities, Labor will implement a comprehensive early childhood strategy for Indigenous children including initiatives that start well before pre-school.
- 60.** Indigenous communities—urban, regional and remote—will be priority areas for the expansion of early childhood services, particularly in regard to Labor's commitment to universal access for four year olds to early learning programs.
- 61.** Labor acknowledges the over-representation of Indigenous children in the child protection system. Preventative and proactive measures focused on early childhood development and family strengthening are most effective in reducing this over-representation. Labor strongly

supports the principle that where a child has to be removed that every effort is made to place that child with relatives, kin or another Indigenous family. The paramount priority of child placement is the safety and well-being of the child.

### **Health**

- 62.** Labor believes that the disparity in health status between Indigenous and non-Indigenous Australians is unacceptable.
- 63.** Closing the life expectancy gap will be a key objective of a federal Labor Government. International experience shows that this is achievable, with the right resources and political will.
- 64.** In consultation with the Indigenous health sector, Labor will set targets for health improvements and ensure programs and services are adequately resourced to meet those targets. Labor will take particular care to adequately resource the primary health care sector.
- 65.** Labor will provide funding certainty and continuity to Indigenous health care providers.
- 66.** Labor will make investment in the Indigenous health workforce a key priority.
- 67.** Labor remains committed to community-controlled and culturally-sensitive health services because they are proven to deliver higher quality service and superior health outcomes for Indigenous Australians.
- 68.** Labor will also work to address the social determinants of Indigenous people's poor health, such as material poverty and poor education.
- 69.** Labor recognises the gravity and extent of substance and alcohol abuse, family violence, child abuse, and sexual assault in some Indigenous communities. Labor believes that these issues should be seen as health issues as well as law and order issues. Labor will provide ongoing support to community initiatives to ensure strong interventions are put in place that break the cycles of abuse, rehabilitate individuals and families and strengthen social norms.

### **Housing**

- 70.** Labor acknowledges that the housing crisis in many Indigenous communities has profound consequences for educational and health outcomes.
- 71.** Labor believes that the crisis should be addressed through evidence-based strategies and adequate investment. Labor recognises that meeting the bulk of this need will require additional investment in public housing in urban, regional and remote areas.
- 72.** Labor will explore options to leverage private sector finance and to more effectively utilise public finance to respond to the chronic housing needs of Indigenous Australians.
- 73.** Labor supports Indigenous home ownership measures. Labor believes that initiatives encouraging home ownership on Indigenous land must not undermine the property rights of traditional owners.

### **Education**

- 74.** Labor believes that the Commonwealth Government has a particular responsibility for working with State and Territory governments to provide high quality and relevant education for Indigenous Australians.
- 75.** Labor believes that Indigenous students, particularly in regional and remote areas, should have access to quality primary or secondary schooling or school infrastructure. Labor will hold all State and Territory governments to account for their service provision to Indigenous communities.

- 76.** Labor supports flexible delivery modes in regional and remote areas that enable students to maintain a connection with their home community. Labor also supports scholarship programs, which allow selected students to pursue broader academic opportunities.
- 77.** Labor will value Indigenous decision making in education and promote community leadership on the importance of education.
- 78.** Quality teacher recruitment and training, including an increase in the Indigenous education workforce, is a key priority for Labor.
- 79.** Labor believes that quality education and successful initiatives should be accessible to every student and community in need, including in urban areas. Programs must also be adequately resourced and have funding stability.
- 80.** Labor supports quality teaching environments and institutions that are culturally inclusive and will encourage Indigenous knowledge and perspectives in education curriculum.
- 81.** Labor supports a mandatory Indigenous studies component as part of all teachers' pre-service training.
- 82.** Labor supports bi-lingual and bi-cultural education and believes they have value for both Indigenous and non-Indigenous Australians.

#### **Employment and Training**

- 83.** Labor recognises that Indigenous unemployment is chronic and is projected to increase dramatically in the next decade.
- 84.** Labor will invest strongly in quality; culturally-competent training that is linked to regional need and opportunities. Labor will grow local and regional partnerships between the community and private sectors.
- 85.** Labor asserts the rights of Indigenous workers to fair and equal recognition and remuneration for their work. Labor believes that CDEP should not be used to subsidise employment that would otherwise be funded by government.
- 86.** Labor will also ensure that employees of Indigenous organisations receive equitable remuneration to their counterparts in mainstream organisations.
- 87.** Labor will make sure unemployed Indigenous Australians are provided with the training, skills and personal development that are needed to successfully transition into employment.
- 88.** Labor will also ensure that Indigenous employment initiatives are resourced to carry out community development programs where needed.
- 89.** Labor will review the policy and funding guidelines of CDEP to meet the social and economic development agendas of Indigenous communities in remote areas.
- 90.** Labor will increase Indigenous employee recruitment and retention rates in the Australian Public Service including in upper management.

#### **Economic and Infrastructure Development in Remote and Regional areas**

- 91.** Labor affirms the importance of economic development in increasing self reliance and furthering the aim of self determination.
- 92.** Labor believes that governments must act as enablers of business development and job creation in remote communities.
- 93.** Labor understands that infrastructure needs such as roads and communications are an important prerequisite to economic development.

- 94.** Labor will realise the potential for economic opportunities in rural and remote areas through regional, evidence-based planning. Areas of potential include environmental and cultural heritage management and the tourism, mining and creative industries.

### **Native Title and Land Rights**

- 95.** Labor understands that land and water are the basis of Indigenous spirituality, law, culture, economy and well-being.
- 96.** Labor acknowledges that Native Title and Land Rights are both symbols of social justice and valuable economic resources to Indigenous Australians.
- 97.** Labor recognises that a commitment was made to implement a package of social justice measures in response to the High Court's Mabo decision. Labor will honour this commitment.
- 98.** Labor fully supports Native Title as a property right under Australian law.
- 99.** Labor also fully supports the statutory recognition of inalienable freehold title under the Aboriginal Land Rights (Northern Territory) Act 1976 and the right of property owners to provide free, prior and informed consent to any major changes affecting their interests.
- 100.** Labor believes that negotiation produces better outcomes than litigation and that land use and ownership issues should be resolved by negotiation where possible.
- 101.** Labor will facilitate the negotiation of more Indigenous Land Use Agreements and ensure that traditional owners and their representatives are adequately resourced for this task.
- 102.** Labor believes that the independence of native title representative bodies should be supported to enable them to freely advocate on behalf of the people they represent. Labor will evaluate the performance of these bodies against transparent indicators, including how satisfied traditional owners are with the service they have received.
- 103.** Labor will address the chronic staffing retention issues of native title representative bodies by supporting professional development and mentoring opportunities.
- 104.** Labor will ensure adequate resourcing for the core responsibilities of Prescribed Bodies Corporate.

216

### **Cultural Heritage and Language**

- 105.** Labor will make the protection, preservation and revitalisation of Indigenous languages a major priority. The urgency of this is underscored by the probability that 90 per cent of Indigenous languages will disappear over the next generation.
- 106.** Labor will significantly reform national heritage protection legislation to provide adequate protection of Indigenous cultural and intellectual property, as well as economic opportunities for Indigenous Australians.
- 107.** Labor is committed to promoting policies that support the preservation and recording of Indigenous cultural heritage and its protection from expropriation, exploitation and desecration.
- 108.** Labor recognises the need for balance between ensuring that Indigenous peoples possess the power to protect their own culture, both past and present, and the right to economic development for both Indigenous and non-Indigenous Australians. Labor will seek the agreement of traditional owners, as far as possible, when making decisions that affect cultural heritage. Non-adversarial processes that include Indigenous peoples in the

protection of their heritage, cultural and intellectual property will also ensure greater certainty for all stakeholders.

- 109.** Labor will involve Indigenous people as key decision makers over the location, care and rules of access to their particular cultural heritage, artefacts and human remains in Australian public collections.
- 110.** Labor will also vigorously advocate this approach to other national governments whose institutions hold Indigenous Australian cultural heritage, artefacts and human remains. Labor will ensure Indigenous involvement in decision making and respect for traditional custom in the repatriation of these items or human remains.

### **Natural Environment**

- 111.** Labor believes that Indigenous knowledge and experience of lands and waters is a beneficial and under-utilised asset in the management and use of our natural environment.
- 112.** Labor will recognise the monetary value of Indigenous natural resource management and make it a central component to national environment and climate change strategy.
- 113.** Labor acknowledges the conservation and economic value of Indigenous Protected Areas and will provide appropriate and sustainable levels of funding to reflect those values.
- 114.** Labor will strongly encourage private sector partnerships with Indigenous land managers to deliver greenhouse gas abatement services and offsets.

### **Deaths in Custody, Criminal Justice and Community Safety**

- 115.** Labor notes the high level of incarceration experienced by Indigenous people and that these high rates continue to rise.
- 116.** Labor recognises that the 1992 *Report of the Royal Commission into Aboriginal Deaths in Custody* identified the systemic causes of incarceration and provided a specific and targeted agenda for reducing social and economic disadvantage. Labor will review progress and support the continued implementation of its recommendations by all levels of government.
- 117.** Labor will also reinstate the full publication of statistics on deaths in custody.
- 118.** Suspicious deaths in custody must be treated in a manner that maintains public confidence in the justice system.
- 119.** A Federal Labor Government will work with State and Territory Governments to ensure that Indigenous communities are safe and that women, children and elders in particular receive the full protection of the law.
- 120.** Labor believes there is one standard of law in Australia that must be applied to all Australians and understands that the recognition of customary law in some areas of legal practice does not compromise this standard.
- 121.** Labor recognises that the consideration of customary law in sentencing and traditional methods of treating offenders has improved law enforcement and the effectiveness of the justice system in a number of Indigenous communities.
- 122.** Labor supports this collaborative approach to the extent that customary laws or traditional methods do not breach Australian law or basic human rights.
- 123.** Labor will ensure that Indigenous legal services are adequately resourced to represent and provide quality advice to their clients. Labor will also ensure that solicitors and other staff working in these services receive equitable remuneration.

- 124.** Labor will continue to oppose mandatory detention when applied to juvenile offenders and to adults because it is discriminatory in practice and ineffective in reducing crime or criminality.

### **Stolen Generations**

- 125.** Labor recognises that past government policies which separated Indigenous children from their families continue to have adverse economic, social and cultural effects. The trauma caused by these policies continues to affect all generations of Indigenous families, including the younger generation.
- 126.** Labor will provide a comprehensive response to the Bringing them Home Report, including a formal apology. Labor will also ensure that remedial initiatives such as link-up and family history programs and Bringing them Home counsellors are adequately resourced to meet demand.

### **Stolen Wages**

- 127.** Labor recognises that certain past government policies on the State, Territory and Commonwealth level denied Indigenous workers their wages and entitlements. Those policies have imposed an economic and social disadvantage on many of those workers and their descendants today. Labor understands the ongoing need for redress and the resolution of this outstanding issue.

### **Australians with Disabilities: Closing the Access Gap**

- 128.** People with a disability in Australia have the same rights as other Australians and form an important part of our society where individual difference is valued.
- 129.** Labor recognises that people with a disability and their families need confidence that their needs will be met now and into the future.
- 130.** Labor is committed to policies and programs for people with a disability which:
- recognise and promote the worth and dignity and improve the quality of life of people with a disability and encourage and support their participation in the community;
  - provide equitable access to services for people with a disability;
  - support cooperation between the Commonwealth, States and Territories to ensure strategic planning between governments;
  - provide a national approach to disability policy, focused on early intervention through mainstream programs where appropriate and through disability specific programs where necessary;
  - improve access to employment;
  - improve access to the full range of accommodation options, to transport and the built environment, to health, rehabilitation and community services, to recreational activities, information and to education and training;
  - improve community awareness and understanding of disability;
  - trial innovative approaches to assisting people with a disability to access the supports they need including aids and equipment;
  - make information about disability services more streamlined and accessible;
  - complete the implementation of the disability standards under the Disability Discrimination Act (DDA) including the Access to Premises Standard and the Disability Standards for Education;

- strengthen advocacy services, user rights, complaints, and advisory mechanisms for people with disability;
  - provide equal access for people with disability to civil and political life; and
  - recognise the critical importance of carers and support them in providing essential care.
- 131.** Labor recognises that achieving these goals will require investment in accessibility and universal design and appropriate long-term national planning together with the State and Territory governments, business, the community sector and the broader community. The adoption of universal accessibility will provide benefits for the whole population including older Australians and parents.
- 132.** Labor recognises that people with a disability are more likely to be affected by poverty because of the additional costs of their participation. The non-optional costs of disability are a significant barrier to their participation in the community.
- 133.** Labor recognises the need for the Commonwealth State/Territory Disability Agreement (CSTDA) to provide national leadership and coordination of services for people with a disability throughout Australia and will ensure that the CSTDA is developed in partnership with those who depend on it.
- 134.** Through the CSTDA, Labor will adopt a national approach to disability policy that seeks to deliver consistency in the delivery of services.
- 135.** Labor supports ongoing collaboration between government and people with a disability, their advocates, carers, service providers and key stakeholders to ensure the CSTDA operates efficiently and effectively.
- 136.** Labor recognises the particular vulnerability of people, particularly women, with a disability, to domestic violence and will implement measures to address this.
- 137.** Labor will consult with people with a disability on the implementation of the United Nations' Convention on the Rights of People with Disability.

## **Migrant Australians: Responding to their Needs**

### **Labor's Multicultural and Integration Services Policy Agenda**

- 138.** Australia is and will remain a society of people from a rich variety of cultural, ethnic, linguistic and religious backgrounds. Australia is and will remain an multicultural society.
- 139.** Australia is also a society that has traditionally enjoyed a high level of social cohesion. Social cohesion means a society in which the vast majority of citizens voluntarily respect the law, one another's human rights and core values.
- 140.** Labor's multicultural and integration services policy agenda aims to ensure social cohesion through maintaining Australia as a tolerant, fair and united nation. Our policy agenda is based upon the following principles:
- Recognition that migrants and their children have the same right to maintain their traditional customs, beliefs and traditions as do long established groups and Indigenous Australians.
  - Recognition that we all have an interest in and obligation to foster respect for:
    - the rights and liberties of others including the right to liberty and security;
    - the rule of law including the right to be treated equally before the law and the rights to due process and a fair trial;

- parliamentary democracy including the right of all eligible people to vote or stand for public office;
- freedom of thought, conscience and religion;
- freedom of speech and expression subject to reasonable restrictions required to protect the reputation of others or to protect national security, public order, public health or public morality;
- freedom of association; and
- the right to protection from unlawful discrimination and harassment including on the grounds of gender, race, religion, age, disability and sexual orientation
- Strong integration services to assist migrants to settle into the Australian community. Helping people move into the workforce and become self-sufficient.
- Strong opposition to the fostering of extremism, hatred, division and incitement to violence.

### **Labor's multicultural and integration services programs**

**141.** Labor's policy agenda will be achieved through programs that:

- prioritise helping people move into the workforce and become self-sufficient;
- promote our cultural diversity as an asset that enhances Australia's ability to compete in the international marketplace and to make a real and worthwhile contribution to international affairs;
- expand information programs that detail the cultural, linguistic and religious backgrounds of our people;
- ensure that appropriate social support services are provided to prevent groups in our society feeling marginalised or neglected;
- develop a proper research capacity on questions of citizenship and multicultural affairs independent of government;
- combat prejudice and discrimination aimed at any migrant community through community education programs and anti-discrimination legislation;
- maintain effective and independent processes for resolving complaints about prejudice and discrimination;
- provide English language assistance and employment services to migrant groups that require such services in order to settle effectively into the Australian community;
- provide highly targeted settlement assistance to sponsored migrants, including employer and family sponsored migration as well as humanitarian and non-sponsored migrants who require it;
- improve the availability and integration of Commonwealth-funded migrant settlement services, focusing on the newly arrived and those in greatest need;
- increase coordination and cooperation with the States and Territories on settlement issues and seeking to work in partnership with local councils and community organisations;
- expand the availability of English classes under the Adult Migrant Education Program and ensure that contracted service providers deliver high quality and cost effective tuition;
- restructure current settlement services for new humanitarian arrivals to improve service integration, case management and the provision of accommodation-related assistance;
- continue the provision of interpreting and translating services to eligible clients and work with the States and Territories to address issues facing the interpreting workforce;

- ensure that ongoing core funding is provided for the maintenance of a network of community based Migrant Resource Centres in high settlement regions. These centres will provide information advice and referral services, foster the development of specific services, promote greater awareness of the needs of migrants and refugees, and provide a base for other sessional services and community functions;
  - continue project funding to community organisations and councils to deliver culturally appropriate settlement services, promote client needs to mainstream service providers and promote community capacity building amongst specific groups or in specific locations; and
  - give priority consideration to the more recently arrived and economically disadvantaged groups rejecting the notion that the need for settlement services ceases at some arbitrarily defined point.
- 142.** Labor supports an inclusive citizenship process for new migrants that encourages the acquisition of citizenship by permanent residents and does not put up unnecessary barriers or extensive delays to the acquisition of citizenship. The conferral of Australian citizenship is a critical part of encouraging participation by new migrants in the Australian community.

### **Immigration: a Link to Australia's Future Growth**

- 143.** Labor will ensure immigration levels are set within the framework of a population policy fashioned in Australia's interest and consistent with international and humanitarian commitments. The system of setting immigration targets year by year without any underlying rationale or long-term policy framework has contributed to declining public confidence in the program. Moving to long-term planning will achieve greater stability and confidence.
- 144.** Labor is committed to maintaining a non-discriminatory immigration policy. Labor recognises the economic and social contribution that has been made by immigrants and refugees throughout our nation's history. Labor regards Australia's diversity as a source of national strength and nation building and will consistently oppose those who seek to poison Australia's social cohesion and who foster extremism, hatred or ethnic division.
- 145.** Labor will ensure that the current system and criteria for granting visitor visas is addressed and that a more equitable, flexible, fair and non-discriminatory system is implemented while at all times maintaining the integrity of our immigration program.
- 146.** Labor believes in an orderly immigration system, a system based on the rule of law, a system of integrity in which the Australian people will have confidence and trust.
- 147.** For the Australian people to have confidence in the administration of our immigration system, it must be built upon rigorous procedures and processes, which protect our national interest and our national borders.
- 148.** We must also treat individuals fairly and with dignity. To treat individuals fairly requires that they are dealt with in a speedy and efficient manner, where decisions are based on fair procedures and subject to appropriate review.
- 149.** Protecting our national interest and our national borders requires zero tolerance for people smugglers, who will be subject to harsher penalties to deter their activities and stop unauthorised boat arrivals.
- 150.** It is also in our national interest to conduct ourselves as a good international citizen, to do our fair share for those who are subject to persecution and who need protection.
- 151.** Labor will ensure that our borders are secure and that the processing and detention of asylum seekers is fair.

- 152.** Labor will administer a fair and flexible refugee and humanitarian program. While acknowledging that Australia has one of the world's most generous humanitarian programs, Labor will ensure that unforeseen world events that necessitate special responses can be accommodated. Labor will examine immigration intake consistent with a population policy for nation building and will work with regions seeking population growth to find options to assist additional immigration. Labor will ensure that Australia's non-refoulement obligations under international law are met.
- 153.** Labor's refugee and asylum seeker policy will be based on the following principles:
- In accordance with the core Australian principles of fairness and decency, when people flee persecution and reach Australia the persecution must end.
  - Labor will ensure that all asylum claims must be processed fairly, independently and free from any political or diplomatic interference.
  - Australia should comply with the letter and the spirit of the obligations Australia has voluntarily assumed by signing the Refugee Convention and other relevant international instruments.
  - Labor will seek to lead world debate on the new agreements and understandings required to ensure that the Convention and the international protection system function effectively over the long-term, including encouraging countries in our region to become signatories to the existing Refugee Convention.
  - Labor will develop further multilateral solutions, recognising the importance of regional neighbours, with the aim of eradicating people smuggling, deterring secondary movement and enabling refugees to access processing and appropriate settlement outcomes.
  - Australia should seek to eradicate people smuggling, which is an organised criminal activity that costs lives, by effective law enforcement as well as relevant international agreements.
  - As a matter of fairness, Australia should seek to assist the world's most vulnerable whether these people are within or beyond our immediate line of sight.
  - Australia should take its fair share of refugees for resettlement and contribute a fair share to international aid efforts and UNHCR to alleviate the pressing humanitarian needs of displaced persons.
  - Asylum claims made in Australia should be assessed in a manner which is both fast and affords procedural fairness. Those found to be refugees under the Refugee Convention should be provided with appropriate settlement outcomes and services, while those without successful refugee or humanitarian claims should be quickly returned.
  - Detention of asylum seekers should only be used for health, identity and security checks. Children and family groups should initially be placed under supervision within the community. In other circumstances, detention would remain mandatory for the duration of these initial check.
  - Conditions of detention must be humane and appropriate to the needs of asylum seekers, with appropriate alternatives to detention centres made to meet the needs of unaccompanied children and family groups.
  - The length and conditions of detention must be subject to review and detention centres managed by the public sector.
- 154.** Labor will end the so-called "Pacific Solution", with its huge cost to Australian taxpayers.
- 155.** Labor recognises that the arbitrary 45-day-rule results in legitimate asylum seekers on bridging visas being unnecessarily denied the right to work while their claim is being

processed. It also prevents immigration officers from denying work rights to frivolous claims lodged within the 45-day-period. Labor will work to develop guidelines based on merit so that frivolous or vexatious visa applications will be denied those rights, instead of applying an arbitrary 45-day-time limit.

- 156.** Labor will process claims quickly through a new Refugee Determination Tribunal, with appeals to Federal Magistrates.
- 157.** Labor will create an Australian Coastguard to strengthen our borders, increasing Australia's capacity to prevent illegal fishing and smuggling operations. Labor will implement harsh penalties for people smugglers, including life sentences for the worst of the people smugglers while pursuing strong international and regional arrangements to deter secondary movements of asylum seekers.
- 158.** To further deter people smugglers, Labor will continue the excision of Christmas Island, Cocos (Keeling) Islands and Ashmore Reef from Australia's migration zone.
- 159.** Labor will administer a fairer and more balanced immigration program. The ratio of skilled to family migration will be tailored to meet Australia's needs.
- 160.** Labor will review the current asylum seekers' appeal mechanism to ensure that its decision making and operation is both cost efficient, fair and consistent. While the rights of asylum seekers to seek judicial review must be maintained, it is important that a streamlined and more formal system of appeal is instituted to provide a better filter and alleviate the higher courts' immigration caseload burden.
- 161.** Asylum seekers who are independently determined to be refugees under the Migration Act 1958 will be given permanent protection.
- 162.** Labor will maintain the Temporary Humanitarian Visa for situations where temporary safe haven is required.
- 163.** Labor will ensure that adequate resources are allocated to Australia's overseas immigration posts to liaise and maintain relationships with local authorities to prevent or minimise illegal immigration. The dangers facing people undertaking this dangerous activity will be emphasised and information on Australia's refugee programs made available. Labor will also ensure that close political and diplomatic relations are maintained with all countries where known people smuggling operations exist and where there is a high incidence of illegal immigration.
- 164.** Labor will ensure that the highest level of service and coordination is restored and adequate resources are provided to organisations that assist in the settlement and counselling of newly arrived migrants and refugees, recognising the value of volunteer contribution in these areas whilst not exploiting their goodwill.
- 165.** Labor will examine the provision of incentives to newly arrived migrants to settle in regional areas. Such programs would only occur with the support of local government, business and community groups.
- 166.** Labor's initiatives will include fostering a secure environment conducive to companies planning ahead to meet future skill needs. The identification of emerging skill shortages is crucial to ensure that, as far as possible, skilled vacancies are filled by unemployed Australians who have gained qualifications from training programs in this country. The intake of skilled migrants should always be determined in the context of local employment policy.
- 167.** Labor supports the further development of closer consultation between the employment and immigration departments in determining intakes of skilled migrants.

- 168.** Labor also supports the further development and effective implementation of employer sponsorship schemes and labour agreements.
- 169.** Labor supports a skilled migration program, particularly in the context of the current skills shortage brought about by the failure of the Howard Government to enhance Australia's domestic training effort.
- 170.** Labor supports improved streamlining of the permanent migration program and ensures that existing temporary skilled migrants who are seeking permanent residency and who meet the required tests can have their permanency applications processed expeditiously.
- 171.** Labor generally prefers permanent skilled migration to temporary skilled migration because permanent migrants:
- have a greater stake in Australia's future and in integrating into all aspects of Australian community life;
  - are less susceptible to exploitation; and
  - are more likely to transfer skills to Australians and Australian permanent residents.
- 172.** Labor in Government will institute a balanced approach to the permanent intake having regard to the importance of all components of the permanent migration program.
- 173.** Temporary skilled migration should only occur where the relevant position cannot be filled by an Australian or permanent resident or by a permanent migrant with the requisite skills. The qualifications of temporary skilled migrants should be properly verified by the relevant Australian regulatory authority prior to the granting of the visa.
- 224** **174.** Labor will ensure that sponsorship applications for highly specialised skilled workers are processed expeditiously, without creating undue red-tape for business.
- 175.** Labor opposes temporary migration being used:
- as a means of addressing persistent labour or skills shortages;
  - to undercut Awards and collective agreements;
  - as a method of constraining collective bargaining outcomes;
  - where the sponsoring employer has failed to demonstrate a satisfactory domestic training or retraining effort;
  - where the sponsoring employer fails to retain domestic labour due to below market wages and conditions or poor employment practices;
  - to overcome a failure to invest in skills and training; and
  - as a short-term solution that undermines equity and fairness at work.
- 176.** Labor will ensure that labour market testing occurs to ensure that:
- available Australian workers with the requisite skills are offered the vacant job at the market rate;
  - Australian workers are not displaced;
  - local market rates and conditions are not undercut; and
  - qualification standards are maintained.
- 177.** Labor will progressively establish Registered Employment Authorities, replacing the existing Regional Certifying Bodies. The Registered Employment Authorities will verify that labour market testing has occurred making sure sponsored overseas labour does not displace Australian workers and remuneration is not undercutting local market rates. The Registered

Employment Authorities will engage with all relevant stakeholders in carrying out their function.

Labor will introduce new levels of transparency to the temporary skilled migration scheme to ensure that workers living outside the local area but within Australia are able to access employment opportunities.

**178.** Labor supports the following principles for the operation of temporary skilled migration:

- that temporary skilled migrant workers are entitled to the effective market rate of pay based on the principle of equal pay for equal work. An assessment of the effective rate of pay would guarantee that salaries are not effectively undermined through a system of deductions;
- appropriate stakeholders are consulted on a regular basis regarding systemic changes;
- that overseas qualification be verified by the appropriate regulatory authority;
- migration agents be accredited;
- that temporary skilled migrant workers be given a reasonable opportunity in line with international conventions to find alternative employment should they cease employment with the sponsoring employer;
- an inspectorate service within the relevant department be established and resourced;
- sponsors of temporary work visas must have a satisfactory training record and have a satisfactory record of compliance with the immigration laws of Australia and with relevant Commonwealth, State and Territory laws;and
- information on organisations that can provide support and assistance be provided to temporary skilled migrant workers.

**179.** Labor will review the provisions of other visas, including training visas, to ensure they do not become a new path for exploitation excluding the apprenticeship visa (Trade Skills Training Visa) which will be abolished.

## **Resolutions**

### **1967 Anniversary Resolution**

That the Conference recognises that:

- On 27 May 2007 Australians will mark the 40th anniversary of the referendum that gave the Federal Government the power to make specific laws in relation to Aboriginal and Torres Strait Islander people and to count them in the census, and
- the referendum was passed with an unprecedented level of support from over 90 per cent of Australians
- this achievement reflected a bipartisan, cooperative spirit and the outstanding effort of the Federal Council for the Advancement of Aborigines and Torres Strait Islanders
- the anniversary also commemorates the reality that despite the ambitions of the 1967 referendum, Indigenous Australians remain the singularly most disadvantaged group in Australia.
- Indigenous Australians still experience problems in being fully counted in the Census and do not enjoy equal access to basic citizenship entitlements like Medicare
- Indigenous Australians:
  1. still die 17 years younger on average than non-Indigenous Australians
  2. have children that are over five times more likely to die before the age of five than non-Indigenous children
  3. are half as likely to make it to year 12 at school
  4. are over three times more likely to be out of work
  5. represent nearly a quarter of the prison population while only representing 3% of the Australian population
- this inequality can be fixed as demonstrated by progress in Canada, the US and New Zealand
- large corporations, community and advocacy groups are leading the way in setting targets for employment and closing the life expectancy gap

The Conference resolves that a Federal Labor Government will:

- ensure Indigenous Australians fully exercise their citizenship rights and responsibilities
- develop an Indigenous national representative body in partnership with Indigenous Australians to advocate on their behalf and hold governments to account
- complete the unfinished business of social justice—including an apology over the stolen generations, invigorating the reconciliation process and negotiating a lasting settlement with Indigenous Australians
- focus immediately on promoting self-determination through education and participation in the workforce
- bring direction and focus to public policy by securing a bipartisan and long-term commitment to targets to hold governments to account and see Indigenous disadvantage turned around.