



AUSTRALIAN LABOR PARTY



Chapter Seven

Human Rights and Equal Opportunity for All

109

Chapter Seven

Human Rights and Equal Opportunity for All

KEY ISSUES IN HUMAN RIGHTS

Basic Principles

1. Respect and support for internationally recognised human rights is fundamental to an equal, just, democratic, inclusive and tolerant society, and inherent to the dignity of each and every Australian.
2. Human rights are enjoyed not only by individuals, but collectively by all Australians. Respect for the individual and collective rights of others is essential to the protection and promotion of human rights.
3. Human rights are essential for the maintenance and enhancement of democracy and peace. Labor wants Australia to reassert its role as world leader in the promotion and protection of fundamental human rights both domestically and internationally.
4. Labor believes that all Australians have a right to equality before the law, to the due process of the law, to protection against discrimination, to freedom of thought, conscience, speech, association, including the right to join a union, and religion and peaceful assembly.
5. 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 Convention on Civil and Political Rights;
 - the International Convention on Economic, Social and Cultural Rights;
 - the International Convention on the Elimination of All Forms of Discrimination against Women;

- the International Convention on the Rights of the Child;
- the International Convention on the Elimination of all Forms of Racial Discrimination.

6. 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.
7. 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.
8. 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.
9. Labor recognises the fundamental rights and entitlements of Aboriginal and Torres Strait Islander Australians as the original owners of this land.
10. 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.

Constitutional Recognition

11. As a means of building community confidence in the constitutional recognition of the rights enjoyed by all

- Australians, Labor will introduce a legislative Charter of Citizenship and Aspirations.
12. Labor supports constitutional reform to achieve a comprehensive recognition of the rights enjoyed by all Australians. 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.

Discrimination

13. Labor supports legislative and administrative action by all Australian governments to eliminate discrimination, including systemic discrimination, on the grounds of race, colour, sex, religion, sexuality, gender identity, disability, genetic makeup, political or other opinion, national or social origin, property, birth or other status.
14. Where necessary, Labor will take special measures designed to achieve equality and eliminate the effects of both historic and contemporary discrimination.
15. 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.
16. Labor supports the enactment of comprehensive age discrimination legislation.
17. Labor supports the protection of the rights of children whilst respecting the proper role of parents and other persons responsible for their welfare.
18. Labor supports the appropriate protection of the religious freedom of all people.
19. Labor believes that people are entitled to respect, dignity and the ability 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.
20. Labor recognises the right of those 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

21. Labor is concerned that women remain concentrated in lower-paid and lower-skilled jobs. 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 that women receive equal access to educational and training opportunities and ensure that women are encouraged and assisted to take up these opportunities;
 - ensure women equal access to opportunities within the workplace, specifically to promotions and career development;

- ensure that women have access to adequate retirement income, with a particular focus on increasing women's superannuation contributions;
 - 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 high quality, flexible and affordable child care 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.
22. 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 for women;
 - 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.
23. 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.
24. As women are the major users of health and community services, Labor will:
- ensure that health, housing, child care, 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.
25. 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 and 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 apply when many women 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 reskilling and re-education programs for women re-entering the workforce.

A Better Balance Between Work and Family

26. 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 affordability and accessibility of quality child care, and before and after school care, particularly at or near workplaces;
- 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 so choose, 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 Federal Government

27. 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 Labor Government policies on women. These audits will be conducted in partnership with the Office of the Status of Women and will be made publicly available.
28. 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.
29. Labor will strengthen the Office of the Status of Women.

30. 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.

CHILDREN AND YOUNG PEOPLE

31. Labor believes that all portfolios must reflect the intrinsic value of children and young people in their policies and programs.
32. Labor will establish a specialised government Office for Children and Young People. The Office will have the responsibility for developing a coordinated strategy between, and analysing policies arising from, different portfolios for impacts on children and young people.
33. 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.
34. 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

35. 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.

36. Young people are a diverse group with different needs, concerns and aspirations. Labor is committed to the development of policies that support and service the different needs, concerns and aspirations of all young people including those who suffer from socio-economic disadvantage, neglect and abuse, shifts in education, employment and training patterns and technological change.
37. 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.
38. 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.
39. 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.

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.

40. The role of education and training 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, cannot be overstated.

Such job-focused education should be available through a wide range of outlets including schools, community groups and other convenient and youth accessible mediums such as the internet.

41. Labor is committed to enhancing pathways that will effect 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.
42. 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.
43. Labor recognises the need to specifically address the health needs of young Australians, including physical and/or 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.
44. Labor will address the whole problem of 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 form a central element of service provision.

45. 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.
46. 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.

INDIGENOUS AUSTRALIANS: THE WAY FORWARD

Basic Objectives

47. Labor believes that Indigenous Australians must be able to:
 - exercise and enjoy the fundamental human rights to which all Australians are entitled;
 - exercise and enjoy the distinct rights which attach to Indigenous Australians as a group, as the original owners of this continent;
 - share in and contribute to the economic and social advantages available to all Australians as citizens of a first world nation;
 - exercise their right to self determination within the Australian nation;
 - exercise and enjoy their unique cultures; and

—share with other Australians the real, practical benefit of reconciliation between Indigenous and non-Indigenous Australians.

48. Reconciliation is fundamentally important to Australia's capacity to face the future as a united, peaceful, proud and just nation. Labor will continue to pursue reconciliation with the aim of achieving a lasting settlement between indigenous peoples and other Australians. Labor recognises that reconciliation is a mutual process which requires national leadership and involves all Australians.

Guiding Principles

49. A federal Labor Government will work with the States and Territories to reduce the gap in living standards between Indigenous and non-Indigenous Australians and provide the strongest framework for advancing the rights and responsibilities of Indigenous Australians.
50. Labor is committed to the spirit of the 1967 constitutional amendment that gave the federal parliament the power to make laws for the benefit of Indigenous Australians. The position of indigenous peoples must be seen as a national commitment.
51. Labor will support the indigenous community's commitment to good governance of its institutions and the developing role of Native Title Representative Bodies, Native Title Bodies Corporate and emerging regional authorities. Improved governance is aimed at ensuring indigenous peoples are in the best position to negotiate the enjoyment of their rights and self determination arrangements. These arrangements must be based upon support for capacity building and leadership development and must be adequately resourced so that indigenous

peoples are on an equal footing in land ownership/native title negotiations and legal process.

52. Economic development is a key to achieving improved social and economic outcomes and self determination for Indigenous Australians as a lasting reality.
53. Labor will pursue a partnership arrangement with indigenous peoples in a whole of government approach to Aboriginal and Torres Strait Islander affairs. Labor will pursue new agreements involving indigenous peoples, federal, State and local governments in relation to the delivery of both mainstream and indigenous specific programs. Labor will empower indigenous leaders to work in partnership for such programs and solutions.
54. The design of policy and the delivery of services must be developed in consultation with indigenous peoples at the local, regional and national levels and based on objective assessment of needs and focused on targets and time frames. Labor will set targets and time frames for the achievement of outcomes as the basis for measuring the progress of government policy.
55. Labor will work towards negotiated, comprehensive regional agreements that address a range of areas including land issues, heritage protection, economic development, cultural support and service delivery. Programs and services must be delivered in a culturally appropriate manner. To the greatest extent possible, indigenous peoples must have control over the initiation, development and delivery of policy, programs and services. This control must be exercised from the local community level in conformity with the principle of self determination.
56. Labor will work to overcome the misunderstanding in the broader

community as to the root causes of Indigenous Australians' disadvantage. That misunderstanding presents one of the most critical obstacles to the achievement of the primary objectives of Aboriginal and Torres Strait Islander policy.

57. Accountability must apply with equal rigour to all agencies expending public funds in this area. Accountability requirements will be designed to assist indigenous-controlled organisations to achieve target outcomes. State, Territory and local governments will be held accountable for outcomes in areas for which they are responsible, and for programs using Commonwealth-sourced funding.

Land Rights

58. Dispossession is critically related to the contemporary circumstances of Indigenous Australians. Land holds a unique spiritual and cultural significance for Indigenous Australians.
59. Access to land and security of title are essential to enable Indigenous Australians to fully exercise their economic, social and cultural rights.
60. Wherever possible, land use and ownership issues will be resolved through negotiations directed towards achieving workable, lasting coexistence.
61. Native title is a property right recognised by the common law of Australia. Native titleholders are entitled to the full protection of the law in exercising their rights.
62. Labor believes that many of the 1998 amendments to the Native Title Act are unjust, unworkable and open to legal challenge. Labor will defend, preserve and build upon the mechanism embodied in the Native Title Act of 1993 for the
- constructive and lasting resolution of land issues arising from the Mabo Decision. It recognises that both practical considerations and further court decisions in this emerging area of legal understanding will necessitate refinement of this legislation in the future. Labor remains committed to the ongoing development and delivery of the Social Justice Package promised to indigenous representatives as part of the negotiated package in 1993. Labor will negotiate the details and timeframes for implementing this package in the first term of the next Labor Government.
63. Labor will encourage the negotiation of regional agreements between non-indigenous land users, governments and indigenous land claimants. Under the regional agreements framework, native title will be the catalyst for lasting, integrated solutions to the economic and social challenges faced by regional Australia.
64. Education for all Australians about the significance and value of native title is essential to realising the benefits of native title for all Australians. Labor Governments will therefore implement substantial public education campaigns to enhance understanding in the wider community about indigenous history, land claims and native title generally.
65. Statutory land rights regimes have provided the foundations for economic, social and cultural development in many indigenous communities throughout Australia. Labor will build upon that success.
66. Labor reaffirms, as the basis for the Aboriginal Land Rights (Northern Territory) Act, the principles of the Aboriginal Land Rights Commission (Woodward Report), which include:

- the rights of traditional owners in relation to access and development on their land;
- protection of sacred sites; and
- the existence of adequately resourced land councils with statutory responsibilities for the representation and protection of Aboriginal interests in relation to land.

Health

67. Labor acknowledges the wide disparity between the health status of Indigenous Australians and the general Australian community. Labor recognises that within the indigenous population health needs vary depending on a number of factors including geographical location, gender, age and experience of health service provision.
68. Labor recognises the problems indigenous people face in accessing health services. Programs will best serve the health needs of Indigenous Australians if they are included in the formulation, establishment and ongoing delivery of such programs. Culturally sensitive and appropriate health programs will be more accessible and effective for Indigenous Australians.
69. Health services formulation directed and delivered with a regional focus, that takes into account intra-community differences and variance of age, gender, and health provision experience, will best tackle the diverse health problems within indigenous communities.
70. There is a fundamental link between the health status of Indigenous Australians and all other aspects of their disadvantage. Labor is committed to a continually monitored reduction of mortality and morbidity indicators to levels comparable with the general Australian community.
71. Labor recognises the concern many indigenous communities have regarding particular health problems, notably domestic violence, substance abuse, sexual assault and suicide. Labor is committed to working with indigenous communities on a regional level to address the fundamental causes of particular health problems these communities have. Labor believes problems such as these must be seen in a health context as well as being law and order problems. By addressing the causes with remedies supported by and involving the local communities, Labor believes the incidence of these problems can be reduced.

Housing

72. Indigenous Australians are entitled to adequate and appropriate housing. Labor will set objective national benchmarks for adequate and appropriate housing, and time frames for meeting those targets.
73. Labor is aware of the current poor housing experienced by many Indigenous Australians. Labor will work with local land councils, housing service deliverers and government agencies on a State and regional basis to ensure that funds designated for housing are appropriately used. Labor is committed to housing that meets the unique needs of local indigenous communities and is culturally appropriate.

Education

74. Labor recognises the key role of education in the economic empowerment, health and employment prospects of Indigenous Australians. Labor further recognises the potential for appropriate education to preserve and enrich indigenous peoples' cultures.
75. Education policy must respond to the appalling reality of current outcomes and

the disparity between outcomes for indigenous and non-indigenous people. Labor is committed to indigenous specific programs, such as ABSTUDY, which have made a significant contribution to improving indigenous education outcomes.

76. While recognising that education and training are primarily State and Territory responsibilities, Labor recognises that the federal government has a particular obligation to ensure that indigenous people have fair access to appropriate education to meet their needs and aspirations, including improved education and training outcomes. Labor is committed to improving indigenous participation in tertiary education across all disciplines and levels of study, and will encourage the recognition and valuing of indigenous knowledge within higher education institutions.
77. Labor is committed to working with indigenous communities to maintain and extend access to bilingual education where it is supported by those communities to facilitate better education for Indigenous Australians, while preserving and enriching indigenous culture.
78. Subject to the need for significantly enhanced outcomes, Labor recognises the variety of educational needs and aspirations across indigenous communities. Labor is committed to education programs that are regionally focused and that recognise these differences in their content and delivery. The involvement of indigenous people in the preparation and ongoing delivery of educational services is vital to the success of such programs.

Economic Development and Employment

79. Employment programs must reflect the reality that unemployment amongst Indigenous Australians is chronic and is projected to increase dramatically in the next decade.
80. Program design and delivery must respond to specific regional, gender and age variations. Programs to address indigenous unemployment must identify, harness and develop labour markets with genuine potential for sustainable employment. A sustainable land base and access to resources for community development initiatives will be integrated into programs to combat indigenous unemployment through economic development.
81. Labor will improve the operation of the Aboriginal Councils and Associations Act as a means to greater economic development in indigenous communities.

Regional Development

82. Indigenous communities are an integral part of regional Australia. Indigenous programs often provide much needed funding and development to small isolated communities. Labor recognises the important role such programs play in both indigenous and non-indigenous life in these regional communities and is committed to their continuation and enhancement.
83. Labor acknowledges the disadvantage indigenous and non-indigenous people face in regional areas. Labor is committed to the inclusion of indigenous representatives in the formulation, introduction and ongoing supervision of programs that seek to revitalise regional areas with significant indigenous populations. Through meaningful inclusion, Labor will ensure all regional

residents have a share in the economic and cultural benefits these programs may deliver.

84. Regional agreements, based on the mutual recognition of converging interests between all people living in regional areas, will be an important part of achieving respect for, and inclusion of, indigenous peoples in regional development. This will involve legally binding undertakings by governments in relation to the delivery and management of both indigenous specific and mainstream programs and services.

Protecting the Cultural Heritage

85. Labor supports strengthened heritage protection legislation to deliver improved economic, social and cultural outcomes, with a continuing role for the Commonwealth in upholding its constitutional responsibilities to Indigenous Australians.
86. 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. Non-adversarial processes that include indigenous peoples in the protection of their heritage, cultural and intellectual property will ensure greater certainty for development.
87. Labor is committed to promoting respect for the heritage and living cultures of indigenous peoples by promoting policies that:
- support the preservation and recording of indigenous cultural heritage;
 - facilitate and promote appropriate means for sustaining and transmitting the living cultures of Australia's indigenous peoples;
 - support the repatriation of indigenous artefacts and human remains removed

without indigenous consent and repositied in overseas collections;

- guarantee indigenous involvement in decisions on the location, care and rules of access to cultural artefacts in Australian public collections;
- protect the culture and heritage of Indigenous Australians from expropriation, exploitation and desecration; and
- protect, preserve and revitalise indigenous languages . The urgency of this is underscored by the possibility of most languages disappearing over the next generation.

Conserving the Natural Environment

88. Labor recognises the special connection many Indigenous Australians maintain with the land and the primary role of the natural environment in indigenous culture and tradition. In accordance with this special relationship, Labor is committed to the involvement of indigenous peoples in the management structures overseeing the maintenance of parks, waterways and other public spaces with which local indigenous people have affinity.
89. Labor is committed to fostering an understanding and respect for the traditional native title rights of local indigenous people on such lands. This will be achieved in part through the involvement of local indigenous people in the management of parks and other public areas with which there is indigenous affinity.
90. Labor recognises that Indigenous Australians' knowledge and experience of the land is a beneficial asset in the management and use of our environment. Labor will ensure that Indigenous Australians are involved in the formulation, implementation and ongoing delivery of environmental programs.

Deaths in Custody

91. The problem of deaths in custody is inseparable from the broader disadvantage experienced by Indigenous Australians.

92. Labor will seek to overcome the underlying causes of high imprisonment rates among Indigenous Australians, through effective action in all other areas of indigenous affairs.

Labor will consult with indigenous communities about creating establishments where youth and young adults, caught up in the court system, can be dealt with by their respective Elders using traditional methods (provided the traditional method would not constitute a crime under Australian law).

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

93. Labor recognises that the Royal Commission into Aboriginal Deaths in Custody recommendations and the Commonwealth, State and Territory responses to the Royal Commission, provide a specific and targeted agenda for governments to tackle Aboriginal and Torres Strait Islander disadvantage and aspirations, and will continue to support the implementation of its detailed recommendations by all levels of government.

The Stolen Generations

94. Labor recognises that past government policies which separated indigenous children from their families continue to have economic, social and cultural effects among indigenous communities in Australia. The legacies of these past policies are a fundamental source of indigenous disadvantage today.

95. Labor recognises the importance of the National Inquiry into the Separation of Aboriginal and Torres Strait Islander Children from their Families (the Bringing Them Home Report) in initiating the debate on, and widening understanding of, past government policies separating indigenous children from their families. These policies continue to have lasting economic, social and cultural effects among indigenous communities in Australia. The legacies of these past policies are a fundamental source of indigenous disadvantage today.

96. The Howard Government's continuing inadequate response to the Bringing Them Home Report has only compounded the problems experienced by members of the Stolen Generations. The unwillingness to extend a formal apology on behalf of the Commonwealth to members of the Stolen Generations, and the refusal to contemplate the issue of compensation on a compassionate level has forced claimants into the adversarial court system, creating further hardship on those who have already suffered.

97. Labor will implement a comprehensive response to the recommendations of the Bringing Them Home Report. A Labor Government will formally apologise on behalf of the Commonwealth for the deficient past policies and practices identified in the Inquiry's report.

Migrant Australians: Responding To Particular Needs

98. Australia is a multicultural society. Labor recognises that it is part of the Commonwealth government's responsibility to assist all Australians to live together productively and have an equal sense of opportunity and belonging to the nation.

99. Labor will positively promote the strength that Australia gains from recognising and valuing our diversity and will combat prejudice and discrimination aimed at any migrant community through community education programs and anti-discrimination legislation.

Labor will maintain effective and independent processes for resolving complaints about prejudice and discrimination.

100. Labor also recognises that some migrants will have particular needs and may require settlement assistance.

101. Labor will ensure that Australia's international obligations towards asylum seekers and refugees are met, and Labor will positively promote the rights of refugees and asylum seekers.

Refugees, including those who arrive as asylum seekers, and persons admitted under humanitarian programs, some of whom have suffered torture and trauma before arriving in Australia, will receive appropriate support, including counselling for trauma.

102. Labor will support a network of Migrant Resource Centres, provide adequate English language programs to new arrivals and maintain adequate interpreter and translation services, and fund needs-based settlement services.

Australians With Disabilities: Closing The Access Gap

103. People with disability in Australia have the same rights as other Australians and form a valuable part of our inclusive society where individual difference is valued.

Labor is committed to policies and programs for people with disabilities which:

—recognise and promote the worth and dignity, and improve the quality of life, of people with disabilities, and which encourage and support their participation in the community;

—improve access for people with disabilities to open employment at decent wages, to other appropriate day activities, to the full range of accommodation options, to transport and the built environment, to health, rehabilitation and community services, to recreational activities, and to the education and training opportunities available to other Australians;

—provide specific redress against discrimination on the basis of disability;

—improve community awareness and understanding of physical, intellectual, and psychiatric disability; and

—recognise the critical importance of carers and support them in assisting people with disabilities to maintain their independence in the community.

Labor recognises that the life cycle requirements for people with disabilities from early childhood to the aged years will require appropriate long-term national planning together with the States and Territories.

104. Labor recognises the need for the Commonwealth State/Territory Disability Agreement (CSTDA) to provide national leadership and coordination of services for people with disability throughout Australia. Labor recognises the vital importance of a standard approach to the assessment of need and delivery of services to people with disabilities. Labor will pursue through the CSTDA the adoption of a national approach to disability policy that seeks to deliver a consistent approach to the delivery of services. People with disabilities and

their families want to achieve a level of security in their living arrangements and a sense of certainty that basic life needs will be taken care of. Many families are desperately concerned that their children or relatives will not have support into the future.

Labor supports:

- a national approach to disability policy, continuing to provide services for people with disabilities through mainstream programs where appropriate and through disability-specific programs where they are necessary;
 - equitable access to services for people with physical, intellectual and psychiatric disability;
 - cooperation between the Commonwealth and State/Territories to reassess the CSTDA to ensure cooperation and strategic planning between governments;
 - ongoing collaboration between the government and people with disabilities, their families, carers, service providers and key stakeholders to ensure that the CSTDA is indeed a national plan to address their support needs efficiently and effectively;
 - initiatives that make information about disability services more streamlined and accessible;
 - a collaborative and cooperative approach between the Commonwealth and State/Territory governments and service providers to reduce the administrative complexity of the disability service sector;
 - a collaborative and cooperative approach between the Commonwealth and State/Territories to address the crisis of unmet need and demand in housing, accommodation and respite services and develop and encourage innovative funding and service models across jurisdictions to better suit the diverse needs of people with disability.
- increased resources to continue the twenty year program of implementing the access standards under the Disability Discrimination Act, with priority given to public transport, education and access to premises;
 - the trialling of innovative approaches to the financing and delivery of services and aids for people with disabilities and their carers;
 - strengthening advocacy services, user rights, complaints, and advisory mechanisms for people with disabilities; and
 - the development and funding of services which are flexible enough to respond to the specific needs and aspirations of different individuals with disabilities and their families.
105. Labor will retain the Disability Discrimination Act and Commissioner within the Human Rights and Equal Opportunity Commission.

IMMIGRATION

A Link to Australia's Future Growth

106. 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.
107. 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 by fostering extremism, hatred or ethnic division.
108. 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.
109. 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.
110. Labor's refugee and asylum seeker policy will be in accordance with the following principles:
- that 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;
 - that a Labor Government should 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;
 - that a Labor Government should develop further multilateral solutions, recognising the importance of regional neighbours, with the aim of eradicating people smuggling, deterring secondary movement and enabling genuine refugees to access processing and appropriate settlement outcomes;
 - that 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;
 - that, as a matter of fairness, Australia should seek to assist the world's most vulnerable whether those persons are within or beyond our immediate line of sight;
 - that Australia should take its fair share of refugees for resettlement and contribute a fair share to international aid efforts and to UNHCR to alleviate the pressing humanitarian needs of displaced persons;
 - that asylum claims made in Australia should be assessed in a manner which is both fast and affords procedural fairness, with those found to have genuine claims and not able to be resettled in other Refugee Convention signatory countries provided with appropriate settlement outcomes and services, while those without genuine refugee or humanitarian claims are quickly returned;
 - that mandatory detention be used for the proper administrative purposes of ensuring the health, identity and

- security checking of all unauthorised arrivals, enabling the expediting of processing and ensuring that those whose claims have failed are locatable and available for removal from Australia;
- that the conditions of detention be humane and appropriate to the needs of asylum seekers, with appropriate arrangements made to meet the needs of unaccompanied children and family groups; and
 - that the length and conditions of detention be subject to review and that detention centres be managed by the public sector.
111. Labor will administer a fairer and more balanced immigration program. While the current ratio of skilled to family migration will remain largely unchanged, sub-categories such as the parents stream will be expanded to better reflect the value of family reunion and the family unit within Australian society.
112. 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.
113. Labor recognises that the Refugee Convention has always envisaged that the protection of the Convention might not be required on an ongoing basis.
- Accordingly, Labor will maintain a Temporary Protection Visa (TPV) system for unauthorised arrivals. Labor will introduce a one-off TPV period of two years, after which, consistent with the Convention, if ongoing protection is still required, permanent protection will be provided.
- Labor will ensure that in addition to existing services, TPV holders have access to English language training and employment assistance. Labor will also ensure appropriate settlement support and alleviate the financial and organisational burden borne by the States, Territories, welfare and volunteer organisations.
114. Labor will review the system of temporary entry visas and act to prevent the establishment in Australia of a semi-permanent group of 'guest workers' on short-term but renewable visas. Labor will maintain a cap on the size of the working holiday scheme and prevent it becoming a de facto labour market program. Labor will institute research into the labour market impact of the working holiday visa scheme.
115. Labor will ensure that adequate resources are allocated to Australia's overseas immigration posts to liaise and maintain relationships with local authorities in order to prevent or minimise illegal immigration and in particular to highlight the dangers facing people undertaking this dangerous activity and ensure information is available on Australia's refugee programs.
- Labor will also ensure that close political and diplomatic relations are maintained with all those countries where known people smuggling operations exist and where there is a high incidence of illegal immigration.
116. 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.
117. A Labor Government will examine the provision of incentives to newly arrived migrants to settle in regional areas. Such incentives, along with a program of ethno-specific infrastructure development, will ensure that regional migration will provide long-term benefits for both the newly settled migrants and the original community.
118. 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.
119. To this end Labor supports the further development of closer consultation between the employment and immigration departments in determining intakes of skilled migrants.
120. Labor also supports the further development and effective implementation of employer sponsorship schemes and labour agreements. These seek to ensure that employers wishing to bring in skilled migrants to fill particular vacancies must consult with the employment department and relevant trade unions, provide justification for that admission, and agree to provide appropriate training to local people in the area of skills sought.

RESOLUTIONS

Multiculturalism

Labor recognises the reality that Australia is and will remain a truly multicultural society, consisting of people from a rich variety of cultural, ethnic, linguistic and religious backgrounds. The values of multiculturalism are directly relevant to our continuing desire to be a tolerant, fair and united nation.

Labor's multicultural agenda seeks to capitalise on the opportunities presented by our diversity and to manage the challenges that can arise from it.

Labor recognises that migrants and their children are entitled to retain their customs, beliefs and traditions, as are long established groups and our indigenous peoples.

Nevertheless, issues of identity are complex and rarely static and multiculturalism must relate to the lived daily experience of these Australians.

Labor regards 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. We will seek to identify and overcome attitudinal barriers that work against these aims and will expand information programs that detail the cultural, linguistic and religious backgrounds of our peoples.

Labor believes that multiculturalism entails obligations as well as rights. These include respect for our parliamentary democracy, the rule of law, freedom of speech and religion, respect for the rights and liberties of others, equality of the sexes and English as the national language.

Labor will work to isolate and overcome those who seek to poison our social cohesion by fostering extremism, hatred or ethnic division and will ensure that appropriate social support services are

RESOLUTIONS

provided to prevent groups in our society feeling marginalised or neglected.

Labor recognises that there is a pressing need to develop a proper research capacity on questions of citizenship and multicultural affairs independent of government.

Community Relations

Labor reconfirms its commitment to appropriate anti-discrimination legislation and to providing effective and independent processes for resolving complaints about discrimination and vilification.

Labor will restructure the Living in Harmony program to deliver more effective education programs and community-based projects to combat racism and intolerance. These programs will include measures to encourage greater dialogue and cooperation between different religious faiths and national ethnic organisations.

Labor will institute an appropriate community relations strategy to deal with threats to community harmony, including tensions arising from international events. Under this strategy, government and community leaders will be encouraged to again speak up for tolerance, moderation and respect.

Labor recognises that community relations efforts sometimes need to focus on specific geographical areas and will seek to work with appropriate State and local government agencies, and community organisations, to achieve positive outcomes.

Access and Equity

Labor will develop a clear access and equity strategy as part of its broader commitment to social justice. This strategy will seek to ensure that policy and program development by government agencies is responsive to the cultural, ethnic, linguistic and religious diversity of the community.

Labor recognises that access to employment, proper labour market programs and income

support has deteriorated under the Coalition. Labor's access and equity strategy will include measures to improve the availability of these vital supports to migrants and humanitarian arrivals.

Labor will also require agency heads to put in place workplace measures to make best use of the diversity available in the workforce and the wider community, and to overcome discrimination.

Labor believes that access and equity issues are best dealt with by the prime minister's department on a whole of government basis, with community input through an appropriate advisory committee.

Citizenship

Labor believes that citizenship is the common bond that unites us all in a mutual commitment to Australia. It is the key that can open the door to the full participation of migrants in our society.

Labor will retain the current citizenship residence, language, and character requirements, which are welcoming by international standards.

Labor believes that we must redouble our efforts to encourage the increased take up of citizenship by eligible permanent residents and to ensure that applicants properly understand the responsibilities and privileges of citizenship.

Labor will streamline the citizenship resumption arrangements for those who lost citizenship as a result of previous provisions regarding dual citizenship in Australian and Maltese law.

Labor will reactivate the Australian Citizenship Council to monitor current legislation and practice and improve the availability of data on citizenship trends and decisions.

Labor recognises that growing numbers of Australians now live overseas on an extended

RESOLUTIONS

basis and will ensure that Commonwealth agencies improve their understanding of the needs of overseas Australians and better communicate with them.

Migrant Settlement Services

Labor recognises that the migration process raises frequent adjustment challenges for individuals and families.

It is in our national interest to ensure that migrants and humanitarian arrivals receive targeted high quality assistance with the settlement process.

Labor will improve the availability and integration of Commonwealth-funded migrant settlement services, focusing on the newly arrived and those in greatest need.

Labor will increase coordination and cooperation with the States and Territories on settlement issues and will seek to work in partnership with local councils and community organisations.

Labor will ensure that those currently holding Temporary Protection Visas do not remain in limbo in the community for extended periods, without access to appropriate settlement services such as English language classes.

Labor recognises that the availability of English classes under the Adult Migrant Education Program is crucial to the settlement process and will ensure that contracted service providers deliver high quality and cost effective tuition.

Labor will restructure current settlement services for new humanitarian arrivals to improve service integration, case management and the provision of accommodation-related assistance.

Labor will continue the provision of interpreting and translating services to eligible clients and will work with the States and Territories to address issues facing the interpreting workforce.

Labor will ensure that ongoing core funding is provided for the maintenance of a network

of community-controlled 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.

Labor will continue project funding to community organisations and councils to deliver appropriate settlement services, promote client needs to mainstream service providers and promote community capacity building amongst specific groups or in specific locations. Labor will give priority consideration to the more recently arrived and economically disadvantaged groups but rejects the notion that the need for settlement services ceases at some arbitrarily defined point.

The Implementation of Labor's Refugee and Asylum Seeker Policy in Government

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.

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.

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.

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.

It is also in our national interest to conduct ourselves as a good international citizen, to

RESOLUTIONS

do our fair share for those who are subject to persecution and who need protection.

Labor in Government will ensure that our borders are secure and that the processing and detention of asylum seekers is fair.

In Government, Labor will:

Protecting our borders

- Create an Australian Coastguard;
- Implement harsh penalties for people smugglers, including life sentences for the worst of the people smugglers;
- Effect strong international and regional arrangements to deter secondary movements of asylum seekers;
- Continue the excision of Christmas Island, Cocos (Keeling) Islands and Ashmore Reef from Australia's migration zone; and
- Introduce a Foreign Worker ID Card to crack down on illegal workers and protect Australian jobs and conditions, with tough new penalties for employers who knowingly hire illegal foreign workers.

Mandatory Detention

- Maintain mandatory detention as an essential part of Labor's approach;
- Provide open hostel style supervised accommodation for those with prima facie claims who are not a health, security or absconding risk;
- Remove children from detention centres and care for unaccompanied children through foster or community care arrangements, with children and their family members (subject to health and security risks) in open hostel style supervised accommodation;
- Return detention centres to the public sector, with centres managed by Commonwealth Officers;
- Provide access to detention centres for the media and independent medical professionals; and

- Create an independent Inspector General of Detention to monitor detention conditions and to deal with complaints.

Better Processing

- End the so called "Pacific Solution", with its huge cost to Australian taxpayers;
- Determine 90% of claims within 90 days;
- Provide an independent review of those claims not determined in 90 days, with a goal of processing all claims within twelve months;
- Process claims quickly through a new Refugee Determination Tribunal, with appeals to Federal Magistrates; and
- Provide a processing and detention facility on Christmas Island.

Temporary Protection Visas

- Maintain a Temporary Protection Visa (TPV) system for unauthorised arrivals with a one-off TPV period of two years, after which, if ongoing protection is still required, provide permanent protection;
- Immediately upon coming to office, conduct a review of the circumstances of each existing TPV holder of two years or more duration, giving priority to those who have been on a TPV for the longest period. Where a TPV holder has been in the community longer than two years, if ongoing protection is required, provide permanent protection.

If ongoing protection is no longer required, offer permanent residence to a TPV holder who passes a rigorous public interest test where it is found the person is the sort of person who Australia would otherwise select for a migration program—someone who has made, and can continue to make, economic, social, community and family contributions beneficial to the Australian community, particularly within rural or regional Australia.

RESOLUTIONS

—Enable TPV holders to access English language training and employment assistance in addition to existing services; and

—Ensure asylum seekers and refugees in the Australian community have, either through Commonwealth, State or community based services, appropriate health, income and settlement support, as well as alleviate the financial and organisational burden currently borne by the States, Territories, welfare and volunteer organisations.

Labor's Minister for Immigration will report to the first National Conference after the election of a Labor Government on the progress of the implementation of Labor's refugee and asylum seeker policy.

Stolen Generations

This conference notes that a Labor Government will formally apologise to the Stolen Generations. Conference also notes the special responsibility that the Commonwealth had in relation to the Northern Territory Aboriginal Community with regard to this past policy. For this reason the apology will reflect the different historical roles played by the Commonwealth in respect of the Northern Territory on the one hand and the rest of Australia on the other.

Indigenous Community Consultation

Labor firmly believes that comprehensive consultation and negotiation with a wide range of indigenous community stakeholders is essential for sound indigenous policy development and commits itself to this course.

Labor will continue to foster the development of ATSIC as a self determining indigenous organisation.

Reconciliation

This Conference reaffirms Labor's commitment to reconciliation between Indigenous and non-Indigenous Australians.

Labor:

—Commits to extending a national apology to Indigenous Australians for the lasting economic, social and cultural legacy of dispossession, including the forced separation of Indigenous Australian children from their families.

—Recognises the right of Indigenous Australians to exercise self-determination within the Australian nation and resolves to work with indigenous communities to strengthen their sense of responsibility.

—Apologises for our Party's role in the development, administration and promotion of past practices and policies that caused profound grief, loss and damage to Indigenous Australians.

—Condemns the Howard Government for denying the consequences of dispossession, failing to deliver its self-defined and limiting "practical reconciliation" agenda and abandoning genuine reconciliation between Indigenous and non-Indigenous Australians.

—Commits to work towards the elimination of the discrimination and disadvantage experienced by Indigenous Australians.

—Celebrates and values the enduring contribution of Indigenous Australian culture, society and spirituality to our nation; and

—Commits to providing national leadership on reconciliation and adopt the six recommendations contained in the Final Report of the Council for Aboriginal Reconciliation.