

## **A Fair Society**

### **Aboriginal and Torres Strait Islander Policy**

#### **Introduction**

1. Congress acknowledges the National Apology to Aboriginal and Torres Strait Islander peoples and the government's commitment in signing the UN Declaration on the Rights of Indigenous Peoples. Congress urges Government to now commit to compensation for those who were forcibly removed from their families.
2. Congress acknowledges that although there have been some broad improvement in social determinants, many Aboriginal and Torres Strait Islander peoples are still lagging behind the non-Indigenous population in terms of wages and conditions of employment, access to essential services such as education and health and continue to have a life expectancy gap of 17 years.
3. Congress believes that regardless of race, all citizens should have access to the opportunities a first world country provides. In circumstances where there is a significant gap, as is the case for Aboriginal and Torres Strait Islander peoples and other Australians, then unions, governments and employers should work towards bridging this gap.
4. Previous Congress policy has dealt with many aspects of this principle. The aim of the present policy is to reaffirm commitment of Congress to this principal, to recommit to existing policies that help achieve this principle, and to outline new policies that help further meet this important goal.
5. In making this policy the ACTU and its affiliates are making a clear statement and commitment to campaign to improve the situations for Australia's Aboriginal and Torres Strait Islander peoples and that this will be a priority of unions.
6. The ACTU reaffirms their commitment to working with unions to develop and implement effective recruitment, retention and activism strategies specifically targeted to Aboriginal and Torres Strait Islander peoples within the union movement.

## Employment Issues

7. Sustainable, real employment is one of the corner stones in bridging the gap between Aboriginal and Torres Strait Islander people and non-Indigenous people.
8. Aboriginal and Torres Strait Islander people in urban, regional and remote locations should have access to services and opportunities that are culturally appropriate and facilitate movement into the economy through employment.
9. Unions support the use of targeted government funding to employ, subsidise employers, and engage, train and retain Aboriginal and Torres Strait Islanders who are disengaged from the workforce.
10. Unions recognise the Government's commitment to halving the gap in Indigenous employment outcomes within a decade.
11. It is recognised that any project needs to have an employer/industry base that can accommodate employment and, in certain regions there is limited industry capacity; however the focus should not be primarily on employers. Any successful program will be multifaceted, focused on employer/industry and community/employee aspirations and training and employment requirements. There needs to be a balance across business, industries, communities and other stakeholder engagement such as unions, community organisations and employment service providers.
12. Congress calls on the government to fund and promote holistic employment and training programs which must include pre-employment training and consistent mentoring services.
13. Although there are distinct and unique barriers experienced by "remote" Aboriginal & Torres Strait Islander communities, the more intensive employment programs should not be restricted to these communities only. Congress calls on the government to provide holistic services which include mentoring and support, which dovetails into assistance with 'fundamental' skills and education for all Aboriginal and Torres Strait Islander communities.
14. Unions are concerned that aspects of the government's National Indigenous Employment policy are "more of the same" and is conscious that historically these programs produce few real employment outcomes with many participants finding themselves out of work once government funding commitments have ceased. Unions and governments must ensure that employers are not taking advantage of government funding and employees when participating in such employment programs.

15. Unions will collaborate to ensure an appropriate strategy is developed to ensure access to at least the minimum standards of the appropriate industrial instrument and the working rights, conditions and entitlements for CDEP workers.
16. Employers, government, unions and communities should work together to increase employment programs and training producing long term engagement in the workforce.

## **Northern Territory Emergency Response (NTER) and Welfare Reform**

17. This Congress rejects absolutely the suspension of the Racial Discrimination Act (Cth) 1975 and Northern Territory Anti-Discrimination Act to implement the Northern Territory Emergency Response and the subsequent reforms to income management of, primarily, Aboriginal and Torres Strait Islander peoples living in specified locations.
18. Congress rejects that changes and proposed changes to Aboriginal Land Rights Acts, the elimination of permit systems in Aboriginal communities, and the forced acquisition of Aboriginal title to land, have any relationship to genuine measures to protect children. Congress calls on government to cease its policy of making communities trade their land rights for the provision of essential services which are fundamental rights in all other Australian communities.
19. Congress believes that for there to be any legitimacy in the government's reform agenda, government must acknowledge their responsibility to fully fund the provision of quality services for all Aboriginal children and all Aboriginal and Torres Strait Islander communities in the areas of education, employment, health, housing, municipal services and infrastructure. Congress calls on government to properly fund essential services in all Aboriginal and Torres Strait Islander communities and make all resources available on a long term basis.
20. Congress believes that for there to be any legitimacy in the government's reform agenda, government must be guided by the principles and policies of the UN Declaration on the Rights of Indigenous Peoples.
21. Congress believes that one of the corner stones of community life is safety. Under the NTER law and order needs to be addressed by a coordinated multi-agency response. Services need to be provided in a whole-of-government coordinated manner, with police officers in each community supported and have access to a community facilitator who can provide dispute resolution, cultural empowerment, and facilitation services. In turn, the police officers can provide a secure environment for communities and other government officials.

22. Dedicated police services in each community allow for trusting relationships to be formed, a consistent policing approach to law and order issues, and provide community stability in which other government agencies can safely provide services. Evidence suggests the best way to police remote Aboriginal communities is to have a permanent police presence within the communities.
23. Congress calls on government to address the needs of Aboriginal and Torres Strait Islander communities on evidence based, community by community basis and to take a coordinated multi-agency approach which is committed to providing statutory and essential services to communities in a whole-of-government manner with all workers and members of the community having a stake in how policy is developed and implemented.
24. Congress believes that income management provision under the NTER and the further national roll out of income management in other Aboriginal and Torres Strait Islander communities are contrary to well established social security principles under Australian legislation. Under the *Social Security (Administration) Act 1999* social security payments and the right to appeal decisions, pertaining to the provision of an individual's social security, are absolutely inalienable and this inalienability applies to all forms of entitlements.
25. Congress believes that the nature of the income management reforms, which target specified geographical locations, mostly populated by Aboriginal and Torres Strait Islander peoples, are inherently discriminatory and calls on the government to cease this arbitrary legislation.
26. However Congress believes that voluntary income management programs are a way to promote social and financial development in communities, by communities.
27. Congress calls on government to work with communities to develop voluntary, agreed programs which support communities in all aspects of social life including financial literacy, parenting and caring responsibilities.
28. Congress acknowledges our responsibility in advocating for social justice, human and civil rights for Aboriginal and Torres Strait Islanders. The ACTU and unions will develop and participate in forums which empower effected communities, community leaders and peak Aboriginal and Torres Strait Islander organisations to voice their concerns about the NTER.