

**ACTU CONGRESS SEPTEMBER 1993  
ABORIGINAL AND TORRES STRAIT ISLANDER AFFAIRS STRATEGY**

**1. INTRODUCTION**

- 1.1 On August 16, 1991 the Commonwealth Government gave historic cross-party support to legislation to initiate a process of reconciliation between Aboriginal and Torres Strait Islander people and the wider community.
- 1.2 The process of reconciliation aims to redress a national tragedy.
- 1.3 Australia was occupied by Aboriginal and Torres Strait Islanders for thousands of years prior to British occupation and subsequent settlement on the 26th January 1788.
- 1.4 As the original owners and occupiers of the continent they had developed and sustained over many thousands of years unique cultural, social and economic patterns of life appropriate to the variety of Australia's environmental conditions.
- 1.5 Since colonisation, many of the original inhabitants have been dispossessed, dispersed and discriminated against, their culture disrupted and threatened. Today their descendants are amongst the most disadvantaged people in Australian society.
- 1.6 The final report of the Royal Commission into Aboriginal Deaths in Custody which was tabled in parliament on 9 May 1991 documents, in a way never before achieved, the impact of European settlement upon Australia's indigenous people.
- 1.7 As we approach the centenary of Federation in 2001, it is imperative that Australia puts its house in order. The country will have nothing to celebrate if it doesn't take decisive steps to redress its indigenous's people's inequality, the countries most chronically disadvantaged group on every social indicator including health, housing, education and employment.
- 1.8 Indications of this disadvantage include:
- (i) The average life expectancy at birth is 15-20 years less than that for other Australians;
  - (ii) Aboriginal infant mortality, while improving, is still nearly three times that for non-Aboriginal Australians;
  - (iii) Aboriginal people suffer from a higher incidence of both communicable diseases such as hepatitis B, and 'lifestyle' diseases such as diabetes and heart disease;
  - (iv) Aboriginal unemployment is six times the national average;
  - (v) On average, Aboriginals earn only half the income of other Australians;
  - (vi) A large proportion of Aboriginal families live in sub-standard housing or temporary shelter;
  - (vii) Aboriginal imprisonment rates are over 14 times higher than those for other Australians and death rates whilst in custody are alarmingly high;
  - (viii) Aboriginals in remote communities are often without basic essential services;
  - (ix) Aboriginal culture has been threatened and in some cases destroyed, and
  - (x) Aboriginal people are the most educationally disadvantaged group in Australia.

- 1.9 The Council for Aboriginal Reconciliation established as a statutory authority on 2 September 1991, is at the centre of the reconciliation process. Comprising Aboriginal, Torres Strait Islander and non-Aboriginal people, it will work to build better bridges of understanding between Aboriginal and non-Aboriginal people.
- 1.10 The Royal Commission into Aboriginal Deaths in Custody endorsed the Federal Government's process of reconciliation between Aboriginal and Torres Strait Islander people and the community at large.
- 1.11 The essential commitment of the Council for Aboriginal Reconciliation Bill as set out in the Preamble to the Bill is that:
- "as a part of the reconciliation process, the Commonwealth will seek an ongoing national commitment...to address progressively Aboriginal disadvantage and aspirations in relation to land, housing, law and justice, cultural heritage, education, employment, health, infrastructure, economic development and any other relevant matters..."
- 1.12 The Royal Commission into Aboriginal Deaths in Custody also highlighted that where, over the past 25 years, there has been an improvement in community relations between indigenous Australians and the wider community:
- "it is invariably associated with a genuine effort to reduce disadvantage and to do so by dealing with Aboriginal people in a way which respects their position. Furthermore, if the broader society does give tangible and on-going proof of such efforts in a way which recognises the principles of self-determination it can, I think, be said with much confidence that there will be substantial improvements in relations between Aboriginal and non-Aboriginal people."
- 1.13 However, the Royal Commission also recognised that it was:
- "highly desirable that steps be taken to help along the process of improving community relations - a process which may proceed rather slowly unless nurtured.
- This process is often called the process of reconciliation. The process, under that and other names, has been recognised as necessary over many years throughout the Australian community. It could be said that the first step in the process of reconciliation, and the one which received the clearest endorsement of the Australian people, was the referendum in 1967 which demonstrated overwhelming acceptance for the view that Aboriginal people should be part of the national polity."
- 1.14 The Royal Commission recorded the advances and legislative reforms of successive Governments and concluded that:
- "the concept - a process of reconciliation - has never been far removed from the political agenda. Each new report which detailed Aboriginal disadvantage, each new program which failed to achieve its objectives, each new incident which highlighted the divisions between Aboriginal and non-Aboriginal people and the mounting signs of Aboriginal anger and frustration with the pace and direction of reform, served to remind us that the process of reconciliation had to take place. There had to be more than a piecemeal approach, issue by issue, to the divisions within the Australian community."
- 1.15 Additionally the Royal Commission recorded that proposals for a document as one of the outcomes of changed and improved relationships between indigenous Australians and the wider community have been around for a considerable period of time and have been given support from wider sections of the community, both Aboriginal and non-Aboriginal.
- 1.16 As the Royal Commission highlighted, "words can enlighten, but they can also impose their own tyranny". The Parliament has put aside the possible name of such a document but has reached

unanimous agreement that national consultations should be undertaken on whether a document or documents should be one of the outcomes of the process of reconciliation.

- 1.17 The Council for Aboriginal Reconciliation will report to the Minister on the views of Aboriginal and Torres Strait Islander people and of the wider community as to whether such a document or documents would benefit the Australian community as a whole. If the Council considers there would be such a benefit, it will make recommendations on the nature and content of, and manner of giving effect to, such a document or documents.
- 1.18 With the unanimous passage of the legislation through the Australian parliament, the scene is set for us to move forward as a nation over the coming decade with a broadly agreed agenda for reform to meet the aspirations of indigenous Australians in the decade leading to the centenary of Australian Federation in 2001.
- 1.19 The Council for Aboriginal Reconciliation Act 1991 will cease to have force on the centenary of Australian Federation - 1 January 2001. This date provides a symbolic focus for the challenge of building a more mature relationship between Aborigines, Torres Strait Islanders and other Australians.
- 1.20 It allows sufficient time for there to be genuine consultation on and consideration of all the issues raised by the reconciliation process.
- 1.21 It is the Government's hope that we will enter the twenty first century able to show the tangible results of a decade of action to redress Aboriginal disadvantage and to achieve a lasting reconciliation.
- 1.22 In September 1991, Congress supported the process of reconciliation but stated that to succeed, Aboriginal and Torres Strait Islander people must be intimately involved in the process.

## **2. PARTNERS FOR JUSTICE CONFERENCE**

- 2.1 As part of this process and the United Nation's International Year for the Worlds' Indigenous People program, the ACTU held a 'Partners for Justice' Conference in Sydney on 21-22 June 1993. The Conference was convened to discuss the historical relationship between the trade union movement and the Aboriginal and Torres Strait Islander communities and to determine strategies for the future.
- 2.2 The Conference recognised the overall disadvantage faced by indigenous Australians historically and in the Australian labour market.
- 2.3 The ACTU recognises its responsibility to show leadership on national issues concerning Aboriginal and Torres Strait Islander Communities. This includes playing an active role in public debate concerning the High Court of Australia's decision on Native Title and Reconciliation.
- 2.4 Congress also notes the important role played by affiliates and individual unionists on specific issues concerning indigenous Australians. The conference brought together Aboriginal and non-Aboriginal unionists from ACTU affiliates to develop specific strategies in workshops covering the following areas:
  - (i) Industrial;
  - (ii) Education and Employment;
  - (iii) Reconciliation, and
  - (iv) Health and Community Development.
- 2.5 The workshop outlined recommendations in detail for input into the development of the ACTU Aboriginal and Torres Strait Islander Affairs Strategy at the 1993 ACTU Congress.
- 2.6 The Conference was a successful initiative and the Aboriginal and Torres Strait Islander

Committee will work with affiliates to implement the recommendations.

- 2.7 Prior to the Partners for Justice Conference, the ACTU with the assistance of TUTA, held a course to develop a better understanding of the recommendations of the Aboriginal Deaths In Custody Report amongst health, police and prison unions. Similar training courses should be conducted by TUTA in association with the ACTU as part of the union movement's ongoing commitment to reconciliation.

### **3. INDUSTRIAL**

- 3.1 There should be an examination of representation and participation of Aboriginal and Torres Strait Islander Unionists within individual union structures including peak councils. As part of this process, Congress calls upon affiliates to employ as officials Aboriginal and Torres Strait Islander trade unionists on an Affirmative Action basis.
- 3.2 In accord with this objective, affiliates are encouraged to develop appropriate consultative and communication processes with Aboriginal and Torres Strait Islander union members and to support networks of Aboriginal and Torres Strait Islander members within the union movement.
- 3.3 To enable the creation of new awards, and extension of existing awards to cover Aboriginal and Torres Strait Islander community organisations, it is essential that funding be adequate and sustainable. This should enable the payment of award wages and conditions as provided for in legislation and awards. Where difficulties are experienced in achieving such wage justice, either through negotiations and/or the Industrial Commission, consideration shall be given to referring the matter to the Race Discrimination Commissioner for investigation.
- 3.4 As a means of assisting in the extension of Award coverage, the ACTU and affiliates shall endeavour to gather the necessary information as to existing award free areas of coverage.
- 3.5 Equal Employment Opportunity guidelines should be used to ensure equity in employment for Aboriginal and Torres Strait Islander workers. This includes access to training and the development of career paths and recognition of Aboriginality/qualifications and experience including language and cultural experience.
- 3.6 With Awards affecting Aboriginal and Torres Strait Islander communities, it is essential that plain language be used. Awards should take account of cultural factors such as ceremonial leave, extended bereavement leave and special community needs. This applies equally in the development of workplace agreements. Further, superannuation clauses should be included in awards which provide for nominated superannuation funds approved by affiliates.
- 3.7 Aboriginal and Torres Strait Islander issues should be promoted by unions and similarly, unions as representatives of workers should be promoted through community networks.

### **4. EMPLOYMENT, EDUCATION AND TRAINING**

- 4.1 Congress calls upon affiliates to develop affirmative action strategies within their workplace and through workplace/award claims in order to ensure increased employment for Aboriginal and Torres Strait Islander workers.
- 4.2 Immediate steps need to be taken to initiate affirmative action in employment at a federal, state, territory and local government level to secure increased employment of Aboriginal and Torres Strait Islander workers so as to ensure the full implementation of the recommendations of the Partners for Justice Conference.
- 4.3 All funding authorities (eg. Commonwealth, State, Territory, Local Government etc) should provide sufficient funding to ensure that workers in Aboriginal and Torres Strait organisations are paid award wages and employment conditions. Such provisions must not be met merely within the current total funding (which in effect cuts the organisation's programs) but must be in addition to the current funding.

- 4.4 The ACTU shall lobby on all governments and the Human Rights Commission to achieve the proper funding of full award entitlements.
- 4.5 Further, all unions must establish which Aboriginal and Torres Strait Islander organisations remain award free and ensure all action possible is taken to gain award coverage as an immediate priority.
- 4.6 The ACTU will work with all employer organisations to endeavour to secure to develop a bilateral approach to the development of affirmative action strategies to increase the employment of Aboriginal and Torres Strait Islander workers.
- 4.7 Congress calls upon all unions to employ Aboriginal and Torres Strait Islanders within their organisations. Unions should ensure that Aboriginal and Torres Strait Islander union officials are not employed in a tokenistic fashion but in long term, career positions and that appropriate training and support be provided.
- 4.8 The implementation of an affirmative action employment program requires that unions should pursue increased provision of relevant vocational training for Aboriginal and Torres Strait Islander workers and to assist in their obtaining such training as a means to long term employment opportunities.
- 4.9 Commonwealth, State and Territory Government's must ensure that Aboriginal and Torres Strait Islander public servants are not channelled into temporary, casual or short term project positions. All Government's must ensure that the proportion of permanent Aboriginal and Torres Strait Islander public servants reflect the proportion of non-Aboriginal permanent public servants.
- 4.10 Further, Government's must not be tempted to put such Aboriginal and Torres Strait Islander public servants into those identified Aboriginal positions and/or Departments which do not lead to long term career opportunities.
- 4.11 Where the number of Aboriginal and Torres Strait Islander workers remains small in large organisations (either public or private), employers must ensure that where possible they are given the opportunity to work in the same (or closely related) work area to ensure they can develop their own support networks.
- 4.10 The ACTU calls on the Government to ensure that employment schemes for Aboriginal and Torres Strait Islanders are developed in consultation with the relevant communities to ensure their needs and requirements are met. Further, such schemes should be constructed to ensure that they lead to long term employment opportunities.
- 4.11 In considering the issue of long term unemployment, the Federal government should ensure that targeted programs are further developed for the benefit of Aboriginal and Torres Strait Islander workers. Central to these programs must be proper training and counselling for the long-term unemployed.
- 4.12 Recognising the importance of cross-cultural education to the development of an active union movement which encourages the full participation of Aboriginal and Torres Strait Islanders, Congress calls on affiliates to implement within relevant awards education and training programs that provide for:
- (i) Cross-Cultural Training and Awareness courses;
  - (ii) Economic Development;
  - (iii) Awareness of Awards and the Industrial Relations Systems;
  - (iv) Work Experience;
  - (v) Trade Union Training;
  - (vi) Provision for attendance at Aboriginal and Torres Strait Islander Unionist's Caucus meetings;
  - (vii) Distribution of Journals/Brochures/Publications;

- (viii) Pedagogy - Adult Training;
- (ix) Self Determination, and
- (x) Language Training.

- 4.13 Companies that are based in Aboriginal Communities should be required to provide cross cultural training relevant to the particular community in which the operation is based.
- 4.14 In identifying key competencies required in a training program, unions and employers shall have regard to the skills required to assist in sustaining the economic life of a community including cultural understandings of people working in and living in the community and the needs of the community itself.
- 4.15 As a matter of priority all awards should be amended to promote the cultural values of Aboriginal and Torres Strait Islanders working in the public and private sectors.
- 4.16 Congress requests TUTA to develop and implement training programs specifically designed for Aboriginal and Torres Strait Islanders at Regional/State/Territory and National levels.
- 4.17 Affiliates are asked to implement "work experience" specifically designed for Aboriginal and Torres Strait Islanders at regional/State/Territory and National levels and to implement cross-cultural awareness programs for union members.
- 4.18 Where appropriate, affiliates are also called on to establish an Aboriginal and Torres Strait Islanders caucus and to promote through union publications Aboriginal and Torres Strait Islander issues. The ACTU will continue to assist affiliates in developing this strategy.
- 4.19 The ACTU will work with TUTA to facilitate the development of material relevant to the implementation of this strategy and every effort should be taken by TUTA to use Aboriginal and Torres Strait Islanders in the training programs.
- 4.20 Congress call upon affiliates to seek to implement in awards and agreements provisions for Aboriginal and Torres Strait Islanders members to have proper career development opportunities. This should be taken up by affiliates in the development of workplace agreements.
- 4.21 Unions are requested to support the desire for self determination by communities, through having input into the development of courses that are appropriate and applicable to community needs (eg. courses on technology of land management). Support needs to also be given to Aboriginal and Torres Strait Islanders communities to provide for language programs relevant to the overall objective of community self-determination.
- 4.22 Congress welcomes the decision by the Commonwealth government to make grants available for a trade union Aboriginal and Torres Strait Islander's employment development strategy recognising the private sector as a means of increasing employment opportunities for Aboriginal and Torres Strait Islanders.
- 4.23 In the past, inadequate attention has been given to the development of employment opportunities in the private sector, or alternatively the jobs provided have been lacking in training and career development opportunities as all too often occurred in mining towns.
- 4.24 The Government's employment liaison officer grants scheme gives unions a unique opportunity through a co-ordinated strategy to develop affirmative action employment opportunities in the private sector. The assistance of TUTA in facilitating the training and co-ordination of these officers is appreciated.

## **5. RECONCILIATION**

### **Reconciliation Strategy**

- 5.1 The ACTU in consultation with its affiliates shall continue developing its strategy for the education of members on reconciliation/native title issues. The recent issue of `Roby' and the inclusion in workplace of a major feature on Aboriginal and Torres Strait Islander issues must be further developed
- 5.2 Such a strategy should:
- (i) be developed in consultation with Aboriginal members and/or Aboriginal organisations, and
  - (ii) involve the Aboriginal officers working with the various Trades and Labour Councils.
- 5.3 Elements of the strategy might include:
- (i) cross cultural awareness courses for both officials, organisers and rank and file members;
  - (ii) inviting representatives of local communities to attend meetings of affiliates and peak councils;
  - (iii) setting up reconciliation study circles, and
  - (iv) setting up meetings of `Friends of Reconciliation.'
- 5.4 Each affiliate will be asked to:
- (i) nominate one officer in the union to have the responsibility for developing the strategy, and
  - (ii) report to the ACTU Aboriginal and Torres Strait Islander Affairs Committee on a periodic basis on the implementation of the strategy.
- 5.5 Union training courses, where appropriate, should involve a component on Reconciliation/Native Title issues.
- 5.6 Each Trades and Labour council should form a **watch committee** to oversee the implementation of the Recommendations of the Royal Commission into Aboriginal Deaths in Custody and to act as a lobby group generally with regard to all issues of social justice and reconciliation.
- 5.7 In doing so, State Branches of the ACTU should aim to build alliances with other concerned community groups like churches and ethnic groups.
- 5.8 Prior to the end of 1993, the union movement will organise an event which highlights the union movement's support for reconciliation and the implementation of its ongoing strategy to assist in the Reconciliation process.
- 5.9 Each affiliate should develop a strategy regarding the employment of Aboriginal and Torres Strait Islanders within the union and within the industry they are involved in.
- 5.10 Immediate Action:
- (i) All affiliates be urged to urgently write to the Prime Minister, State Premiers and the Federal Opposition in support of the factual position on the High Courts decision on Native Title.
  - (ii) A network of delegates needs to be established to mobilise union support in the event of a crisis (eg. a State Government legislating to negate native titles).

## 6. HEALTH AND COMMUNITY DEVELOPMENT

- 6.1 Congress notes the National Aboriginal Health Strategy and notes with concern the report into Aboriginal Deaths in Custody.
- 6.2 ACTU Congress endorses the approach to reconciliation based on partnership. As part of this commitment, Congress:
- (i) Will develop its policies relating to Aboriginal and Torres Strait Islander Peoples in consultation with the appropriate national peak councils of Aboriginal and Torres Strait Islander Peoples;
  - (ii) Supports the strategy of developing tripartite forums (TPF) and seeks the inclusion of appropriate union involvement; and expresses its concern about the extent of bureaucratic growth which reduces funding to projects;
  - (iii) In framing its Regional Development Policies, the ACTU is requested to take notice of the needs of Aboriginal and Torres Strait Islander Peoples when developing Congress policies and to pay special attention to the needs of remote communities;
  - (iv) Supports improved representation of urban and rural communities in various representative bodies for Aboriginal and Torres Strait Islander Peoples, especially in community organisations.
  - (v) Recommends that unions and community organisations seek to be covered by appropriate existing awards in the first instance (in order to maintain basic award rights) and to negotiate appropriate enterprise agreements to deal with specific additional issues of concern;
  - (vi) Urges Government to fund community projects on the basis of need and of meeting award provisions;
  - (vii) Endorses the involvement of a range of Aboriginal and Torres Strait Islander People's organisations in setting the funding priorities of the Commission; and wants to keep bureaucracy to a minimum and to ensure that members of project committees are trained to assume administrative responsibilities for implementing projects;
  - (viii) Is concerned at the failure to **provide recurrent funding** to some important project's causing uncertainty and waste, and
  - (ix) Calls upon Governments to ensure that the management committees of community organisations are trained in industrial relations.

### Health

- 6.4 Congress expresses grave concern about the apparent lack of progress in implementing the National Aboriginal Health Strategy and about the statistical evidence that there has been actual deterioration in the health status of some Aboriginal and Torres Strait Islanders since the strategy document was released.
- 6.5 The ACTU calls on federal, state and territory governments to ensure that their health workforces are familiarised with the national Aboriginal Health Strategy at induction and continuously throughout training programs and that staff's responsibilities for its implementation are made explicit.
- 6.6 Further, that service providers (hospitals, health agencies) be required to have a documented policy on implementation of the Strategy in their institution.
- 6.7 Congress asks that the Federal Government institute as a matter of urgency an investigation

with recommendations as to any barriers which prevent allocated funds from being utilised in the implementation of the Aboriginal Health Strategy.

- 6.8 ACTU affiliates request that a progress report on implementation of the Strategy be made to the 1995 Congress.

#### **Childcare Issues**

- 6.9 ACTU Congress believes access to quality children's services is a basic human right of all Australian families no matter where people live.
- 6.10 Congress supports the maintenance and achievement of the national framework for child care standards and accreditation of children services and will approach State and National governments to implement these standards in legislation and in other appropriate ways.
- 6.11 Where exemptions are granted to child care facilities on the grounds of unavailability of trained staff, the exemption be conditional upon:
- (i) the setting in place of a training program to provide trained staff, and
  - (ii) a specified period of exemption.
- 6.12 Funding should include provision for training and paid leave.
- 6.13 Children's services for Aboriginal and Torres Strait Islander Peoples should be able to be developed in culturally appropriate forms.

#### **Prisons**

- 6.14 ACTU Congress supports a review of custodial arrangements for Aboriginal and Torres Strait Islander People's offenders to develop more useful and culturally acceptable forms consistent with the proposals of the Report into Aboriginal Deaths in Custody. Congress seeks advice from Aboriginal and Torres Strait Islander organisations on this matter.

#### **Implementation and Evaluation**

- 6.15 In the lead up to the 1995 Congress, the Aboriginal and Torres Strait Islander Committee will review and evaluate progress made on the implementation of policy.