

NATIONAL ACTION PLAN

AUSTRALIA

1996-97 UPDATE

Table of Contents

	List of Abbreviations	4
(a)	Indicate the United Nations or regional human rights instruments Australia intends to ratify and outline concrete steps by which this objective is to be achieved	6
(b)	Indicate Australia's intention to accede to complaints mechanisms provided for in human rights instruments	8
(c)	Indicate human rights treaty reservations Australia intends to remove	9
(d)	Pledge Australia to submit overdue reports to treaty bodies or to pay outstanding contributions	10
(e)	Develop targets for Australia in the area of economic, social and cultural rights and indicate progress towards their achievement, for example, by:	
	(i) the right to work	12
(ii)	the right to just and favourable conditions of work and to form and join trade unions	14
	(iii) protecting the right to social security	15
	(iv) the right to health	22
	(v) the right to education	23
	(vi) the right to a cultural life	26
(vii)	the right to an adequate standard of living with particular reference to housing	33
(f)	Indicate legislation or administrative acts Australia has proposed or adopted which would advance human rights observance, for example by:	
	(i) protecting the rights of indigenous peoples	35
	(ii) protecting the rights of women	41
	(iii) protecting the rights of children	42
	(iv) protecting the rights of minorities	44
	(v) protecting the rights of people with a disability	46
	(vi) protecting the rights of people with HIV/AIDS	48
	(vii) protecting the rights of the mentally ill	49
	(viii) protecting the rights of the elderly	51
(ix)	ensuring that there is no discrimination on the basis of sexual orientation	54
(x)	protecting the rights of rural and isolated people	55

	(xi) strengthening democratic institutions	58
(xii)	incorporating international human rights instruments into domestic law and practice	60
	(xiii) lifting states of emergency	61
	(xiv) protecting the rights of refugee and asylum seekers	62
(g)	Set out steps by which Australia would establish and/or strengthen a national institution for the promotion of human rights	66
(h)	Specify steps by which Australia would strengthen cooperation with and between regional and international human rights organisations	67
(i)	Define of programme of human rights information and education, including in school curricula and the workplace for Australia	71
(j)	Set out a program of education and training for Australian personnel directly responsible for the protection of human rights	72
(k)	Set out steps aimed at strengthening the independence of the judiciary in Australia	73
(l)	Indicate steps by which Australia may facilitate the activities of non-governmental organisations in the human rights field	74
(m)	Provide Australian financial assistance to other countries in the area of civil and political rights	76
(n)	Identify steps which Australia could make towards the strengthening of the Centre for Human Rights	77
	APPENDIX I: STATUS OF RATIFICATION OF THE PRINCIPAL INTERNATIONAL HUMAN RIGHTS TREATIES: AUSTRALIA	78
	APPENDIX II: HUMAN RIGHTS TRAINING IN THE AUSTRALIAN DEFENCE FORCE	79

List of Abbreviations

ABA	Australian Broadcasting Authority
ABC	Australian Broadcasting Corporation
ACFOA	Australian Council for Overseas Aid
ADF	Australian Defence Force
ADFWC	Australian Defence Force Warfare Centre
AEC	Australian Electoral Commission
AEDA	Aboriginal Education Direct Assistance
AIATSIS	Australian Institute of Aboriginal and Torres Strait Islander Studies
AIC	Assistance for Isolated Children
AIRC	Australian Industrial Relations Commission
ANTA	Australian National Training Authority
ARHP	Aboriginal Rental Housing Program
ARP	Action Research Project
ASA	Asylum Seeker Assistance
ATSIC	Aboriginal and Torres Strait Islander Commission
AusAID	Australian Agency for International Development
BRACS	Broadcasting for Remote Aboriginal Communities Scheme
CAP	Crisis Accommodation Program
CAT	Convention Against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment
CBAA	Community Broadcasting Association of Australia
CCHROT	Coordinating Committee of Human Rights Organisations in Thailand
CDI	Centre for Democratic Institutions
CEDAW	Convention on the Elimination of all forms of Discrimination Against Women
CERD	Convention on the Elimination of all forms of Racial Discrimination
CHR	Commission on Human Rights
CPI	Consumer Price Index
CROC	Convention on the Rights of the Child
CRP	Community Research Project
CRSS	Community Refugee Support Scheme
CSHA	Commonwealth-State Housing Agreement
CSO	Community Service Officer
CTS	Children's Television Standard
DDA	Federal Disability Discrimination Act (1992)
DEETYA	Department of Employment, Education, Training and Youth Affairs
DFAT	Department of Foreign Affairs and Trade
DHFS	Department of Health and Family Services
DIMA	Department of Immigration and Multicultural Affairs
DRP	Disability Reform Package
DSS	Department of Social Security
EEO	Equal Employment Opportunity
ESL	English as a Second Language
FTI	Family Tax Initiative
HECS	Higher Education Contribution Scheme
HEEP	Higher Education Equity Program
HREOC	Human Rights and Equal Opportunity Commission
HRI	Human Rights and Indigenous Issues
ICCPR	International Covenant on Civil and Political Rights
ICESCR	International Covenant on Economic, Social and Cultural Rights
IDC	Inter-Departmental Committee
IDEA	International Institute for Democracy and Electoral Assistance
ILO	International Labour Organisation
INCHR	Indonesian National Commission on Human Rights
IOM	International Organisation for Migration

IT	Information Technology
JPET	Job Placement, Employment and Training Program
LOAC	Law of Armed Conflict
MCEETYA	Ministerial Council on Education, Employment and Training
MPC	Multi-Purpose Centre
MPS	Multi-Purpose Services
NAEP	National Aboriginal and Torres Strait Islander Education Policy
NAHS	National Aboriginal Health Strategy
NIA	National Interest Analysis
NIMAA	National Indigenous Media Association of Australia
NISS	National Integrated Settlement Strategy
NNTT	National Native Title Tribunal
PICC	Partners in Culturally Appropriate Care
RAN	Royal Australian Navy
RCP	Protection and Return of Cultural Property to Aboriginal and Torres Strait Islander People Program
RDLO	Regional Disability Liaison Officer
RRT	Refugee Review Tribunal
RTIF	Regional Telecommunications Infrastructure Fund
SBS	Special Broadcasting Service
SOSE	Studies of Society and Environment
TAFE	Technical and Further Education
UNHCR	United Nations High Commissioner for Refugees
USO	Universal Service Obligation
USP	Universal Service Provider
VET	Vocational Education and Training
WGIP	Working Group on Indigenous Populations
YSU	Youth Service Unit

NATIONAL ACTION PLAN

1996-97 UPDATE

- (a) **Indicate the United Nations or regional human rights instruments Australia intends to ratify and outline concrete steps by which this objective is to be achieved**

Convention on the Rights of the Child (CROC)

- In accordance with Article 50, paragraph 1 of the CROC, on 17 April 1995 the Government of Costa Rica proposed an amendment to Article 43, paragraph 2 to increase the number of members of the Committee on the Rights of the Child from ten to eighteen. The proposed amendment was adopted by consensus at a Conference of the States Parties to the Convention in New York on 12 December 1995. The amendment was approved by the UN General Assembly at its 50th session by resolution 50/155 of 21 December 1995. The amendment will enter into force when it has been accepted by a two-thirds majority of States Parties, in accordance with article 50, paragraph 2 of the Convention.
- The Commonwealth has undertaken a process of consultation with the States and Territories on the amendment. To date five (5) states - Western Australia, Tasmania, New South Wales, Victoria and Queensland - have responded, indicating that they have no objection to Australia accepting the amendment. Once the consultation process is completed, the Commonwealth will, consistent with the treaties ratification process now in place, table the amendment together with a National Interest Analysis (NIA) in Parliament.

Convention on the Protection of the Rights of All Migrant Workers and Their Families

- Australia has not ratified the Convention on the Rights of All Migrant Workers and Their Families. The matter has been examined closely by the Departments of Immigration and Multicultural Affairs (DIMA), Social Security (DSS), Health and Family Services (DHFS) and Employment, Education, Training and Youth Affairs (DEETYA). All Departments raised a number of substantive objections to ratification. An Inter-Departmental Committee (IDC) is still examining the issue.

ILO C.97 Migration for Employment, 1949

ILO C.141 Rural Workers' Organisations, 1975

ILO C.143 Migrant Workers (Supplementary Provisions), 1975

ILO C.151 Labour Relations (Public Service), 1978

ILO C.154 Collective Bargaining, 1981

- There have been no developments concerning the identified ILO Conventions since the last update. Consultations with the States and Territories are continuing.

Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW)

- Action is being taken to ratify the amendment to Article 20(1) of CEDAW, to remove the two week limitation period imposed on the annual meeting of the CEDAW Committee. All State and Territory governments have been advised of the amendment and have no

treaty-making processes, and the matter is currently being considered by the Treaty Committee.

(b) Indicate Australia's intention to accede to complaints mechanisms provided for in human rights instruments

Unchanged from previous update.

(c) Indicate human rights treaty reservations Australia intends to remove

- Australia has two reservations to the Convention on the Elimination of All Forms of Discrimination Against Women. The Minister Assisting the Prime Minister on the Status of Women has requested that the Minister of Foreign Affairs recommend to the Federal Executive Council amendment of the reservation relating to the employment of women in the Australian Defence Forces to remove reference to combat related duties. As women have been permitted to serve in all ADF units except "direct combat units" since 1992, the reservation is considered to be out of step with Government policy.

(d) Pledge Australia to submit overdue reports to treaty bodies or to pay outstanding contributions

International Labour Organisation (ILO)

- Under the ILO Constitution, countries must provide annual reports to the ILO in respect of both certain unratified (Article 19) and ratified (Article 22) Conventions
- Australia complies with these obligations and there are no outstanding reports.
- Australia pays its assessed contribution to the ILO when it is due (January each year)
- there are no outstanding contributions.

CROC Report

- Australia's first report, sent to the UN in January 1996, was considered in September 1997.

International Covenant on Economic, Social and Cultural Rights (ICESCR) Report

- Australia's third ICESCR report was due in June 1994
- Australia plans to finalise and lodge the report with the ESCR Committee in 1998.

International Covenant on Civil and Political Rights (ICCPR) Reports

- Australia's third report is being finalised.
- Australia's 4th report, due in 1996, is currently being drafted.

Convention Against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (CAT) Report

- Australia's second report under the CAT is being drafted
- it is expected that it will be submitted in 1998.

Convention on the Elimination of All Forms of Racial Discrimination (CERD) Report

- Australia was due to submit a combined 10th and 11th report on CERD in 1996
- it is expected that this will be submitted in 1998.

CEDAW Report

- Australia's Third Periodic Report was presented to the Committee on the Elimination of Discrimination against Women on 18 July 1997. Australia will present its combined Fourth and Fifth Reports in 2000.

Overdue reports

- Australia is not alone in its difficulties in complying in a timely manner with its reporting obligations under the human rights treaties to which it is a party. The UN has recognised that reporting obligations are placing burdens not only on parties to the treaties, but also upon the treaty committees which all face a considerable backlog of reports to consider. The UN commissioned an independent expert (Professor Philip Alston, an Australian) to prepare a report on the treaty body system and possible reform - his final report was completed around March 1997 and will be discussed at the UN Commission on Human Rights at its next session in 1998. Australia has taken a leading role on the issue of treaty body reform to date, and will continue to do so to ensure that the treaty body system is made more efficient and effective.

(e) Develop targets for Australia in the area of economic, social and cultural rights and indicate progress towards their achievement, for example:

(i) the right to work

- The Government is committed to addressing the issue of employment in the Australian economy and is putting in place policies that will increase the sustainable long term rate of economic growth to increase employment opportunities. These policies include a deficit reduction strategy, industrial relations reforms, microeconomic reform, reforming the apprenticeship and traineeship system to provide more opportunities for young Australians, and measures to assist small business. The Prime Minister has established a Cabinet Employment Committee as a continuing forum for the development and implementation of employment related policies and programmes.
- Major changes to labour market assistance focus on the Government's commitment to getting people into real jobs. Key elements of the reforms are:
 - establishment of Centrelink, which combines the income support facilities of the Department of Social Security with some Commonwealth Employment Service functions;
 - contracting private and community based organisations, including a corporatised public provider, the successor to the Commonwealth Employment Service, to provide competitive labour exchange services (matching referral and placement of job seekers into real jobs);
 - providing job search assistance for eligible job seekers through contracted organisations; and
 - using Employment Assistance, provided by contracted organisations, to focus on getting disadvantaged job seekers into real jobs.
- Young Australian jobseekers need training which leads on to jobs, and which provides high quality, nationally recognised and portable qualifications. Such qualifications are the basis for the national skill pool which is the foundation of Australia's industrial future in a global economy of increasing technical sophistication. Reforms to the apprenticeship and traineeship system which, in cooperation with the States and Territories, are aimed at expanding job opportunities for young people through a range of measures, include:
 - new types of apprenticeships and other quality training qualifications for existing and emerging industries;
 - updated and modernised apprenticeships in traditional areas;
 - school-based apprenticeships for young people, especially those not going on to university or full-time technical and further education (TAFE);
 - more multiple-workplace apprenticeships and traineeships;
 - off-the-job training chosen by the enterprise and the trainee;
 - nationally recognised and portable qualifications assurance; and
 - a simple business-led training system.
- In relation to anti-discrimination legislation, draft standards in employment under the Federal *Disability Discrimination Act (1992)* (DDA) are aimed at providing a level of clarity and certainty of obligations under this Act in relation to the employment of people with disabilities - see (f)(v).

(ii) the right to just and favourable conditions of work and to form trade unions

- The *Industrial Relations Act 1988* was substantially revised and amended in 1996. The renamed *Workplace Relations Act 1996* contains provisions which are intended to ensure the maintenance of an effective award safety net of fair and enforceable minimum wages and conditions of employment, whilst also containing provisions intended to ensure that the primary responsibility for determining matters affecting the relationship between employers and employees rests with employers and employees at the workplace or enterprise level.
- The new Act also contains provisions intended to ensure freedom of association, including the rights of employees to join an organisation or association of their choice, or not to join an organisation or association.

(iii) protecting the right to social security

- The Australian Government, through the Social Security portfolio, aims to develop social security policies that meet the needs of the Australian community and through the newly established Commonwealth services delivery agency, Centrelink, deliver entitlements and services with fairness, courtesy and efficiency. The social security system is a vital part of the government's social justice strategy and provides for a uniform and comprehensive income security safety net that complements other welfare provisions described in this report such as health, housing and education.
- All payments and services made or provided by the Department of Social Security (DSS) are non-discriminatory in the broad sense, with entitlement based upon income, assets and residence tests.

General Comments

- The Government is committed to enhancing the social security safety net and looking after the poor and needy by creating a fairer, simpler and better targeted social security system. In particular, initiatives introduced since March 1996 (focusing on families, the retired, carers and the disabled, youth and the unemployed, together with changes to administrative arrangements that will ensure the social security system is simpler and easier to understand) are contributing to the achievement of this goal. An important principle underlying these policies is that individuals facing disadvantage and poverty are best assisted through employment, where appropriate.
- The Government's welfare strategy, therefore, not only includes the provision of a broadly based safety net for those in need, it also provides positive measures which encourage and enhance people's economic and personal independence.
- The following information summarizes the more important changes which have taken place to DSS programs and services since the previous update.

Simplification of Payments and Services

- A priority for the Government has been the simplification of services through the establishment of a new agency to streamline and personalize government services.
- Centrelink, announced in 1996, came into operation in July 1997. The new body delivers a range of services and related benefits and allowances formerly delivered by a number of different agencies operating largely separate systems in different locations. Customers will now be able to access social security benefits, student assistance, child care assistance and some employment services from the one location. The agency will provide easier access to high quality services through a streamlined and more customer focused approach.
- Work on the simplification of basic payment structures and programs that enables income support to be tailored to meet customer needs continues to be a strategic priority for the Department. This involves analyzing the existing payment structures and possible reforms which would simplify the system of income support for people of workforce age, increase equity and make the income support system more flexible in meeting individual needs. An example of this is the Government's decision to replace five income payment types and 13 different rates of payment for youth with a single Youth Allowance to come into effect from 1 July 1998.
- The objectives of simplification are to put in place a system that is fairer, easier to administer, more efficient and is readily understood by both recipients and staff.

Assistance for Younger Australians

- Many young people have been helped to move towards independence by DSS Youth Service Units (YSU's). These were established in areas with concentrations of unemployed and homeless youth.
- An evaluation of this service has found that the YSU's enhanced the provision of DSS services to this customer group. The units have also received support from customers, community agencies and other Government Departments.
- The YSU model has provided a sound platform for developing an effective youth servicing strategy in Centrelink.
- The common Youth Allowance aims to make income support simpler and more flexible for young people moving between education and employment.

Assistance for Homeless People

- Community Service Officers (CSOs) provide Centrelink services to homeless people in familiar environments such as hostels, refuges and drop-in centres. The CSO's have benefited customers who are unable to deal with bureaucratic procedures due to intellectual disability, psychiatric illness, substance abuse or be victims of domestic violence.
- Out-servicing by CSOs has provided community agencies with a reliable and effective means of ensuring that their clients have access to appropriate levels of income support and have reasonable security of that support.
- The Government, under the auspices of the Department of Health and Family Services (DH&FS) is administering a Youth Homelessness Pilot Program to help young people under the age of 18, who are at risk of homelessness, or who have recently become homeless.
- The pilot program aims to re-engage or maintain young homeless people in family, work, education, training and the community, by using the expertise and skills of community sector organisations to test a range of early intervention and family reconciliation models. Pilots are located in inner urban, outer urban, regional, rural and remote areas and some models have been developed specifically for areas where there is a high concentration of young people and families from indigenous and non-English speaking backgrounds.
- Centrelink, along with many other organisations, such as schools, will offer young people who have recently become homeless or are at risk of homelessness, referral to a community sector organisation funded under the pilot program.

Assistance for the Unemployed

- Assistance for the unemployed in 1996 and 1997 has focused on activity testing and compliance, improving customer service and systems development. These initiatives include:
 - unemployed persons who become temporarily incapacitated will remain on, or claim, Newstart Allowance instead of Sickness Allowance; and
 - more flexible lodgement arrangements for those who have to lodge a fortnightly continuation form have been introduced and the reporting frequency may be varied to match a customer's individual circumstances.
- Job Search Allowance and Newstart Allowance were merged in September 1996, due to changes to both allowances over recent years reducing the original distinction between the two payments. The new payment is simply called Newstart Allowance.

- An Employer Contact Unit was established in May 1996 as a point of contact for employers seeking feedback on specific customers and for information requests about, initially, services provided by Centrelink, DSS and the CES.
- Measures to improve and assist customers in their efforts to find work have been introduced including the introduction of a Job Seeker Diary for selected customers to keep a record of their job seeking efforts; ensuring that full employer details are given on their continuation forms; greater use of Employer Contact Certificates and improved information held on Centrelink's computer system.
- There have also been changes to the penalty provisions for breaches of the Social Security Act. In future, an administrative breach will result in a reduction in income rather than a loss of income while activity breaches that reduce a customer's chances of finding employment, such as failing to attend a job interview, failing to complete a labour market program, failing to declare earnings, failing to undertake effective job search activities, refusing a job offer, voluntarily giving up a job without sufficient reason or being dismissed from a job due to misconduct, or similar actions, will result in non-payment for 6 weeks in the first instance.
- Voluntary work rules have also been made less restrictive. Unemployed people are being encouraged to do more volunteer work while receiving unemployment benefit as a means of helping them into paid work.
- Changes to the application of the Parental Income and Assets Tests for customers under 18 years of age have been made that remove the restriction on the minimum fortnightly amount payable.
- Widow Allowance eligibility has been widened to include those who are widowed, divorced or separated after turning 40 years of age and are over 50. Partner Allowance will be extended to partners of AUSTUDY and ABSTUDY recipients.
- The loss of Income provisions have been removed for Sickness Allowance, so that recipients will receive the same rate of payment and means testing as Newstart allowees. There is also greater latitude for the renewal of sickness certificates so that the allowance will no longer be canceled after 52 or 104 weeks.

Assistance for Carers and People with a Disability

- Changes to the National Carer Action Plan to ease the situation of carers and allow more flexibility include increasing the number of hours carers can take for education, training, voluntary work or paid work and increasing the number of days a carer can cease caring without affecting their qualification for Carer Payment.
- A review of the Disability Reform Package (DRP) conducted in 1995 found that demand for rehabilitation and vocational program places had not always been met. As a consequence a number of initiatives were introduced to improve customer service including:
 - more Intensive and Flexible Services pilot to test feasibility of providing pre-vocational assistance to people with severe and multiple disabilities to access vocational training under the DRP;
 - a study of unmet demand for DRP assistance will link information on customers not receiving services with the types and availability of services in the community;
 - the Disability Payments Access and Quality Project will streamline claims and assessment processing.
- The number of specialist staff dedicated to providing case management services for people with disabilities has also been increased and work on the adequacy and targeting of current provisions is also underway.

Assistance for families

Maternity Allowance

- Maternity Allowance, introduced in February 1996, aims to assist families with the costs incurred at the time of the birth of a new baby (including forgone income due to the mother not being able to participate in the paid workforce around the time of the birth).
- The allowance is payable as a non-taxable lump sum to families who meet the residence and means tests for Family Payment. It is also payable in respect of infant adoptions, for each child in a multiple birth and when a baby is stillborn or dies shortly after birth. The rate of payment, which is increased in line with movements in the Consumer Price Index (CPI) in March and September each year, was \$A840.60 when the allowance was introduced and had increased to \$A870.30 by March 1997.

Family Tax Initiative

- Legislation to implement the Family Tax Initiative (FTI) was passed in 1996 and commenced on 1 January 1997. The FTI will help to ensure that families with children, especially single income families, receive fair financial assistance in recognition of the costs involved in raising children. It also recognizes the financial sacrifices made by families with young children which opt to have one parent at home. There are two parts to the FTI:
 - Part A will provide additional assistance to families with children by increasing the tax free threshold of one parent by A\$1,000 for each dependent child up to the age of 16 years and each dependent secondary student up to 18 years. Assistance will be available to families with combined taxable incomes of less than A\$70,000 with one child, with an additional A\$3,000 added to the income threshold for each additional eligible child

Part B will provide further assistance to single income families (including sole parents) with at least one child under five years, by increasing the tax free threshold of one parent by A\$2,500. Assistance will be available to families in which the taxable income of the

'breadwinning' spouse is less than A\$65,000 per annum (with an increase in the threshold of A\$3,000 for each child after the first) and the income of the 'non-working' spouse is less than the income cut-off for the basic Parenting Allowance (currently A\$4,561 per annum).

- The majority of eligible families will be able to access the FTI through the personal income Tax system. To ensure that lower income families receive the benefits of the FTI on a timely basis, families who qualify for the higher rate of Family Payment by virtue of being in a lower income group will be eligible to receive the FTI from the Department of Social Security as a fortnightly cash payment known as the Family Tax Payment.

Family Service Centres

- As part of a package to improve services for families, 14 Family Service Centres were piloted Australia-wide during 1995-96. The Centres are located in areas with high concentrations of young families including in regional offices of Centrelink, shopping complexes, one in a community house and one in a mobile van. A recent evaluation of the pilots shows that the Centres succeeded in their aim of providing information about and access to the full range of assistance for families offered by a number of government agencies reducing confusion about the multitude of payments and services available.

Family Payments Amalgamated

- Basic Family Payment (paid to low and middle income families) and Additional Family Payment (paid to low income families) were amalgamated into a single Family Payment from January 1996. The amount received by families remained the same but the change resulted in simpler arrangements.

Family Payment Income Test

- The income test for Family Payment was modified to make it more responsive to changes in a family's income. Previously the Family Payment rate was recalculated only when a family's current income rose or fell 25 per cent or more. Since January 1996 a family has been able to have their rate of Family Payment reassessed whenever they experience a reduction in income. Where a family has a change in circumstances (for example, one partner returns to work) and their combined family income increases 10 per cent or more, they are required to have their Family Payment reassessed.

Assistance for older Australians

- An important focus is on providing better information and more personalized services to older Australians. The aim is to inform people more comprehensively of the range of options open to them in retirement, to encourage a more pro-active approach to retirement planning in the wider community and to improve understanding of social security arrangements. Some current initiatives include:
 - new and more accessible 'one stop' retirement service centres to inform people better of the pension, tax and investment options available to them; and
 - new free information products for older Australians on the Age Pension on their accommodation choices and options financial planning.
- Other initiatives to maintain the real level of financial assistance to older Australians include:
 - ensuring that the single rate of Age Pension remains at or above 25% of Male Total Average Weekly Earnings and indexing pensions in line with CPI increases. Provision for the maintenance of this benchmark was made in the Forward Estimates of the 1996-97 Budget. Legislation has now been passed giving force to the current practice of using a wages benchmark to maintain the adequacy of pensions, relative to wages in the community;
 - extending deeming on bank accounts to other financial investments which will reduce the extent to which pension payments fluctuate. It will also encourage self provision as investment returns above the deeming rate do not affect the amount of pension paid; and
 - a tax free lump sum bonus for people who have deferred their retirement to be paid when they stop working, the reform of the treatment of income stream products to provide incentives and greater choices for retired people to invest in longer term income streams and continuing work on the simplification of the means test.

Research

- The Australian government has maintained the real value of basic benefits, primarily through indexation but also through targeted increase to a range of payments. The Department of Social Security has been undertaking and commissioning further work on issues of adequacy, poverty and deprivation. The current research involves three major projects, which will provide a range of information on alternative approaches to assessing adequacy:
 - a pilot deprivation survey was conducted to assess the incidence of deprivation among Centrelink clients and to explore the relationship between levels of relative deprivation and other factors, such as payment type, full or part rate benefit, and demographic characteristics;
 - the Budget Standards Project which involves the development of budget standards (priced baskets of goods and services) for a number of household types at two distinct standards of living. This research provides up-to-date Australian data on the cost of living, equivalence ratios, the costs of children, the costs of sole parenthood, the costs of job search, etc, which will be useful in contributing to an understanding of a broad range of policy issues; and
 - the Australian Bureau of Statistics, in partnership with DSS, is carrying out developmental work to test the feasibility of conducting a national survey of living standards. This would provide a better understanding of the relative living standards of different groups by considering both cash and non-cash factors.

- The Community Research Project (CRP), which concluded in mid 1997, examined the potential of community based self-help initiatives, free public access to information technology (IT) and communication services to determine their impact on enhancing the living standards of people on low incomes. Traditional research activities also examined local and international issues in the provision of income support and measures to enhance living standards by government and the community sector.

Information Products

- Significant information and publicity products are made available in key community languages. For example, the publication for age pension recipients, Age Pension News, was produced in 15 community languages and was distributed to 105,000 customers from diverse cultural and linguistic backgrounds. In addition, use of ethnic radio has also increased as a means of conveying more broadly information about social security services and payments.

(iv) the right to health

Unchanged from previous update.

(v) the right to education

School Education

- About 30 percent of all children now attend non-government schools.
- Federal financial assistance is also provided for newly arrived migrant children who require intensive instruction in English as a Second Language (ESL).
- In May 1995, Commonwealth, State and Territory Governments reaffirmed their commitment to the National Aboriginal and Torres Strait Islander Education Policy and pledged themselves to increase their efforts to improve Indigenous education. In particular, Governments set as an objective, that literacy and numeracy outcomes for Indigenous people will be similar to those of non-Indigenous Australians and agreed to review progress towards this objective by the year 2000
- the focus of the National Aboriginal Languages and Literacy Strategy and the National Reconciliation and Schooling Strategy will be continued by incorporating associated financial outlays into the third triennium of funding for the Indigenous Education Strategic Initiatives Program (1997-99).
- A review of the National Policy for the Education of Girls in Australian Schools led to the development of the National Action Plan for the Education of Girls 1993-97. Implementation of this National Action Plan is overseen by the Ministerial Council on Education, Employment and Training (MCEETYA) through its Gender Equity Taskforce
- the MCEETYA Gender Equity Taskforce's report, *Gender Equity: A Framework for Australian Schools*, endorsed by MCEETYA in July 1996, identifies strategic areas of action in school curriculum practices to address better different educational needs of disparate socio-economic sub-groups of boys and girls. The report, which was the main activity of the Taskforce, provides a framework for systems and schools to report on gender equity policies and practices. The report identifies elimination of gender-based harassment and violence as a desirable outcome from curriculum programs, in order to achieve a supportive education environment conducive to respectful equal relationships and predicated on the understanding and acceptance that there are many ways of being male and female. It recommends operational practices in schools to provide girls and boys with opportunities to acquire knowledge and understanding about, and skills to deal with, violence, sex-based harassment (including homophobia), and gender-based power.
- In July 1996 Federal, State and Territory Education Ministers agreed to set the country's first national literacy goal and national literacy and numeracy benchmarks in Years 3, 5 7 and 9. The goal is that every child leaving primary school should be able to read, write, spell and communicate at an appropriate level. The benchmarks will provide a base from which schools can identify and assist children who are not reaching the appropriate level

- Australia's first National School English Literacy Survey in 16 years was conducted in August 1996. The survey is an essential part of the Government's plans to boost the literacy skills of Australian school children. It is expected to provide the most detailed national literacy data to date by drawing on a wide range of findings of literacy achievement and analysing their relationship with student background and educational variables
- in recognition of the central importance of literacy skills for every child new arrangements for the structure and delivery of Commonwealth programs for schools commenced in 1997. This includes the establishment of a broader new Literacy Program which aims to support the acquisition by all students of appropriate literacy skills
- the Government will seek to continue to take steps towards achieving the National Literacy Goal and the development of benchmarks, and to support national initiatives for improved literacy outcomes and reporting on these outcomes.

Post-school Education

- In 1996, the Commonwealth continued to build on initiatives designed to enhance opportunities for people from traditionally disadvantaged groups to participate and succeed in higher education
- the Higher Education Equity Program (HEEP) provides annual funding of over \$5 million on the basis of institutions' equity plans, including performance against targets. The objective of the HEEP is to encourage universities to develop appropriate strategies for improving the access, participation, success and retention of students from groups under-represented in higher education. Institutions are expected to use their equity grants to improve educational outcomes for the following disadvantaged groups:
 - : people with a disability;
 - : people from socio-economically disadvantaged backgrounds;
 - : women in non-traditional areas of study;
 - : people from non-English speaking backgrounds; and
 - : people from rural or isolated areas.
- from 1996, the link between HEEP funding and achievement against targets, as measured by the equity performance indicators, is being progressively strengthened. Emphasis is being placed, not only on the achievement of access and participation targets, but also on the achievement of successful outcomes. Particular attention is also being paid to the integration of equity into institutions' overall planning processes.
- The Regional Disability Liaison Officers (RDLO) initiative, which was established at the end of 1994, continued in 1996. The objective of the RDLO initiative is the coordination of disability services nationally across geographic regions and the higher education and TAFE sectors. Around \$2 million was allocated to the initiative over 1994-96 and the Commonwealth Government decided in August 1996 to extend the RDLO for another year with an allocation of \$750,000.
- in late 1995, the Commonwealth Government commissioned the development of a code of practice in relation to higher education for students with a disability. The aim of the code of practice, is to draw together existing guidelines and information to form a good practice guide for all higher education institutions in the provision of services for students with disabilities.

- Aboriginal and Torres Strait Islander people are another higher education equity target group. Separately identified grants, known as Aboriginal Support Funding, are provided to higher education institutions to meet the special needs of Indigenous students and to advance the goals of the National Aboriginal and Torres Strait Islander Education Policy (NAEP). Aboriginal Support Funding in 1996 totalled about \$21 million, an increase of \$5 million (33 per cent) from 1995
- allocations of support funding to individual institutions take account of targets and outcomes for Indigenous students in access, participation, retention and success, as well as the Indigenous education strategy which each institution is required to develop as part of its commitment to achieving NAEP goals, such as self determination and cultural affirmation. As with the HEEP program, there is an increasing emphasis on the integration of Indigenous education into institutions' overall planning processes
- the \$72 million 1997-99 Indigenous higher education package includes continued funding of the Aboriginal Support Funding program, as well as a range of other initiatives, including the establishment of specialist Higher Education Centres. Five centres have now been set up in the areas of public health; law; education; language, culture and society; and environmental management.
- 4,000 merit-based scholarships are to be provided over four years for disadvantaged students who commence an undergraduate course (i.e. students from the six groups mentioned above). The scholarships provide successful applicants with exemption from the Higher Education Contribution Scheme (HECS).
- The provision of intensive instruction in English as a Second Language for newly migrated students with permanent residency status will continue to be funded.

(vi) the right to a cultural life

Return of Cultural Property to Aboriginal and Torres Strait Islander People

- . The return of Indigenous human remains and secret/sacred objects from major museums is a central element in the maintenance of Australia's Indigenous culture
- the Protection and Return of Cultural Property to Aboriginal and Torres Strait Islander People Program (RCP) was established as part of the previous government's *Distinctly Australian* cultural policy
- the Commonwealth Government is committed to "assist in the return of culturally significant items" in its policy statement on Aboriginal and Torres Strait Islander Affairs. In *Arts For Arts Sake*, the Government states that it "recognises that the preservation of heritage sites and artefacts is a central element in the maintenance of Australia's Indigenous art and culture"
- RCP supports the return of cultural property to Aboriginal and Torres Strait Islander people, giving priority to the immediate return of human remains to their rightful owners.
- . To date the following has been achieved:
 - on 31 August 1997 the head of Yagan was handed over to an Aboriginal delegation by the Liverpool City Council. Yagan led Aboriginal resistance to settlers in the Swan River district near Perth. He was killed by a farm boy in 1833 and his head was severed, smoked and brought back to Britain as a trophy. For some years the Western Australian Aboriginal community had been seeking the exhumation and repatriation of Yagan's skull to Australia. Yagan's head was finally retrieved on 15 August 1997 from its resting place in Everton Cemetery. It arrived back in Australia on 1 September
 - Community Grants Scheme - 44 Aboriginal or Torres Strait Islander communities have been funded to arrange for the return of their cultural property from Australian national or state collecting institutions
 - two National Museums Projects have been developed under the Program. These are:
 - : Skeletal Remains Provenancing Project to identify the 1,000 or so human remains for which origins within Australia have yet to be identified. To date over 200 remains have been identified
 - : Secret/Sacred Database collating the approximately 20,000 sacred or secret objects held in major Australian museums.
 - the museums sector is also committed to fostering the return of cultural property through the Museums Australia policy *Previous Possessions, New Obligations*. A plan is being developed to implement the key elements of the policy by the year 2000.

Indigenous Cultural Heritage Protection

- Indigenous Cultural Heritage Protection is about better management and conservation of significant Indigenous places - including rock art sites - so they can be enjoyed and understood by the public and protected and conserved for the future.
- Indigenous Cultural Heritage Protection involves planning and prevention so that the future of a heritage place can be made secure. Strategies have been developed in coordination with the Australian Heritage Commission, the Australian Institute of Aboriginal and Torres Strait Islander Studies, the Australian Nature Conservation Agency and the Aboriginal and Torres Strait Islander Commission.
- A draft set of guidelines, *Heritage Places, Past, Present and Future* has been developed to ensure that Aboriginal and Torres Strait Islander peoples play a central role in making decisions about these heritage places. The guidelines will also ensure that decisions and actions taken about cultural heritage places, take into account all information sources and consider the cultural significance of the place.

Film and Television Industry

- The Government recognises an ongoing need to invest in the production of Australian film product in order to meet the legitimate cultural needs of Australians in all walks of life. Film and television productions are an integral part of Australian life. At the end of the twentieth century, they have emerged as the most accessible of all cultural activities and a medium through which Australians are able to reach the world
- the Australian film and television industry has received significant and continuing Commonwealth assistance over recent years and will receive more than \$140 million in assistance in 1996-97. The Commonwealth provides this support in order to achieve its cultural objectives and to enrich the cultural life of all Australians.

Arts Policy

- The Government's policy statement, *For Art's Sake*, underlines the Government's commitment to making the arts accessible to all Australians and gives a high priority to the development and promotion of Australian culture and the arts. The Government also seeks to encourage and foster greater participation at all levels of the arts
- the policy states that art "is central to an enlightened and questioning society". It also welcomes the fact that Indigenous artists are receiving just recognition for their creative achievements
- the policy maintains the importance of culture as a central feature of life in Australia. The Government implements the policy through maintaining a wide range of programs of support for cultural activity throughout Australia.

Australian Content

- Successive governments have imposed cultural obligations on broadcasters, either directly in the case of national broadcasters through their charters, or indirectly by regulatory authorities, through the determination of program standards.
- In the case of commercial television, this has been through the determination of standards that relate to Australian content and children's programs. Responsibility for each of these standards is given by the *Broadcasting Services Act 1992* (the Act) to the Australian Broadcasting Authority (ABA).
- Broadcasting services have a distinct and significant cultural importance to the nation. This is explicitly recognised in the objects of the Act, which prescribe outcomes which the

Parliament intends to flow from the regulation of broadcasting. Broadcasting and Australian programming have a vital role to play in the development and maintenance of Australian culture.

- The objects of the Act raise issues of quality, diversity of services, Australian identity, character and cultural diversity.
- Australian broadcasting policy has been based on the rationale of ensuring that Australians see themselves, their lives and society reflected on screen in reasonable amounts, and that this reflection takes account of the pluralistic nature of our society.
- The objects of the Act suggest that the ABA's role in developing standards is primarily a cultural one.
- Australian drama programming has a special status under the Act in terms of predominantly drama Subscription Television Broadcasting (Pay TV) Services.
- The object of the Australian content standard is to promote the role of commercial television in developing and reflecting a sense of Australian identity, character and cultural diversity by supporting the community's continued access to programs produced under Australian creative control.
- All commercial television services in Australia must comply with the Australian Content Standard and the Children's Television Standards.

Children's Television Standards

- The objective of the Children's Television Standards (CTS) is that children should have access to a variety of quality television programs made specifically for them, including Australian drama and non-drama programs.
- The ABA may determine, in relation to programs specifically made for children, a standard that requires approval by the ABA of those programs before such programs can be broadcast. The CTS requires that all programs broadcast by licensees to meet obligatory requirements must be classified by the ABA, in accordance with the criteria set out under CTS 2, prior to broadcast.
- The CTS requires commercial television stations to broadcast minimum annual quotas of children's programs. Those programs which are classified as C programs and C Australian drama programs are made for children in the primary school age range, i.e. under 14 years of age (CTS definition). P programs are those programs made for children in the pre-school age range.
- Government and the various regulatory bodies over the years, including the ABA, have recognised that the commercial television industry has an obligation to serve children. This is based on the concept of providing programming in the public interest, which involves the availability of a diverse range of programming to meet audience needs.
- The regulatory action was in response to the lack of quality age-specific television programs and the need to protect children's interests. Prior to 1979, when the first children's standards were put in place, there was a lack of programs made specifically for children being shown on commercial television.
- Children are recognised as having particular and special needs in relation to television and therefore are entitled to be provided with quality, age-specific and comprehensive programs meeting their special cognitive abilities and experiences and are entitled to have a viewing choice and a diversity of ideas and information to meet their needs.

Research

- Attitudinal research is one of the primary functions of the ABA as specified in s158(g) of the Act: 'to conduct research into community attitudes on issues relating to programming'.
- The ABA has specifically conducted research into children's and teenagers' views and use of television and other technology recognising the importance of including their perspectives about broadcasting issues.
- The ABA's research program into children and television comprised two stages. The first stage was presented in *'Cool' or 'gross': Children's attitudes to violence, kissing and swearing on television* released in 1994. The study looked at the views of 1,602 primary school children aged eight to twelve years in NSW on the subject of what concerns them on television. The second stage looked at what children like to watch on television and why. It was based on group discussions with more than one hundred children aged five to twelve and was presented in the report, *Kids Talk TV 'super wicked' or 'dum'*, released in August 1996. This report provided a voice for children to talk about their viewing habits as well as their attitudes to what appealed to them about certain programs.
- The ABA also released *Families and Electronic Entertainment* in 1996 which examined the attitudes to electronic entertainment in Australian families. This was a national study of 743 households including children and teenagers aged 8 to 18 years. Children and teenagers were asked to fill out diaries about how they used their leisure time with an emphasis on electronic entertainment, where they did these activities and who with. Information about the formal rules and informal routines that parents used to restrict and monitor their television and video viewing and computer/video game play was used to explore their understanding of the reasons behind the rules. Responses from the children and teenagers were matched with those given by parents.
- One of the purposes of broadcasting regulation, as stated in the Act is 'to ensure that providers of broadcasting services place a high priority on the protection of children from exposure to program material which may be harmful to them' (s3(j)). Research into community attitudes to program issues provides information about the way broadcasters are meeting this obligation and also informs the ABA in developing policy in relation to television and other technology for children. Research results are widely disseminated to assist program makers and broadcasters to understand and serve the interests of children and teenagers.
- The ABA is also seeking information about migrant populations in Australia by participating in the last (third) wave of the Longitudinal Survey of Immigrants to Australia. The survey is being conducted by DIMA between July 1997 and June 1999. The ABA developed four questions in the survey for recently arrived migrants about how often they use different media, the types of media used for specific information such as news and information, how often the different television services are watched, and some views about the representation of ethnic groups on Australian commercial television.
- The ABA sees this survey as a unique opportunity to obtain information about media usage and attitudes from approximately 5,000 recently arrived migrants to Australia. It is expected that preliminary results will be available to the ABA in June 1998. The cost of the project to the ABA is \$20,000.

Community broadcasting

- The licensing of community broadcasting services provides significant opportunities for specific cultural expression and the provision of information services. This is particularly the case in the relatively isolated areas of regional and remote Australia. Perhaps the most significant case of community broadcasting as a means of providing services to rural and isolated areas is that of broadcasting services by Indigenous people. These are discussed below.

- The ABA provides access for aspirant community radio groups seeking to develop their radio operating skills and has allowed temporary access to vacant spectrum for radio and television broadcasts to community groups.
- The ABA consults with the peak community broadcasting organisations during licence area planning and on matters of planning policy. For example, for the investigation into the use of spectrum for a sixth television channel, one option considered was that the channel be used for community broadcasting. Therefore, the ABA invited and received submissions from, amongst others, ethnic, religious and community groups.

Codes of Practice

- The Act has among its objectives the role that broadcasters can play in reflecting a sense of Australian identity, character and cultural diversity. To this end, in addition to the Australian Content and Children's Television Standards, the ABA also supervises industry developed codes of practice relating to program content and complaints handling procedures.
- The codes of practice for the commercial television and radio sectors, as well as those developed by the national broadcasters, the Australian Broadcasting Corporation (ABC) and the Special Broadcasting Service (SBS), contain broad anti-vilification provisions. The Community Broadcasting Code of Practice has also been registered with the ABA and aims to encourage programming policies for community broadcasters to break down prejudice and prohibit discriminatory broadcasts.
- The ABA is empowered to investigate complaints involving alleged breaches of the codes of practice. The ABA also conducts regular meetings with each of the industry sectors to ensure compliance with the codes of practice.

Indigenous People

- In addition to broad anti-vilification provisions, the codes of practice for the commercial television and radio sectors, the ABC and SBS contain proscriptions on the broadcast of material which may offend the cultural sensitivities of Aboriginal and Torres Strait Islander peoples. The Community Broadcasting Code of Practice was also registered with the ABA after endorsement by peak Indigenous peoples' organisations.
- The ABA recognises the need to ensure that Aboriginal and Torres Strait Islander communities have equitable access to the provision of broadcasting services as a means of maintaining and developing their unique cultures. To this end, the ABA recognises the continuing need to consult with Aboriginal and Torres Strait Islanders on their broadcasting needs to ensure that they receive the services they desire.
- The ABA liaises with the National Indigenous Media Association of Australia (NIMAA) regarding broadcasting issues. For example, the ABA has facilitated discussions between NIMAA and the Community Broadcasting Association of Australia (CBAA) in relation to the development of community radio codes of practice.
- A number of Indigenous groups have taken up temporary transmissions with the intention of applying for permanent community radio broadcasting licences as they become available. As well, Indigenous groups are often represented in 'broad-purpose' community groups conducting temporary transmissions.
- A significant number of the planned retransmissions of existing broadcasting services (national, commercial and community) are for remote Indigenous communities.
- The Broadcasting for Remote Aboriginal Communities Scheme (BRACS) was established under the *Broadcasting Act 1942* as a series of limited licences in 1988. A total of 83 BRACS services were planned and implemented for use around Australia. They were

designed to provide community broadcasting services to meet the 'cultural, linguistic, educational, recreational or other needs of a remote Aboriginal community'.

- On commencement of the *Broadcasting Services Act 1992*, the BRACS limited licences were preserved under transitional provisions as community broadcasting licences. All former BRACS licences have been renewed for a further five year period to October 2002.
- The ABA is investigating options to make the spectrum currently used by BRACS services accessible in a way that facilitates maximum use of it by Indigenous broadcasters in remote areas of Australia. To this end the ABA is consulting with NIMAA and the Australian Communications Authority about how to do this in a way that maintains the BRACS services and may allow new services to commence, but at the same time minimises the administrative procedures necessary through a proposed class licensing scheme.
- The Indigenous broadcasting sector is one of the community broadcasting sectors consulted by the ABA during licence area planning and on matters of planning policy. Representatives of the technical planning and licence allocation sections of the ABA attended and participated in NIMAA's annual conference.
- A representative of the Planning Branch of the ABA also addressed the 1995-96 conference of the Gulf Local Authorities Development Association Incorporated, which included representatives of a number of Aboriginal and Torres Strait Islander councils from far north Queensland.
- For its attitudinal research program, the ABA ensures that the survey samples include Aboriginal people and Torres Strait Islanders. Specific projects such as *Children and Television* particularly targeted the views of Aboriginal and Torres Strait Islander children in the qualitative (focus groups) stage.
- In investigating the future use of spectrum for a sixth television channel, the ABA consulted with representative bodies such as NIMAA.

(vii) the right to an adequate standard of living with particular reference to housing

- In October 1996 the Human Rights Commissioner released the second in a series of "Occasional Papers". Occasional Paper No.2 discussed the issue of "Housing as a Human Right".
- Most Australian residents are able to obtain housing of an appropriate standard within their means. However, people who are economically or socially disadvantaged may be less likely to obtain affordable, secure and appropriate housing. They may also be more likely to suffer discrimination in their efforts to obtain adequate housing and may be at a greater risk of homelessness.
- The inability to obtain adequate and appropriate housing can have adverse effects on health and quality of life and reduces the prospects of obtaining employment and other opportunities that would ordinarily arise for people during their lifetimes.
- The Australian Government considers that the provision of housing assistance by the Commonwealth, State and Territory Governments to people requiring access to affordable and appropriate housing is essential to reduce poverty, its effects on individuals and on the community as a whole.
- The Australian Government intends that housing assistance will:
 - be directed towards people who are on low incomes or who otherwise meet barriers in obtaining the housing they need;
 - be provided in ways that reflect client needs and aspirations, and
 - offer a choice, as far as possible, between different forms of assistance, including different providers, housing types and locations.
- The Australian Commonwealth, State and Territory Governments have recently assessed options for reform of the major programs of housing assistance, including a proposal for the Commonwealth to take responsibility for providing cash subsidies for private and public tenants, and for the States to take responsibility for managing and funding public housing at market rents. Commonwealth capital funding for public housing would have ceased under this model.
- However, an alternative approach, initially focusing on reform to public housing, was subsequently agreed upon. Following this approach, the States are currently developing options for improving the efficiency and effectiveness of public housing through better targeting of assistance, and reforming rent setting, tenure and management of waiting lists. The principles for the long term future of housing assistance are to be developed in 1998.

Rent Assistance

- Rent Assistance provides financial assistance to private renters who are DSS customers. There have been substantial increases in recent years in the number of Rent Assistance recipients and in the rate of payment as the Rent Assistance payment moved from a minor supplementary pension payment to a broader housing assistance payment for DSS customers.

Commonwealth-State Housing Agreement

- The Commonwealth currently provides funding on an annual basis to the States and Territories for the provision of housing assistance through the CSHA. The States are required to provide funds from their own resources and through their State Housing

Authorities, are responsible for administering and implementing all housing programs under the CSHA in line with agreed objectives.

- . The bulk of funding is provided as base funding for the acquisition, upgrading or redevelopment of public housing. Under a new CSHA applying for up to three years from 1 July 1996, previous tied grants for the Pensioner Rental Housing Program, the Mortgage and Rent Assistance Program, and the Community Housing Program have been broadbanded into the CSHA base funding. Tied grants will continue to be provided for the Aboriginal Rental Housing Program (ARHP) and the Crisis Accommodation Program (CAP).
- . The CAP provides capital funding for the provision of accommodation for people who are homeless and in crisis, and women and children escaping domestic violence. The program is administered on a day-to-day basis by State housing departments with funding being directed to community non-profit organisations
- CAP funds are used for the purchase, construction, renovation or leasing of accommodation for services for people who are homeless. A range of accommodation types are funded from high security refuges, to group homes and single unit flats and townhouses. The focus of the program is to fund accommodation that best meet the needs of the clients and that provides an environment that will assist them move towards independence. Services funded under the Supported Accommodation Assistance Program receive the bulk of CAP funding.
- . A major source of government assistance for Indigenous housing is the ARHP under which funding is provided annually to State and Territory Governments to provide rental housing for Indigenous people. Housing provided under the Program is additional to general public housing which Indigenous people are also entitled to access.
- . The National Community Housing Forum brings together for the first time Commonwealth, State and Territory Government, Local Government and community and welfare sector stakeholders to develop a coordinated and strategic approach to community housing nationally
- a number of projects have been initiated which will deliver a range of outcomes including a national training strategy for the sector, a scholarship program offering people working in the sector the opportunity to undertake specialised tertiary training, a national accreditation system project, and pilot projects identifying a range of financial models for provision of community housing.

(f) Indicate legislation or administrative acts Australia has imposed or adopted which would advance human rights observance, for example by:

(i) protecting the rights of Indigenous peoples

Native title

- . In December 1993, the *Native Title Act 1993* (the Act) was passed by both Houses of Parliament. The legislation has four key aspects:
 - recognition and protection of native title;
 - provision for the validation of past acts, including grants of interests in land and in the making of legislation, which otherwise might have been invalid because of the existence of native title
- : the Act provides for validation of past (invalid) Commonwealth acts and also enables States and Territories to validate their past (invalid) acts on the same terms; all have done so. Past acts which may be validated include the making of legislation, the grant of a licence or permit, the creation of any interest in land or water and the exercise of judicial power;
- the establishment of a just and practical regime governing future acts affecting native title;
- a special tribunal and court processes for determining claims to native title and for negotiation and decisions on proposed grants over native title.
- . The Government is committed to ensuring that the Act is workable and produces desirable outcomes for industry, Indigenous people and government. In May 1996, the Commonwealth Government tabled amendments to the Act in Parliament. In October 1996, further amendments to the Act were circulated for discussion.
- . In December 1996, the High Court handed down its decision in the *Wik* case. In summary, the Court held that the grant of a pastoral lease did not necessarily extinguish native title.
- . The Australian Government responded to the High Court's decision by the formulation of a 10-point plan. The Government believes that this framework provides a fair and practical way of addressing the legitimate rights of native title holders and the interests of other land users. The plan respects the principles of native title while meeting legitimate concerns of pastoralists for certainty
 - under the 10-point plan the Native Title Act 1993 will confirm that native title has been extinguished on leases where exclusive possession was conferred or must have been the intention when the lease was granted. This reflects the common law as declared by the High Court of Australia.
 - for Indigenous people, the 10-point plan means the preservation of the possibility of co-existing native title over Australia's rangelands which comprise over 40 per cent of Australia's land area. On pastoral lease land, native title holders will have the same procedural rights as others with interests in that land in relation to development. Registered native title claimants will also be able to continue any existing access to pastoral land.
- . The *Native Title Amendment Bill 1997* has been introduced into the Commonwealth Parliament. The amendments combine the changes introduced in 1996 and the Government's response to the *Wik* decision.

- The Government has consulted with ATSIC, Native Title Representative Bodies and other peak Indigenous organisations concerning aspects of the proposed amendments.

National Native Title Tribunal (NNTT)

- The NNTT commenced operation on 1 January 1994. The Tribunal has the power to determine uncontested native title and compensation claims, and to handle other issues, including assisting negotiations and making decisions on proposed grants under the right to negotiate provisions. The operation of the NNTT has been affected by a number of court decisions which have affected the way that it receives and assesses native title applications. An unintended consequence of the decisions has been to encourage ambit and ill-prepared claims. Both Indigenous representatives and governments agree that changes to the Act are necessary to streamline application processes. The amendments to the Act encompass these changes. By August 1997, the NNTT had received more than 500 applications, of which more than 400 are claimant (Indigenous) applications.
- The Act provides for representative Aboriginal and Torres Strait Islander bodies to assist Aboriginals and Torres Strait Islanders in making native title and compensation claims. The proposed amendments to the Act also include the establishment of a framework for the recognition and improved operation of representative bodies. Under this new regime, a representative body will have to satisfy criteria covering its satisfactory representation of, and accountability to, its Indigenous constituents, and the fairness with which its structures and processes operate. There are currently twenty-five representative bodies.
- The Aboriginal and Torres Strait Islander Commission (ATSIC) was provided with additional funding by the Federal Government for representative Aboriginal and Torres Strait Islander bodies following a review of their operations. These additional funds, available from 1995-96 to 1997-98, will enable representative bodies to service better the needs of native title claimants.
- The Act provides for prescribed bodies corporate to hold native title in trust, or to act as agencies for common law holders.

Land Fund and Indigenous Land Corporation

- The first step of the previous government's response to the High Court of Australia's recognition of the existence of native title was the passage of the Act to provide a framework for the recognition of native title. The second step was the *Land Fund and Indigenous Land Corporation (ATSIC Amendment) Act 1995* (the 1995 Act) which set up funding for an independent body to purchase land for Indigenous people.
- In recognition of the fact that native title has generally been extinguished by past acts of government, the 1995 Act established secure funding to build up a capital base for the Land Fund by allocating \$1.289 billion over ten years, indexed to 1994-95 dollar values. The 1995 Act also established the Indigenous Land Corporation, an independent body to administer the expenditure of funds drawn down from the Land Fund (approximately \$45 million per year for the first ten years and the income generated by the Land Fund's capital base after that).
- The Indigenous Land Corporation's purpose, set out in the legislation, is to assist Aboriginal and Torres Strait Islander people to acquire land and to manage Indigenous-held land, so as to provide economic, environmental, social or cultural benefits. The Corporation has developed national and regional Indigenous land strategies (required by the legislation) and has commenced land acquisition.

Separation of children

- In August 1995 the Human Rights and Equal Opportunity Commission (HREOC) was

and cost in the order of \$1.5 million. The report was around 700 pages in length and contained 54 wide-ranging recommendations. The report dealt with the separation of Indigenous children from their families as a result of the practices of past generations.

- On 16 December 1997 the government announced its practical and realistic response to the "Bringing Them Home" report. The measures announced were designed to assist family renewals, which the report identified as the most urgent and significant need of separated families. Measures taken by the government include:
 - \$2 million for Australian Archives to index, copy and preserve thousands of files so that they are more readily accessible
 - \$11.25 million to establish a national network of family link-up services to assist individuals seeking information regarding family members
 - \$16 million for 50 new counsellor positions to assist those affected by past policies and for those going through the reunion process
 - \$17 million to expand the network of regional centres for emotional and social well-being, giving counsellors professional support and assistance
 - close to \$6 million for further development of Indigenous family support and parenting programmes
 - in recognition of the importance of Indigenous people and others telling their stories of family separation, \$1.6 million to the National Library for an oral history project, and
 - ATSIIC will also provide \$9 million in increased funding to its culture and language maintenance programs.

Royal Commission into Aboriginal Deaths in Custody

- The final Report of the Royal Commission into Aboriginal Deaths in Custody was tabled in the Federal Parliament in 1991 and focused on the ninety-nine (99) Aboriginal and Torres Strait Islander deaths in custody which occurred throughout Australia during the period 1 January 1980 to 31 May 1989.
- Government support for 338 of the 339 recommendations contained in the Report of the Royal Commission resulted in a commitment by the Commonwealth of over \$400 million to programs and new initiatives aimed at implementing the recommendations. Funding of programs was for a five year period ending in the financial year 1996-97.
- Commonwealth Annual Reports on the Implementation of the Recommendations of the Royal Commission into Aboriginal Deaths in Custody have been tabled in Parliament each year since the first report of 1992-93. State and Territory governments report separately on the implementation of recommendations for which they have responsibility.
- ATSIIC continues to have a lead role in coordinating these annual reports. Several other reports have also been commissioned by ATSIIC which have focused on the implementation of recommendations of the Royal Commission including specific issues relating to the criminal justice and coronial systems.
- A significant report in terms of monitoring the implementation of Royal Commission recommendations was launched in 1996 by HREOC's Aboriginal and Torres Strait Islander Social Justice Commissioner. The Report examined the implementation of recommendations and the incidence of deaths of Indigenous people in custody since the Royal Commission ceased its investigations. The report *Indigenous Deaths in Custody 1989-96* was funded by ATSIIC.

- To address the escalating figures and the increased incarceration rates of Indigenous people, the Federal Government convened a national Indigenous Summit into Deaths in Custody in February 1997. The Summit was attended by approximately 100 participants from peak organisations as well as community members. Recommendations on juvenile justice, police, custodial care and coronial issues and diversionary strategies were agreed to.
- The Indigenous Summit was followed by a Ministerial Summit in July of the same year. A total of 20 ministers attended with representatives from each State and Territory. The main outcome of the Summit was that States and Territories (except the Northern Territory) agreed to develop strategic plans for the coordination, funding and delivery of Indigenous programs and services by the Commonwealth, State and Territory Governments. The focus of these plans will address underlying social, economic and cultural issues; justice issues; customary law; law reform; and funding levels. The Outcomes Statement also foreshadowed the development of multilateral agreements between Indigenous people and Governments focusing on the same areas.

Health

- Since the transfer of the Health and Substance Abuse program to DHFS on 1 July 1995, ATSIC has been focusing on developing bilateral agreements with State/Territory governments in partnership with DHFS. This emphasises the advocacy and monitoring role in health, which ATSIC assumed on the transfer of program responsibility.
- An evaluation of the first five years of the National Aboriginal Health Strategy (NAHS) commenced in June 1994 and a report was given to the Minister in December 1994. Findings of the evaluation were that NAHS was never effectively implemented, it was grossly underfunded in rural and remote areas by all governments, that local community involvement and participation is critical to improving the quality of life, and health providers need to focus on outcomes and health gains rather than process of health care organisations and financing.
- In 1996-97 the Commonwealth committed \$450 million over four years (compared with \$353 million) over the previous four years) to go towards public health infrastructure such as sanitation, housing and public utilities, as well as support for community health services
- in the 1996-97 Budget the Commonwealth announced the allocation of \$24 million over four years for the establishment of 35 new or expanded health services, with priority being given to rural and remote communities.
- The Commonwealth has also negotiated Aboriginal Health Agreements with each state and territory (Northern Territory and Tasmania yet to sign) committing the parties to co-ordinated and co-operative planning and regular reporting on indigenous health spending. As well as the states and territories, ATSIC, DHFS and community health organisations and all party to the agreements.

Protection and Return of cultural and intellectual property

- The terms "cultural property" and "intellectual property" are closely interconnected components of Indigenous cultural heritage.
- The issue of "cultural property" has primarily been concerned with the need to return to communities, cultural objects such as artifactual material, secret sacred materials and human remains currently held in museums and other collecting institutions in Australia and overseas.
- In October 1994 the Government released an Issues Paper called *Stopping the Rip-Offs: Cultural Property and Intellectual Property*.

Paper discussed the effectiveness of the *Copyright Act* and other intellectual property legislation for the protection of Indigenous peoples' "arts and cultural expressions"

- an IDC was established, convened by the Department of Communications and the Arts, to evaluate submissions, and make recommendations to the Government for further action
- in early 1996 ATSIC established an Indigenous Reference Group which will manage community consultations, provide advice, and report to the ATSIC Board of Commissioners on the outcomes of these consultations
- in June 1996 ATSIC established a consultancy, through the Australian Institute of Aboriginal and Torres Strait Islander Studies (AIATSIS) to continue the consultations. A discussion paper has been disseminated as the basis for consultations with the Indigenous Reference Group and Indigenous communities
- a final report will be submitted to ATSIC.
- The Government is also committed to implementing a legislative scheme which properly recognises the moral rights of authors and artists to protect the integrity and attribution of their works. Moral rights are expected to be of particular importance to Indigenous creators
- legislative provisions for the introduction of moral rights were contained in the *Copyright Amendment Bill 1997*, which was passed by the House of Representatives in June 1997. The Bill has recently been examined by a Senate Committee, which tabled its report on possible amendments on 27 October 1997. The Government is preparing its response to that report.

(ii) protecting the rights of women

- An objective of the Australian National Training Authority (ANTA) Agreement, signed by Heads of Government in 1992, is to promote increased opportunities and improved employment outcomes for disadvantaged groups, including women. A range of strategic initiatives for women is funded to address this objective.
- In 1996, the National Women's Vocational Education and Training Strategy was endorsed by State, Territory and Commonwealth Ministers for Education, Employment, Training and Youth Affairs. The Strategy sets a national direction for governments, industry and providers of vocational education and training (VET) to ensure that the needs of women are consistently addressed as a priority in policy making, planning, resourcing, implementing and monitoring vocational education and training.
- As part of the Employer Incentive Programme, the Commonwealth provides funds to employers who recruit female apprentices and trainees into non-traditional trades. The new apprenticeship and traineeship reforms also contain a range of initiatives that are expected to improve women's participation in entry level training.

Violence Against Women

- The Commonwealth works co-operatively with the State and Territory Governments to address the issue of violence against women through legislation, policy and program delivery. On 7 November 1997, the Prime Minister convened a National Domestic Violence Summit bringing together the Commonwealth and the States and Territories in a joint approach to find new ways of preventing domestic violence across Australia. The process began with a National Forum for Commonwealth and State/Territory experts, NGOs, police, legal practitioners and academics, in Canberra in September 1996.

(iii) protecting the rights of children

- Considerable co-operative Commonwealth, State and Territory effort has been expended over the last year resolving issues relating to the protection of the rights of children, including:
 - removing barriers to cross-State border child protection orders through the introduction of legislation relating to the transfer of child protection proceedings and orders; and
 - information-sharing across jurisdictions related to criminal record and departmental record checks being undertaken for the purpose of safety screening of persons working in paid or voluntary capacities with children.
- The Commonwealth Budget provided \$4.3 million over the years 1996-97 and 1997-98 for child abuse protection initiatives focusing on parenting education. The key elements in the Commonwealth's parenting education strategy are:
 - funding towards the National Association for the Prevention of Child Abuse and Neglect's community education campaign;
 - piloting a network of "Good Beginnings" home visiting projects focusing on child abuse prevention and parenting education;
 - grants for best practice parenting education initiatives drawing on advice from the State and Territory Governments;
 - research in the field of child abuse prevention and parenting education; and
 - support for the National Child Protection Clearing House which provides relevant information services and a network of people committed to providing better opportunities for children through child abuse prevention.
- Income support for young Indigenous people over school leaving age who are homeless or at risk is provided by the Student Homeless Rate of ABSTUDY.
- The Job Placement, Employment and Training Programme (JPET) will facilitate education and employment for homeless young people.
- DSS has developed protocols with State governments on arrangements for referral of homeless young people to ensure more effective access to support services provided by the States.
- The Commonwealth Attorney-General has requested the Australian Law Reform Commission and HREOC to conduct an inquiry into children and the legal process.
 - the inquiry looked closely at the CROC and identified the issues and problems facing children and young people throughout Australia. Consideration was given to how these issues may be better addressed by Australian law and the legal system made more responsive and sensitive to the needs of children and young people
 - the inquiry was a broad one, covering many areas relevant to children's interaction with the legal system. Issues which fell within the scope of the inquiry included the following
 - : legal representation of children in courts and tribunals
 - : advocacy of the rights of children
 - : the appropriate rules of evidence for children

- : children as witnesses and as victims of crime
- : young offenders and their dealings with the juvenile justice system
- : children in care and protection
- : children's involvement in Family Court matters
- : children as consumers of government services.
- particular attention was given to young people who are disadvantaged or who have special needs including Indigenous children, children with disabilities, children from economically or socially disadvantaged families and gay and lesbian young people.
- as part of the inquiry, an Issues Paper titled *Speaking for Ourselves: Children and the Legal Process* was released in March 1996. The paper canvassed a wide range of issues relevant to children and the legal system. A large number of submissions have been received in response to the Issues Paper.
- the inquiry involved an extensive program of national consultations. During 1996 the inquiry team visited metropolitan and regional centres in every State and Territory in Australia, holding public hearings, seminars of legal practitioners and focus groups of young people. Special emphasis has been placed on seeking the views of young people. With this in mind, a reference group of young people has been appointed to advise the inquiry. In addition, a survey was circulated in a large number of schools and youth detention centres throughout Australia.
- the final report and recommendations of the inquiry were launched on 4 December 1997.
- The Parliamentary Treaties Committee is conducting an inquiry into the CROC, focussing on the question of domestic implementation of the CROC . The Committee held its first public hearing in Canberra on 28 April 1997 and has held twelve days of public hearings in all Australian capitals. The inquiry has elicited great public interest, as evidenced by the large number of submissions (over 520) and enquiries which the Committee had received. Committee Chairman Bill Taylor MP attended the consideration in Geneva in September of Australia's first report under the CROC. The Committee is expected to report early in 1998.

(iv) protecting the rights of minorities

- A law against offensive behaviour based on racial hatred was added to the Racial Discrimination Act on 13 October 1995 by the *Racial Hatred Act (1995)*. HREOC received 112 complaints under this ground in the period to 30 October 1996. A national Public Information and Education Campaign is being conducted to inform people about the rights and responsibilities under the Act.
- On the occasion of the twentieth anniversary of the Racial Discrimination Act in 1995 the Race Discrimination Commissioner commenced a comprehensive review of the Act to create a more effective and accessible means of challenging racial discrimination in Australia. The areas addressed by the review include systemic discrimination, collective rights, special measures, cultural appropriateness of the current legislative regime, effective remedies and enforcement, the conciliation framework and the means by which to enhance effective dispute resolution. A report on the review will be presented to government in 1998.

Anti-Racism Campaign

- The Commonwealth Government announced its commitment to an anti-racism campaign. The campaign's primary goal is the promotion of basic values and common goals that unite Australian society and flowing from that, to make clear that racism and racial hatred have no place in Australian society. The emphasis of the campaign will be on the benefits for all Australians in valuing the contribution of all individuals and groups in rejecting the divisive effects of intolerance. The campaign will consist of two interlinked streams of activity: public awareness and community education.

Charter of Public Service in a Culturally Diverse Society

- The access and equity strategy, introduced in 1985, has been developed by the Government in terms of a Charter of Public Service in a Culturally Diverse Society, aimed at ensuring government services meet the particular needs of users from different cultural and linguistic backgrounds.
- The Charter, still to be endorsed by the Government, is a statement of seven best practice principles central to the quality of government service design, delivery, monitoring, evaluation and reporting. The principles are: access, equity, communication, responsiveness, effectiveness, efficiency and accountability.
- The first four principles are about ensuring that people from diverse linguistic and cultural backgrounds face no barriers in getting government services, are treated fairly, are given clear information about their entitlements and obligations and are assisted in ways which meet their particular needs.
- The remaining three principles are about ensuring that service providers get results for people, assist them in a timely way and report appropriately on the outcomes achieved.
- Attached to the Charter will be a set of practical strategies intended to provide best practice guidance on implementation, monitoring and reporting.
- In 1997 the Federal Government supported, through the joint Commonwealth, State and Territory funded National Youth Affairs Research Scheme, the commissioning of research on the identification of strategies to assist refugee young people in their transition to independence.

(v) protecting the rights of people with a disability

- The Government is committed to providing people with disabilities and their families greater independence and a wider array of choices in their lives. In the 1996-97 Federal Budget, as part of its commitment to people with disabilities, the Government announced additional places in specialist disability employment services, the facilitation of greater access and choice in hearing services, and the development of a more competitive and efficient rehabilitation service.
- The National Disability Advisory Council was established in 1996 to strengthen the links between Government and the disability field and to work with the Minister for Family Services to improve the lives of people with disabilities. The Council includes people with personal experience of disability, people with experience as carers and service providers.
- The Commonwealth/State Disability Agreement, which represents an effort on the part of all governments to develop a coordinated, rationalised and integrated approach to disability services in Australia, was reviewed in 1996. As part of the review, a number of supporting studies were conducted on, *inter alia*, the following issues:
 - the implementation of the Agreement;
 - demand for services provided under the Agreement;
 - linkages between the services provided to people with disabilities;
 - the cost of disability services;
 - the provision of equipment for people with disabilities; and
 - consultation on issues for consumers, carers and service providers.
- The Commonwealth Disability Strategy, which was adopted in November 1994, is a ten year plan of action for Commonwealth departments and agencies to remove barriers in Commonwealth policies, programs and services for people with disabilities. It was developed in response to the UN Standard Rules on the Equalisation of People with Disabilities and the *Disability Discrimination Act 1992* (DDA).
- In 1996 a series of information guides and a staff training kit were developed as part of the Strategy to assist Commonwealth departments to make their services inclusive of people with disabilities. In addition the Office of Disability in the Department of Health and Family Services provided support and assistance to other areas of the Commonwealth public service in preparing Disability Action Plans prepared under the DDA.
- The DDA provides for the making of standards in the areas of employment, education, public transport and administration of Federal laws and programs. Work is under way on developing standards for at least some aspects of each of these areas. Draft standards have been prepared and are being considered in the areas of transport and employment. A joint Federal and State Taskforce is considering the feasibility and desirability of standards in education. Accommodation is initially being considered in the context of a review of the Building Code of Australia, while a working party is considering standards for Federal government information and communication.
- An objective of the Commonwealth-State agreement on the national vocational education and training system is to promote increased opportunities and improved outcomes for disadvantaged groups, including people with disabilities, to enhance their employment outcomes.

- The Commonwealth also provides incentive payments and subsidies to employers who employ apprentices or trainees with a disability and assistance for workplace modifications and tutorials.
- The Commonwealth Government's apprenticeship and traineeship Access Programme focuses on young people 15 years and over who are disadvantaged in the labour market and need preliminary training before they can successfully participate in an apprenticeship or traineeship. This programme includes assistance to people with disabilities.

(vi) protecting the rights of people with HIV/AIDS

- The Third National HIV/AIDS Strategy, 'Partnerships in Practice' 1996-97 to 1998-99, was released in December 1996. This Strategy maintains and reinforces the vital elements of previous strategies and adopts the principal recommendations put forward in the evaluation of the Second National HIV/AIDS Strategy 1993-96, known as the *Feachem Report*. The Strategy also recognises and strengthens the links with measures addressing other related diseases such as Hepatitis C and sexually transmitted diseases.
- Adding to the recommendations of the *Feachem Report*, the Third Strategy recognises that in order to maximise Australia's success in combating HIV/AIDS and related diseases and their effects, policies on matters such as law reform, employment, income security, housing, education, immigration, insurance and superannuation, and international assistance must be developed and implemented by and in association with all the relevant and responsible authorities at every level of government and the community.
- The importance of a supportive legal environment to the success of the National HIV/AIDS Strategy is well recognised. During the life of this Strategy the following objective will guide law reform:
 - the Commonwealth and the States and Territories should regularly assess policies and legislation to ensure that impediments to the prevention of HIV/AIDS and related communicable diseases continue to be reviewed and removed and that discrimination connected with HIV/AIDS and related communicable diseases is effectively combated.
- A suitable coordination, implementation and planning forum will be determined early in the period of the National HIV/AIDS Strategy to consider:
 - a process to determine short- and medium-term objectives for legal reform;
 - a process to facilitate implementation of the Legal Working Party's recommendations; and
 - a process to review and reform existing public health legislation to enable it to be responsive to the challenges presented by HIV/AIDS and related communicable diseases.
- Australia hosted an HIV/AIDS strategic planning meeting in Bangkok in December 1997. The outcome was a draft strategy for HIV/AIDS prevention and care activities in the Mekong sub-region for discussion with donors, national governments, multilateral agencies and non-government organisations. The strategy provides a three-year platform for action and coalition-building in the region. Approaches will be made to recipient governments and donors to engage their interest in and support for the strategy and its follow-up action program.

(vii) protecting the rights of the mentally ill

- People with mental illness fall within the definition of people with disabilities under the DDA and will therefore be covered by the proposed standards being considered under the DDA - see (f)(v).
- The Commonwealth Government has identified two high priority areas for specific attention. These are Aboriginal and Torres Strait Islander emotional and social wellbeing (mental health) and youth suicide:
 - a \$20 million Action Plan on Aboriginal and Torres Strait Islander Emotional and Social Well-Being responds to the high and unmet need for mental health care in Indigenous communities. In particular, it concentrates on trauma and grief counselling, training initiatives, the development of culturally based mental health services, a youth suicide program, improved links with mainstream services and research into Indigenous social and emotional health
 - the Government committed \$18 million in the 1996-97 Budget to establish a National Youth Suicide Strategy, which will support a range of activities including rural and regional youth counselling services, enhanced phone support programs, programs aimed at parents, additional education and training for professionals, specific research into childhood mental health, and the development in collaboration with the media of a media strategy to promote better practice in the portrayal and reporting of youth suicide. Reducing youth suicide is an important initiative for the Government and requires the support and understanding of the entire Australian community
- these funds are in addition to the \$13 million allocated to the *Here for Life* program which aims to establish best practice in the identification and treatment of suicide and to overcome obstacles to ensure that the interventions that work best are incorporated into the regular activities of health, education, welfare and other agencies.
- The *Here for Life* program and the National Youth Suicide Strategy have now been combined into the National Youth Suicide Prevention Strategy.
- All States and Territories have, or are in the process of, amending their mental health legislation to reflect better Australia's obligations under UN Principles for the Protection of Persons with Mental Illness and the Improvement of Mental Health Care. A commitment to do so was given by Australian Health Ministers in 1992.
- At a national level, model mental health legislation has been developed under the auspices of the Australian Health Ministers Advisory Council National Mental Health Working Group to assist States and Territories achieve the goal of developing consistent mental health legislation.
- The report accompanying the model legislation identified transfer of patients across borders as a particularly problematic area. In 1996, Australian Health Ministers endorsed cross border principles designed to guide the development of complementary legislation in each jurisdiction to ensure that all Australians have access to care across borders. In particular, these principles work to improve consumers' access to care, consider their best interests and ensure clinicians can transfer medical records.
- Most recently, the Australian Health Ministers Advisory Council National Mental Health Working Group has commissioned the development of a Rights Analysis Instrument. The Instrument will be used to evaluate the extent to which current State and Territory mental health legislation complies with UN principles and to assess the likely impact of proposed new legislation or amendments on the human rights of people with mental illness.
- Commonwealth and State/Territory governments have progressed a number of national

- casemix classification systems across the full pathway of care from in-patient to community care;
 - nationally consistent information and data systems;
 - improved community awareness about mental illness and more positive community attitudes to mental illness and people affected by it;
 - national service standards and individual consumer outcome measures;
 - innovative and enhanced services for special needs groups including Indigenous people, those from non-English speaking backgrounds and rural/remote communities; and
 - nationally consistent mental health legislation.
- By the end of these reforms, it is expected that national projects will also have:
- addressed the improved use of the mental health workforce;
 - established the prevalence of mental illness, the disability associated with it and service utilisation of those affected;
 - identified and promoted the uptake of the best practice in early intervention for children and young people;
 - established a framework for improved mental health promotion and primary prevention in the future; and
 - supported the establishment of a national peak body of mental health consumers, carers, non-government service providers and clinical professionals.

(viii) protecting the rights of the elderly

- . The Commonwealth Government and industry, including consumers, are developing a new quality assurance system based on accreditation to be introduced to the residential aged care sector from 1 January 1998. It will recognise quality residential aged care and promote its improvement; encourage a shared responsibility for ensuring quality among providers, consumers and Government; and enable decisive action against facilities which are clearly substandard and whose operators have themselves taken no action to achieve a sustained improvement in the situation.
- . New legislation incorporates a Charter of Residents' Rights and Responsibilities, and providers who receive government subsidies for the provision of residential care for the elderly will be required to offer all residents an agreement outlining levels of service and conditions of care.
- . The Aged Care Strategy for Aboriginal and Torres Strait Islander People was introduced in 1994 to improve the flexibility and viability of services for Indigenous people.
 - there are two main components of the Strategy:
 - : reviewing existing services in consultation with service providers and local Indigenous communities to determine the appropriate mix of services
 - : establishing pilot projects in rural and remote areas and an increasing emphasis on the training of carers working with frail older Indigenous people. Forty-three existing and approved-in-principle services have been reviewed. Of these, forty one services have been reconfigured to a mix of residential and community care places either under standard funding arrangements or converted to the flexible funding model. Two services are operating as Pilots. Ten pilot projects have also been approved. A number of these are either fully operational or providing some community based services until fully established.
- . The Commonwealth Government funds the recurrent operations of over 190 residential aged care facilities run by ethnic community organisations to meet the care needs of frail older people from diverse cultural and linguistic backgrounds. As well, over 1000 community aged care packages, which provide residential level of care in the home are provided to ethnic community organisations. This is in addition to the support that is given to the aged care sector generally to meet the care needs of ethnic older people. In this sector, the needs of 11% of people from diverse cultural and linguistic backgrounds are met through nursing home residential type care, 8% through hostel residential type care and 19% through community aged care packages
 - in addition, the Ethnic Aged Care Framework has been established to guide initiatives and policy development in the care of frail older people from diverse cultural and linguistic backgrounds. Within this Framework the Government will fund project activities that relate to the following four areas in 1997-98:
 - : training, information and resource development
 - : the promotion of best practice
 - : improving choice and access to services
 - : promoting culturally sensitive assessment of frail older persons. One of these activities is the Partners in Culturally Appropriate Care (PICC) Grants. The PICC Grants respond to the recognition that the provision of high quality care rests on the participation of ethnic communities and the aged care industry in planning and delivery of services. Grant recipient organisations in the States will work collaboratively with providers, ethnic

communities and government to ensure that the special needs of older people from diverse cultural and linguistic backgrounds are identified and addressed.

- Advocacy services are available in each State/Territory to promote and protect the rights of older people living in residential aged care facilities.
- Complaints units are available to handle complaints from residents in Aged care facilities, their relatives or other interested parties. Complaints mechanisms are being improved to ensure a focus on resolution, and independent Committees will be established to oversight the operations of Complaints Units.
- The Community Visitors Scheme has been established nationally to provide visitors for frail, isolated residents in aged care facilities. This Commonwealth funded volunteer program encourages the development of friendships between volunteers and residents - many of whom have not had a regular visitor for extensive periods.
- The Multi-Purpose Services (MPS) program is a joint Commonwealth and State Government initiative which aims to improve the provision of aged and health care services in small rural and remote areas.
 - to date, twenty-six MPS sites have been approved, twenty-one of which are operational. Multi-Purpose services provide a flexible, co-ordinated and cost-effective framework for the delivery of services outside the conventional existing program structures. In general the services are targeted to sites in small rural and remote communities with a population of around 2,000 people
 - funds from the Commonwealth Aged Care Program and State and Territory health and community services programs are pooled to provide a range of services to local communities. There is local input as to service expenditure priorities which depend on the needs of individual people needing care. These care needs range from acute care, residential and day care to community care.
- In recognition of the special needs of people living in rural and remote areas the Commonwealth provides financial assistance through the Multi-Purpose Centre (MPC) program for the provision of health and community based services from a single base. MPCs provide a range of services including acute hospital, nursing and hostel care and services to people who are able to live with support in the community. Operating a number of services from one location enables fixed overhead costs and scarce skills to be shared. Thirty-four centres are currently operational.
- Access to services for people with dementia and mental health needs will be further examined in Stage Two of the *Scoping Study on Older People and Mental Health* . Funding was provided to support a Scoping Study that examined how the general and mental health systems and the aged residential and community care systems can work better to meet the accommodation, care and treatment needs of older people who have complex mental health needs.
- It is expected that the study will assist in:
 - the development of improved data collections;
 - better service planning;
 - more service options; and
 - better levels of service provision for this client group.

- This information will improve the understanding of the interactions of various service systems involved in the care and support of older people with dementia or other mental health problems and so improve this client group's access to services.
- Funds have also been provided for a project entitled *Mental Health and Aged Care: Legal and Ethical Issues Arising from Greater Integration* . The outcome of this project will be a discussion paper that will examine the key legal and ethical issues for residential care services in respect of the provision of care for older people with mental health problems.
- The paper will be used to inform those involved in planning, providing and using aged care services, mental health, guardianship and advocacy services for older people, and legal services in respect of wills, powers of attorney, and advance directives.

(ix) ensuring there is no discrimination on the basis of sexual orientation

- . Victoria, Queensland, South Australia, New South Wales, the Northern Territory and the Australian Capital Territory have all passed legislation to prohibit discrimination on the basis of sexual orientation in the key areas of employment, accommodation and the provision of other goods and services.
- . The *Workplace Relations Act 1996* (the WR Act) contains provisions which address the issue of discrimination on the basis of sexual preference
 - it is part of the principal object of the WR Act to respect and value the diversity of the workforce by helping to prevent and eliminate discrimination on grounds including sexual preference.
- . The Australian Industrial Relations Commission (AIRC) must not make awards or variations to awards that discriminate on the basis of any of the grounds specified in the objects of the WR Act, including sexual preference; and transitional provisions require the AIRC to identify and address discriminatory provisions in existing awards
 - the AIRC is not to approve the implementation of certified agreements which discriminate on the basis of, *inter alia* , sexual preference
 - an employer is prohibited from terminating the employment of an employee on the basis of, *inter alia* , sexual preference
 - exemptions apply in relation to inherent job requirements and for religious institutions in relation to discrimination on the basis of religious teachings and beliefs, and in good faith.
- . By regulation Australia has declared sexual preference to be a ground of discrimination for the purposes of ILO Convention No 111 concerning discrimination in employment and occupation. Under the *Human Rights and Equal Opportunity Commission Act (1986)* , HREOC is empowered to enquire into any act or practice that may constitute discrimination in employment on grounds of sexual preference.
- . The *Public Service Act (1922)* under section 33 (3) provides for promotion, transfer and appointment based on merit without discrimination on the basis of sexual preference.
- . In 1994, the UN Human Rights Committee advised the Australian Government of its view that the Tasmanian laws making same-sex relationships between consenting adults a criminal offence constituted a violation of article 17 paragraph 1 of the ICCPR in conjunction with article 2 paragraph 1. In response, the Federal Government enacted the *Human Rights (Sexual Conduct) Act 1994* , which came into force on 19 December 1994. This Act provides that sexual conduct involving only consenting adults acting in private is not to be subject by way of any Commonwealth, State or Territory law to any arbitrary interference with privacy within the meaning of article 17 of the ICCPR. On 14 May 1997 the Tasmanian Government repealed the provisions of the Tasmanian Criminal Code that had made same-sex relationships between consenting adults a criminal offence.

(x) protecting the rights of rural and isolated people

- In May 1996 the Human Rights Commissioner released the first in a series of 'Occasional Papers'. Occasional Paper No.1 discussed the human rights of rural and remote people. The paper focused on the socio-economic disparities of people living in remote Australia and their inadequate access to essential services and facilities. In particular the paper examined issues such as employment, poverty, health and access to services such as adequate water supplies.
- The range of educational and employment services designed to assist remote individuals and communities include the Assistance for Isolated Children (AIC) scheme, which assists the families of primary, secondary and under 16 year old tertiary students who are unable to attend an appropriate school on a daily basis because of geographic isolation and the Aboriginal Education Direct Assistance (AEDA) programs and ABSTUDY, available to all eligible Aboriginal and Torres Strait Islander students.

Telecommunications

- The *Telecommunications Act 1997* imposes a general obligation to ensure that all people in Australia, wherever they live or work, have reasonable access on an equitable basis, to the standard telephone service (including customer equipment), payphones, and prescribed additional carriage services. A supporting obligation requires those services to be supplied on request.
- The key elements of the universal service regime include:
 - specification of the universal service obligation (USO), including its upgrade
 - declaration of universal service providers, including multiple providers and the use of tendering
 - regulation of universal service charges
 - preparation of and compliance with universal service plans
 - assessment, collection, recovery and distribution of the levy imposed by the *Telecommunications (Universal Services Levy) Act 1997*.
- The standard telephone service is a carriage service for voice telephony (or for a person with a disability, an equivalent service required to be supplied in order to comply with the DDA) which enables end-users of the service to communicate ordinarily with each other.
- The USO will be expanded in 1998 to include a service similar in scope and purpose to the National Relay Service for the hearing and speech impaired.
- There is also scope to upgrade the type of services and goods provided under the USO by regulation. This could include specialised equipment used by people with a disability.
- The Government has provided a framework to make digital data capability comparable to an ISDN channel available to all people in Australia by 1 January 2000 (or another date, depending on the outcomes of a review to be conducted in 1998).
- The new framework also enables the selection of multiple universal service providers (USPs) in an area, and the selection of USPs by tender.
- USPs will be required to submit plans on how they will progressively fulfill the USO, with approved plans being publicly available.

- Charges for services supplied under the USO can be regulated to safeguard the continuing affordability of such services.
- Carriers will contribute to losses incurred in fulfilling the USO in direct proportion to their share of total 'eligible revenue', or as determined by the Minister, with the agreement of carriers.

Regional Telecommunications Infrastructure Fund

- The Commonwealth Government has established the Regional Telecommunications Infrastructure Fund (RTIF) to ensure that rural and regional Australia has the opportunity to participate and share in the benefits available from access to new communications services. The RTIF will seek to redress the imbalance in the quality of communications services to rural areas compared to capital cities and as a result improve the economic and employment outlook for people in rural areas.
- The Government has committed \$250 million to the RTIF to be spent over five years. Allocations by State are: New South Wales (\$37.4 million), Victoria (\$28.5 million), Queensland (\$53.1 million), Western Australia (\$26.5 million), South Australia (\$26.5 million), Tasmania (\$58 million), the Northern Territory (\$16 million), and the Australian Capital Territory (\$4 million). The funds will be allocated by an independent Board to be appointed by the Minister for Communications and the Arts in accordance with the pre-determined amounts to each State.
- The RTIF has been structured to respond to community need and is intended to be 'community driven'. The majority of the funds will be allocated in response to applications from the community which will be assessed by the RTIF Board against the program's selection criteria
 - the Board released selection criteria and called for applications. Funding for the initial round of projects will be approved in financial year 1997-98.

Postal Services

- Australia Post has a statutory obligation to provide a letter service which is reasonably accessible to all Australians and to charge a single uniform rate of postage for the carriage of standard letters.
- The Government has made a commitment to increase roadside deliveries in rural and remote areas and Australia Post has been surveying communities to establish areas which are eligible for additional deliveries and wish to receive them.
- A number of communities have been identified and the increased deliveries will be introduced as mail delivery contracts are renewed.
- In particular, an additional 1,400 households across Australia will receive twice weekly deliveries at a cost of over \$1.4 million. These households are in some of the remotest areas of Australia including Tibooburra, Cooktown, Oodnadatta, Mt Tom Price and Wentworth.

Cultural Initiatives

- A particular focus of new Government cultural initiatives has been on ensuring greater access to the arts by regional, rural and remote communities. In the 1996-97 Budget, the Government announced the establishment of a Regional Arts Fund to assist areas outside major population centres. It also provided additional funds to enable cultural touring programs (*Playing Australia* and *Visions of Australia*) to extend their support to

encompass intrastate elements of interstate tours, thus allowing arts organisations more capacity to visit regional centres.

(xi) strengthening democratic institutions

International

- The Australian Agency for International Development (AusAID) provided \$1.13 million in 1995-96 for a range of electoral assistance projects in Bangladesh (\$50,000), Eritrea (\$170,000), India (\$367,000), South Africa (\$310,000) and Uganda (\$38,000).
- Australia continued to promote good governance through activities funded under the aid program, including technical cooperation activities undertaken by the Australian Electoral Commission (AEC), as well as broader activities aimed at strengthening democratic institutions and processes. The main areas of the AEC's activities have been South East Asia, the South Pacific, and Africa
- in 1996 AEC staff provided technical assistance to South Africa, Uganda, Botswana, Fiji, and Cambodia, and served as electoral observers in Bangladesh, Ghana and Russia. Staff were also made available to support, in a personal capacity, the United Nations Transitional Administration for Eastern Slavonia's electoral unit and the Liberian office of the International Foundation for Election Systems
- an AEC officer participated in the Commonwealth Pacific Regional Workshop on Human Rights Education and Training in Vanuatu where electoral education was discussed.
- AusAID will contribute \$250,000 per annum for three years (from May 1995) to the core budget of the International Institute for Democracy and Electoral Assistance (IDEA)
- the contribution is made by AusAID in recognition of the synergies between stable democratic government, peace and equitable economic and social development.
- during 1996, AEC staff served on one of IDEA's international expert working groups and also prepared its draft Codes of Conduct for electoral administration, election observation activities, and political parties.
- The Government has announced the establishment in Australia of a Centre for Democratic Institutions (CDI), which will assist in the development and strengthening of democratic institutions in developing countries. This will involve providing practical training in areas such as electoral processes, parliamentary procedures, human rights monitoring and support for civil society. An Australian CDI will strengthen Australia's aid efforts directed at promoting democracy and complement current efforts in the area of human rights and good governance. AusAID and DFAT consulted Australia's overseas posts, the Parliamentary Relations Office, the AEC, HREOC and the Australian Council for Overseas Aid regarding the establishment of the CDI. Tenders were sought from Australian universities to host the CDI, and closed in mid-October 1997. It was announced in December 1997 that the Australian National University, located in Canberra, had won the tender.

Domestic

- With respect to the encouragement of informed participation of all citizens in electoral processes, the AEC's community awareness programs have a strong focus on providing assistance to groups with special needs. These include Australians of non-English speaking background, Aboriginal and Torres Strait Islander peoples, people with a disability and first time voters:
 - specially trained field officers again operated throughout Australia for most of 1996, working with Aboriginal and Torres Strait Islander communities to more fully inform them about the processes of electoral enrolment and voting and to facilitate their involvement in the electoral process
 - on-going information continues to be produced in community languages to assist people from non-English speaking backgrounds. At election time extensive use is made of non-English language media to ensure that key information in relation to enrolment and voting is available to people who may not have access to mainstream (English language) media. Special efforts are made to ensure that the staffing of polling places reflects the local community, for example by recruiting bi-lingual polling officials. Special efforts are also made to locate and use buildings with wheelchair access as polling places
 - a number of public awareness programs target young people, both while they are at school and in their early years of independent adulthood as first time voters. During 1996, approximately 160,000 school students either attended the AEC's Electoral Education Centres or were provided with in-school electoral education sessions presented by AEC staff.
- The AEC automatically dispatches ballot papers to those electors who are registered general postal voters. People who may apply to become general postal voters include the physically disabled, infirm, long term hospitalised, and those who live in remote areas.
- Electors who require help to fill in their ballot paper, for example because they cannot read or write or they are disabled, can be assisted to vote.

(xii) incorporating international human rights instruments into domestic law and practice

- On 7 April 1995, the High Court of Australia handed down its decision in *Minister for Immigration and Ethnic Affairs v Teoh* (1995) 183 CLR 273. In that decision, the High Court decided that Article 3(1) of the CROC gave rise to a 'legitimate expectation' in administrative law that the executive Government and its agencies will act in accordance with the terms of Article 3(1), even though those terms have not been incorporated into Australian law. The High Court held that, where an administrative decision-maker proposes to make a decision which is inconsistent with such a legitimate expectation, procedural fairness required that the person affected by the decision be given notice and an adequate opportunity to put arguments on the point. The High Court made clear that such an expectation cannot arise where there is either a statutory or executive indication to the contrary.
- The Court's decision gave treaties an effect in Australian law which they did not previously have. The Government is of the view that this development was not consistent with the proper role of Parliament in implementing treaties in Australian law
- therefore, on 25 February 1997, the Minister for Foreign Affairs and the Attorney-General made a joint statement to ensure that the executive act of entering into a treaty does not give rise to 'legitimate expectations' in Australian administrative law. This was a clear expression by the executive Government of the Commonwealth of a contrary intention referred to by the majority of the High Court in the *Teoh* case. Legislation has been introduced into the Parliament with the same effect
- : the joint statement of 25 February 1997 replaced a joint statement which was made by the previous Government on 10 May 1995. The 10 May 1995 joint statement continues to apply to decisions made between the date of that statement and 25 February 1997.

(xiii) lifting states of emergency

- . There were no states of emergency declared by the Australian Government during the period covered by this report.

(xiv)protecting the rights of refugees and asylum seekers

Protection of Refugees and Asylum Seekers

- Australia is a party to the *1951 Convention relating to the status of Refugees* and the *1967 Protocol relating to the status of Refugees* . In accordance with its international obligations, Australia provides protection to asylum seekers who are recognised as meeting the Convention definition of a refugee.
- Australia has a two-tier refugee determination system for people who are in Australia and who seek to engage Australia's protection obligations under the 1951 Convention and the 1967 Protocol.
- The procedures in place are structured to ensure transparency in the decision making process and to maintain procedural fairness for all applicants.
- In the first instance, applications of persons claiming to be refugees are assessed by DIMA officers, applying objective criteria without direction as to outcome.
- Applicants who are recognised as Convention refugees, and members of their family unit who apply with them, are granted a Protection Visa which carries a permanent residence status.
- Unsuccessful applicants may seek a full merits review of their case by the independent Refugee Review Tribunal (RRT) which may set aside the decision at the primary level. Applicants who are dissatisfied with a review decision may appeal the lawfulness of the decision to the courts. The Minister also has the non-compellable and non-delegable power to substitute an RRT decision with a decision more favourable to the applicant, where there are strong humanitarian reasons for allowing them to remain in Australia permanently.
- All applicants for a Protection Visa are allowed to remain in Australia while their cases are being determined, including at the review stage and during appeals to the courts.
- It should be emphasised that the vast majority of applicants for refugee status have entered the country legally. They remain in the community while their claims for asylum are processed. Unauthorised or unlawful arrivals, who are a small proportion of all asylum seekers, are detained and remain in custody until they are granted a Protection Visa or removed from Australia. A small number of detainees are granted bridging visas and released from detention while their applications are being determined.
- Independent application assistance is provided at government expense to unlawful non-citizens in detention for the preparation, lodgement and presentation of their applications for Protection Visas through the primary decision and merits review stages. Application assistance is also available to those asylum seekers in the community who have cases of merit (i.e. reasonable prospects of obtaining a Protection Visa) and who:
 - are experiencing financial hardship and are, therefore, unable to afford or otherwise obtain application assistance from solicitors or migration consultants; or
 - have suffered torture trauma.
- Australia has an Asylum Seeker Assistance (ASA) Scheme to provide assistance to those Protection Visa applicants in greatest need who have been awaiting a primary decision for six months or more. The scheme assists asylum seekers assessed to be without means of support or disposable assets, through the payment of living allowance and/or access to limited health care.

- Australia also responds to humanitarian and special needs with respect to refugees and displaced persons on a global scale through its Humanitarian Program. The Humanitarian Program aims to assist the United Nations High Commissioner for Refugees (UNHCR) resettle an identified refugee caseload based on its assessment of worldwide resettlement needs; and to assist persons overseas who are suffering significant discrimination or are in other vulnerable humanitarian situations and have close links to Australia.
- The Humanitarian Program has three major components - the Refugee, the Special Humanitarian and the Special Assistance Category. This enables the Australian government to respond flexibly not only to the resettlement needs of refugees identified by UNHCR but also in addressing the needs of those who face severe discrimination or are in vulnerable situations, whether inside or outside their country of nationality.
- Australia has, on occasion, provided temporary stay arrangements for entrants from countries experiencing civil unrest, continuing conflict or generalised violence. Where citizens of these countries are in Australia on another visa, they are able to extend their stay in Australia until it is safe for them to return home. Sri Lankans and nationals of the former Yugoslavia were granted extension of stay until 31 July 1997, when the decision to grant permanent residence to eligible applicants, under certain conditions, was announced.
- The Government recognises the need to provide specialised settlement assistance to refugees and Humanitarian Program entrants. Within the framework of the National Integrated Settlement Strategy (NISS), priority is given to meeting the particular needs of refugees and humanitarian entrants. These services may include:
 - provision of information to people before they arrive in Australia and on arrival;
 - English language classes;
 - interpreting and translation services;
 - on-arrival accommodation in self-contained flats for some refugees;
 - assistance from volunteer groups for refugees entering under the Community Refugee Support Scheme (CRSS).
- Through the Community grants program the Government assists a range of community organisations to help recently arrived entrants in the settlement process.

Detention

- The overwhelming majority of refugee applicants remain lawfully in the community while their applications are processed; many have access to government-funded financial assistance and permission to work. However, unauthorised arrivals (including unauthorised boat and air arrivals) are generally detained upon arrival and remain in detention until they are granted a Protection Visa or removed from Australia.
- Where an unauthorised arrival does not seek to engage Australia's obligation under the Refugees Convention, they are removed from Australia as soon as reasonably practicable, often within days of arrival. Unauthorised arrivals who request removal are removed as soon as possible regardless of other circumstances that may be applicable. However, when an application for a Protection Visa is lodged by a person in detention, government-funded application assistance is provided to that person to assist them in presenting their claims. To reduce the time that non-citizens spend in detention, DIMA has taken significant steps to ensure expeditious processing of applications made by detained asylum seekers. DIMA aims to take decisions on Protection Visa applications by people in detention within 6 weeks of lodgement. In addition, certain unauthorised arrivals may be

eligible for release from detention on compassionate grounds during the processing of the Protection Visa application. These categories include:

- age (under 18 and over 75);
- special need (based on health or previous experience of torture trauma); or
- where the detainee has remained in detention for in excess of six months without a decision on their application for a Protection Visa.
- Detainees in all centres have on-site access to medical, welfare, recreation and education facilities. Specialist medical services are also available, including torture and trauma counselling services. Particular attention is focused on the needs of women and unaccompanied minors.
- HREOC reports that detention continues to be an area about which complaints are received. HREOC has encouraged the examination of non-custodial approaches.
- Due to these concerns the Human Rights Commissioner undertook a series of site inspections of various DIMA detention centres. The site inspections will be discussed in a report to Parliament during 1998.

Communication with Detainees

- The Detention Centres are visited by agencies including UNHCR, the Red Cross, the Ombudsman and HREOC. Consistent with its obligations under the *Migration Act*, DIMA provides access to legal advice to a person in immigration detention at the request of that person. In addition, when an application for a Protection Visa is lodged by a person in detention, government-funded application assistance is provided to assist them in presenting their claims.
- As a result of a recent Federal Court decision, a Bill (Migration Legislation Amendment Bill (No.2) 1996) has been introduced by the federal Government into Parliament. The Bill seeks to clarify the relationship between the *Migration Act* provision referred to above and provisions in the *HREOC Act* and the *Ombudsman Act* as they apply to people in immigration detention. The Bill does not seek to limit the making of complaints by those in detention, nor does it prevent HREOC or the Ombudsman from investigating complaints made by persons in immigration detention.

Provision of training and information to refugee decision makers

- DIMA, which is responsible for determining the applications of asylum seekers, continues to provide decision makers with appropriate training and information as a matter of priority. A series of professional development seminars informed decision makers of special issues and changes in refugee law, policy and procedures. In consultation with inter-governmental and non-governmental organisations, the Department developed guidelines to help decision makers deal sensitively with gender-based claims. Work began in association with the Refugee Council of Australia on guidelines and a training module which will assist decision makers deal with asylum seekers with special needs, such as the elderly, unaccompanied minors, people with physical or psychological disabilities, survivors of torture or trauma, and homosexuals.

Promotion of the 1951 Convention and 1967 Protocol relating to the Status of Refugees

- In November 1996, DIMA organised a Conference on Regional Approaches to Refugees and Displaced Persons. There were participants from 23 countries in the Asia Pacific region as well as from UNHCR and the International Organisation for Migration (IOM). The aim of the conference was to encourage the development of regional approaches to refugees, displaced persons and related issues. In this context, the specific objectives

included increasing understanding of the international framework within which the situation of refugees/displaced persons is approached, promoting a climate where there was free discussion on refugees/displaced persons and related issues and ensuring continuing support of UNHCR's role in the region.

(g) Set out steps by which Australia would establish and/or strengthen a national institution for the promotion of human rights

- The Government's commitment to effective and equitable protection and promotion of human rights will be underlined through the establishment of a new Human Rights and Responsibilities Commission with a streamlined structure and more focused principal functions, following a reorganisation of HREOC.
- The Australian Government is committed to an independent federal human rights body to promote human rights and to provide an effective mechanism for the conciliation and resolution of disputes under federal anti-discrimination laws. The new Commission should have the administrative structure to ensure the provision of timely services, in the most effective and efficient manner, to all parties under the legislation it administers. The *Human Rights Legislation Amendment Bill 1997* is the first step towards reform of the administration of the Commission and the streamlining of its structure.
- The Bill provides that all complaints of unlawful discrimination under the *Sex Discrimination Act 1984*, the *Disability Discrimination Act 1992* (DDA) and the *Racial Discrimination Act 1975* (RDA), and complaints of breaches of human rights and of discrimination in employment under the *HREOC Act*, will be made to the Commission under the *HREOC Act*.
- The Bill will strengthen the role of President of the Commission and, to comply with constitutional requirements, the Commission will no longer conduct hearings in relation to complaints. Hearings will now be before the Federal Court.
- The Bill maintains the Commission's role in conciliation, as this step in the process has proved most effective and indeed, most complaints do not proceed past this stage. The Bill also more clearly delineates the Commission's function of impartially attempting to conciliate complaints from the Commissioners' advocacy role for the protection of human rights. These, together with the new management structure of the Commission, are important and timely reforms.
- In making these changes, the Government has taken steps to ensure that the new procedures represent best practice.

(h) Specify steps by which Australia would strengthen cooperation with and between regional and international human rights organisations

Indonesia

- The Indonesian National Commission on Human Rights (INCHR) visited Australia in June-July 1997 under the auspices of HREOC. English language training for INCHR officers was one of the approved activities to emerge from the visit. Other subjects covered included the National Commission's monitoring, investigation and complaints handling procedures; and Australia's domestic human rights legislation. A needs analysis is being undertaken by HREOC to assess the INCHR's requirements for further training and assistance.

Philippines

- From 28 November to 12 December 1996 HREOC conducted a study tour program with the Philippines Commission on Human Rights. This study tour was the second of its type. Six members of the Philippines Commission including the Chairperson, Judge Aurora Recina, and two representatives from non-government human rights organisations participated in the program.

New Zealand

- In April 1996 as part of a staff exchange program, the Commission hosted a senior member of staff of the New Zealand Human Rights Commission for a three month period. Activities undertaken during this period included research on religious discrimination, same sex partnership registration schemes and preparations for the First Asia Pacific Workshop of National Institutions.

International Co-ordinating Committee of National Institutions

- In April 1996 while attending the 52nd session of the United Nations Commission on Human Rights, the Human Rights Commissioner also attended the meeting of the International Co-ordinating Committee of National Institutions. A major item for the Co-ordinating Committee was the election of the position of Chairman of the Committee. The Canadian Commission had held this position since its inception in 1993. The meeting elected the Indian Commission to the position of chair.

Second International Workshop on Ombudsman and Human Rights Institutions

- From 21 to 23 May 1996 at the request of the United Nations Centre for Human Rights the Human Rights Commissioner was an expert participant in the Second International Workshop on Ombudsman and Human Rights Institutions held in Chisinau, Moldova. The role of national institutions in the promotion and protection of human rights was seen as central to the Workshop and this focus was reflected in the outcomes of the workshop. The Latvian model (based on HREOC) was seen as being particularly significant for the region.

Fourth International Workshop on National Institutions for the Promotion and Protection of Human Rights

- This workshop was held in Merida, Yucatan, from 27-29 November 1997. Australian Human Rights Commissioner Chris Sidoti attended. Items on the agenda included cooperation between national institutions for the promotion and protection of human rights; a special emphasis on vulnerable groups; migration movements and the fight against racism and xenophobia; and the relationship between economic, social and cultural rights and the right to development.

Fourth United Nations Asia Pacific Workshop on Regional Human Rights Arrangements

- The Fourth United Nations Asia Pacific Workshop on Regional Human Rights Arrangements was held in Nepal from 26 to 28 February 1996. The workshop was attended by representatives of the governments of over 35 countries as well as a number of international 'experts', representatives from three National Human Rights Institutions (Australia, India and the Philippines), UN agencies and NGOs.
- The Fourth Workshop focused on practical measures that could be undertaken on an incremental basis to develop regional arrangements. As a result, the final Declaration of the Workshop was supportive of regional human rights arrangements and it considered that initially arrangements could focus on supporting and reinforcing action at a national level on issues such as establishing and strengthening national institutions and the development of national action plans.

Fifth United Nations Asia Pacific Workshop on Regional Human Rights Arrangements

- The Fifth UN Workshop on Regional Arrangements for the Promotion and Protection of Human Rights in the Asia Pacific Region was held in Amman, Jordan from 5 to 7 January 1997. The workshop was attended by representatives from over 35 countries stretching from the Middle East to the Pacific. In addition a number of international 'experts', representatives from three National Human Rights Institutions (Australia, India and Indonesia), UN agencies and NGOs also attended.
- The Conclusions of the workshop were again broadly supportive of regional human rights arrangements and focused on supporting and reinforcing action at a national level on issues such as establishing and strengthening national institutions. In addition the Workshop called for the formation of a specific UN Technical Co-operation Program to promote cooperation on human rights issues in the Asia Pacific region. The Program is expected to focus on national human rights institutions, the right to development, human rights education, national action plans and strategies for cooperation on common shared problems.

First Asia Pacific Regional Workshop of National Institutions

- From 8-10 July 1996 HREOC organised, in conjunction with the New Zealand Human Rights Commission, the First Asia Pacific Regional Workshop of National Institutions held in Darwin, Australia.
- The objectives of the Workshop were to promote the establishment and strengthening of national human rights institutions in the Asia Pacific. National Human Rights Institutions from Australia, New Zealand, Indonesia and India participated, along with government representatives from Papua New Guinea, Pakistan, Nepal, Thailand, Fiji, Mongolia, Solomon Islands, Australia, New Zealand and Sri Lanka. Several non-government organisations (NGOs) also attended as observers and included Amnesty International, Australian Council for Overseas Aid (ACFOA), LawAsia and the Coordination Committee of Human Rights Organisations in Thailand (CCHROT).
- The Workshop adopted the 'Larrakia Declaration' which reaffirmed the universality and indivisibility of human rights and asserted the value of national institutions as a contributor to the promotion of human rights in the Asia Pacific region. The key feature of the Declaration was the decision to set up an Asia Pacific Forum of National Human Rights Institutions. AusAID will provide \$275,000 over three years to enable HREOC to provide a secretariat to the Forum, based in Sydney. The Forum is seen as important in promoting the establishment of a human rights framework and institutional infrastructure in the Asia Pacific.

- The Philippines Commission on Human Rights unfortunately could not attend the Workshop due to unforeseen circumstances. The Philippines Commission did however subsequently endorse the outcomes of the Workshop and is now a full member of the Forum.

Second Asia Pacific Regional Workshop of National Institutions

- The Second Asia Pacific Workshop of National Human Rights Institutions met in New Delhi from 10 to 12 September 1997. The Asia Pacific Forum now has six members, namely the human rights commissions from Australia, New Zealand, India, Indonesia, the Philippines and most recently Sri Lanka.
- The workshop's concluding statement "reaffirmed the commitment of participants to the universal, indivisible, interdependent and interrelated nature of human rights contained in the Universal Declaration of Human Rights and other international instruments". Forum members also agreed that while the detailed structure of national institutions in each country might differ, it was very important they all meet the minimum criteria for independence, integrity and scope of function set out in the Principles Relating to the Status of National Institutions (as adopted by United Nations General Assembly Resolution 48/134 and commonly referred to as the 'Paris Principles').
- The Forum's Secretariat will develop a project proposal for the production of a video on human rights in the Asia Pacific region, which would underline the universal nature of human rights. The Secretariat was also asked to develop a website focusing on the work of member institutions.
- The workshop agreed that the Forum Secretariat prepare a manual outlining complaint-handling procedures used by member commissions, and collate and disseminate human rights jurisprudence from the six member countries.
- The Forum resolved in principle to establish an advisory panel on human rights law and to discuss the practical details at the next workshop. The Australian and Indian Commissions agreed to prepare a paper on this issue.
- The Forum agreed to collate and disseminate information on relevant laws and practices in their countries relating to child sexual exploitation. It was also agreed that Forum members should encourage their governments to support the proposed optional protocol to the CROC and to focus it on child sexual exploitation.
- Indonesia offered to host the next Forum workshop in August or September 1998. This was enthusiastically welcomed by other Forum members.

(i) Define a programme of human rights information and education, including in school curricula and the workplace, for Australia

Civics and Citizenship Education

Human Rights and the *Discovering Democracy* Programme

- On 8 May 1997, the government announced details of a national four year programme of civics and citizenship education entitled *Discovering Democracy*. The government has allocated \$17.5 million to the programme to raise the levels of civic knowledge of students in the four sectors of education - schools, higher education, vocational education and training, and adult and community education.
- *Discovering Democracy* activities for schools focus on the Studies of Society and Environment (SOSE) curriculum. Social justice is regarded as an important theme in SOSE, including values such as concern for the welfare, rights and dignity of all people; fairness; commitment to redressing disadvantage and to changing discriminatory and violent practices. These values contribute to students' understanding of what is involved in achieving a fair and democratic society. Programme activities and curriculum materials will support basic democratic values such as tolerance, acceptance of cultural diversity, respect for others and freedom of speech, religion and association.
- The *Discovering Democracy* programme will also provide learning experiences to enable students, by the end of the compulsory years of schooling, to identify how the rights and obligations of Australian citizens relate to local, national and global contexts. They will be provided with opportunities to investigate the role of Australian and international legal institutions in protecting human rights; how rights can be lost and how they can be protected.

Racism

- In the August 1996 Budget the Government announced funding for an anti-racism education campaign, to be managed through the Department of Immigration and Multicultural Affairs
- a sum of \$5 million was made available in 1996-97.
- : the possibility of further funding will be considered in the 1997-98 budget context, following a review of the campaign's progress.
- The campaign is two-pronged, incorporating a public awareness element and community education projects. The campaign focuses on schools, workplaces, sporting organisations and involves the whole Australian community.

(j) Set out a programme of education and training for Australian personnel directly responsible for the protection of human rights

- AusAID and DFAT continued to host joint training programs on human rights issues for staff to foster greater knowledge about the role of human rights in foreign policy and development cooperation. Three sessions of the Human Rights Training Course were held in 1996 and a further three in 1997. The courses covered a range of issues including the nature and history of human rights; human rights and Australian foreign policy; the UN human rights system; and domestic aspects of human rights including the rights of Indigenous peoples.
- DIMA also continues to provide relevant training to its overseas officers. Training is provided to all Australia based officers prior to overseas service on refugee issues. Those officers who will be posted to major refugee processing centres receive additional briefing on refugee issues - see **(f)(xiv)**.
- The Department of Defence ensures Human Rights and Equal Employment Opportunity training through the provision of information on induction and supervision courses and ad hoc consultancy courses.

(k) Set out steps aimed at strengthening the independence of the judiciary in Australia

No change from previous update.

(l) Indicate steps by which Australia may facilitate the activities of non-governmental organisations in the human rights field

- The Human Rights Fund now falls under the joint management of DFAT and AusAID, and focuses on assisting developing countries, often through local NGOs, in the development of domestic capacities and institutions which promote and protect human rights. For the 1996-97 financial year, the Fund has proved a strong catalyst for the identification of activities in the area of human rights, with the total monetary amount of proposals received far in excess of the \$75,000 allocated under the Fund. In order to satisfy the demand and in consideration of the uniformly high quality of proposals submitted, supplementary funding was provided from AusAID's bilateral and regional programs, bringing the total amount of funding for human rights projects to over \$180,000.
- Most of the allocation was directed towards human rights education and training, especially for police, the judiciary, corrective services officials, community-based NGOs, and social workers. Grants included NGO projects in Sri Lanka (a Colombo University-run human rights training program), South Africa (workshops training human rights instructors from community level NGOs), Zimbabwe (the production and distribution of a human rights newsletter run by Women in Law and Development in Africa) and Indonesia (the establishment of a legal aid office in East Timor).
- In January 1996 the first issue of the quarterly Human Rights and Indigenous Issues Newsletter was produced by DFAT to supplement the biannual DFAT/NGO consultations in keeping NGOs informed of the Australian Government's human rights activities.
- The DFAT Human Rights and Indigenous Issues (HRI) Homepage on the Internet was introduced in 1996 (<http://www.dfat.gov.au/dfat/dept/hr/hrhome.html>). The Homepage includes the Human Rights Manual, the National Action Plan, copies of the HRI newsletter, press releases and statements by the Minister and Australian Delegations at the United Nations General Assembly and CHR.
- In October 1996, DFAT, in consultation with the Attorney- General's Department and the Department of the Prime Minister and Cabinet, published an information kit on treaties, setting out a full description of the consultation process with States and Territories and other interested groups. This, together with the Australian Treaty List indexes and the full-text Australian Treaty Series, is now available on the Treaties Library Internet site (<http://www.austlii.edu.au/dfat/>). Negotiating Departments are now required to account to Parliament for the consultation they have undertaken with all stakeholders before treaties are completed.
- Work on a UN "Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognised Human Rights and Fundamental Freedoms" is continuing. The Working Group last met in Geneva from 24-28 February 1997, and will next meet in early 1998, when it is hoped that the Declaration will be finalised.
- The UN Fourth World Conference on Women, which was held in Beijing in September 1995, adopted a Platform for Action which serves as a guide for international and national policies on the advancement of women. Australia has finalised the Government response to the Platform for Action which was tabled in Parliament in early 1997
- in 1995-96, AusAID contributed a total of \$375,000 to NGOs in Pacific Island nations to assist in the implementation of commitments arising from the World Conference on Women.
- AusAID also provided \$114.5 million to NGO projects in 1995-96, many of which had a human rights component.

(m) Provide financial assistance to other countries in the area of civil and political rights

- AusAID has continued to provide support for a wide range of activities aimed at promoting human rights in developing countries. For example, AusAID is providing
- \$2.4 million over three years for the UNICEF project "Towards Protecting Exploited Child Labourers" in the Philippines which aims to strengthen the system of protecting children involved in exploitative and hazardous work situations
- \$760,000 in 1995-96 for technical assistance in the constitutional development, electoral management and judicial restructuring of South Africa, as well as other areas of public service management (this project is managed by the Commonwealth Secretariat)
- \$375,000 over 1996-97 as technical assistance to draft enabling legislation, including anti-discrimination laws, for the implementation of the Development Plan of Tuvalu
- \$300,000 in 1997-98 for a technical cooperation program with China. The program will focus on institutional strengthening, policy development, research, training and administrative resources in the human rights field
- \$231,000 in 1996 to look at options to provide technical assistance and training to four legal institutions in Papua New Guinea to improve the delivery of legal and justice services
- during 1995-96 to 1996-97, an allocation of up to \$158,500 to fund a package of assistance to Dominica. The main objective of the support is to assist in addressing the country's current and urgent need for expertise in the legal area. It will also promote improvements in the process and administration of legal advisory activities by transferring Australian skills and best practice.
- annual disbursement of up to \$100,000 to the Cambodian Human Rights Education program which aims to promote democratic values and the observance of human rights in Cambodia using a mix of direct grants and materials, and training of Cambodian and international NGOs
- \$100,000 in 1996 as technical assistance for specific activities of the Constitutional Review Committee of Fiji
- \$40,000 in 1996 to look at options to provide training to judges and magistrates in the South Pacific
- \$25,000 in 1996-97 for legal advisory assistance to Dominica in the form of joint assistance with the Commonwealth Secretariat to the Eastern Caribbean Supreme Court. The legal advisory assistance was facilitated through the Australian International Legal Resources Inc, an organisation which uses the voluntary services of Australian judges for legal capacity building. Two Australian judges at Supreme Court level were sworn in for a period of two months each to hear a backlog of civil cases.

(n) Identify steps which Australia could make towards the strengthening of the Centre for Human Rights

- . Australia welcomes current efforts to restructure management practices and operational procedures at the Centre for Human Rights, and believes that it is critical, in an environment of declining resources, that this process yields tangible results
- in particular Australia welcomes the decision to consolidate the Office of the High Commissioner and the Centre for Human Rights into a single Office of the High Commissioner under the supervision of the newly appointed UN High Commissioner for Human Rights, Ms Mary Robinson
- : restructuring proposals should be accompanied by improved personnel practices and modern management techniques.
- . UNHCHR's field operations are funded from extra-budgetary resources. Australia has responded to appeals by the High Commissioner. In 1995-96, Australia provided \$250,000 for former Yugoslavia, \$200,000 for Rwanda, and in the order of \$60,000 for Cambodia. In 1996-97, Australia provided an additional \$357,000 for Rwanda and \$100,000 for Burundi.
- . In addition, in late July 1995, former Australian Human Rights Commissioner Brian Burdekin was attached to the UN Centre for Human Rights on a two-year contract, funded by the Australian Government at a cost of A\$1.105 million. As Special Adviser on National Institutions, Regional Arrangements and Preventive Strategies, Mr Burdekin has reported directly to the High Commissioner for Human Rights
- there has been significant progress made over the past two years in promoting the establishment or further development of national human rights institutions in a range of countries, including South Africa, Papua New Guinea, Bangladesh, Sri Lanka, India, Indonesia and the Philippines
- : Australia has provided additional funding of \$100,000 for this work until January 1998.

Appendix I

STATUS OF RATIFICATION OF THE PRINCIPAL INTERNATIONAL HUMAN RIGHTS TREATIES: AUSTRALIA

(as at November 1997)

Part I. At the national level

Treaties ratified, acceded or succeeded to:

- . International Covenant on Civil and Political rights
- . International Covenant on Economic, Social and Cultural Rights
- . International Convention on the Elimination of All Forms of Racial Discrimination
- . Convention Against Torture and Other Cruel Inhuman or Degrading Treatment or Punishment
- . Convention on the Elimination of All Forms of Discrimination Against Women
- . Convention on the Rights of the Child
- . First Optional Protocol to the International Covenant on Civil and Political Rights
- . Second Optional Protocol to the International Covenant on Civil and Political Rights

Treaties not yet ratified:

- . International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families

Part II. At the international level

Total States parties as at:	June 1993	Nov 1997
International Covenant on Civil and Political Rights	118	140
International Covenant on Economic, Social and Cultural Rights	122	137
Convention Against Torture and Other Cruel Inhuman or Degrading Treatment or Punishment	73	104
International Convention on the Elimination of All Forms of Racial Discrimination	135	150
Convention on the Elimination of All Forms of Discrimination Against Women	123	161
Convention on the Rights of the Child	138	191
International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families	1	9
First Optional Protocol to the International Covenant on Civil and Political Rights	69	93
Second Optional Protocol to the International Covenant on Civil and Political Rights	17	31
TOTAL ALL TREATIES	796	1,016

Appendix II

HUMAN RIGHTS TRAINING IN THE AUSTRALIAN DEFENCE FORCE

Background

- In 1995 a review of Human Rights Training in the Australian Defence Force (ADF) was undertaken. The review examined all human rights training provided to members of the ADF and examined its appropriateness. The report concluded that human rights training occurs from point of entry, throughout members' careers and prior to overseas deployment, and did not consider that further training needed to be developed.

Training Provided by the ADF

- The following training is provided to members of the ADF:

Law of Armed Conflict (LOAC)

- LOAC training is undertaken in four job-related categories, as follows:
 - Level A. Level A is the minimum level of understanding required of all ADF personnel. The aim is to inform soldiers, sailors and airmen of the basic principles of humanitarian law, their individual responsibilities and to emphasise the rules which are absolute.
 - Level B. Level B builds on this understanding and is designated for members of operational units which could have direct contact with the enemy. It also makes provision for military specialisation and the level of rank.
 - Level C. Level C training is a requirement for those personnel involved in planning and directing combat operations and post-combat administration at headquarters/command level.
 - Level D. Level D training is for service legal officers and is designed to equip them with the necessary expertise to provide advice to operational commanders.
- On a tri-Service basis, specific LOAC training for commanders and operational planners is provided by a specialist course on the subject at the ADF Warfare Centre (ADFWC). ADFWC also includes LOAC instruction in other courses it conducts, including the Joint Warfare Seminar and the Peacekeeping Seminar.
- At the Defence Academy, military law training includes training in the essential provisions of the LOAC, and comprises 24 periods over a 3 year course. Military law is examined, and passing the exam is a graduation requirement.
- The Joint Services Staff College syllabus covers international law, which includes discussion of the Hague and Geneva Conventions and rules of engagement. International legal aspects are also covered regarding their impact on the formulation of national security and defence policies.
- The Australian College for Defence and Strategic Studies training encompasses relevant areas of international humanitarian law.
- Navy includes relevant LOAC training in courses conducted at all major Royal Australian Navy (RAN) training establishments. Specialised training is also provided at the RAN Surface Warfare School and the Navigation School. Regular LOAC instruction is given by naval legal officers to a variety of through career training courses such as the RAN Staff Course. All Commanding Officers and Executive Officers undertake LOAC refresher training before assuming command.

- Army conducts an annual Operations Law seminar under the auspices of Land Headquarters. This seminar is attended by legal officers and those members involved in the planning and conduct of operations, and deals with LOAC issues.
- Local level training is also provided which covers matters such as forbidden targets, rules of engagement and orders for opening fire, prisoners of war and detainees, the rights of civilians and their property, and the reporting and prosecution of unlawful acts under the LOAC. Scenario-based training is also conducted, giving practical examples of situations soldiers are likely to face and the legal implications raised. This necessarily includes humanitarian law principles as the scenarios deal with confrontations with civilians and others.
- Air Force provides LOAC training specifically targeted to aircrew and operational support members of the four force element groups (strike reconnaissance, tactical fighter, air lift and maritime patrol). This training focuses on legal aspects likely to be raised by the particular operations undertaken by those groups. Air Force also conducts an annual Operations Law Introductory Course, in which legal officers and other relevant personnel (for example aircrew and intelligence officers) receive specialist training in relevant LOAC principles.

Anti-Discrimination Training

- All Commonwealth legislation in this area applies to the ADF as it does generally, with some minor exceptions, such as the combat duties exemption in the Sex Discrimination Act. Legal staff, and staff who have a policy or an implementation responsibility in this area, are made aware of the provisions of the relevant law, which encompasses the Racial Discrimination, Sex Discrimination and Disability Discrimination Acts and the Human Rights and Equal Opportunity Commission Act. In the case of legal officers, comprehensive training is included in specialist courses for legal officers at the basic and advanced level.
- An extensive program of training has been undertaken, aimed at educating the entire ADF in relation to equal employment opportunity (EEO) and towards the attainment of a working environment free from harassment. Training includes: cross cultural awareness, gender awareness workshops, EEO training, harassment and discrimination, staff induction programs, mediation and conflict resolution training. In addition, the ADF has developed seminars and briefing material geared to different levels and areas of the organisation to ensure adequate knowledge and understanding of obligations under relevant legislative provisions. Training is provided from point of entry, and carries on throughout members' careers.
- Navy has conducted Good Working Relationship Facilitator training at Maritime Headquarters, Navy Support Command and in HMA Ships CERBERUS, STIRLING, KUTTABUL, WATERHEN and HARMAN.
- Army conducted a pilot a gender awareness workshop for senior officers.
- Air Force has conducted a Senior EEO Contact Officer Conference; a Chaplains EEO Workshop, an EEO Contact Officer Workshop, as well as an EEO Workshop at Air Command.

Human Rights Training Provided to Members Prior to Deployment Overseas

- ADF members who are deployed overseas, particularly as part of UN peacekeeping forces, receive appropriate humanitarian law training before departure. This instruction focuses on the cultural diversities they will experience overseas and on human rights issues. Emphasis is placed on the fact that all civilians and all civilian property is to be treated with respect at all time. Legal officers have deployed with Australian contingents in

Namibia, Somalia and Rwanda. Part of their duties were to provide continuation training in relevant legal issues and to monitor compliance with the law.

- Overseas military personnel who take part in many of the above courses receive the same training.

ADF Policy

- The following policy documents relate to human rights:
 - Defence Instruction (General) Personnel 35-3 `Harassment, Discrimination, Fraternisation and Unacceptable Sexual Behaviour in the Australian Defence Force' comprehensively sets out the ADF policy of zero tolerance of unacceptable behaviour and provides guidelines on the management of such behaviour.
 - Defence Instruction (General) Personnel 44-1 `Australian Defence Force Policy Regarding the Avoidance and Elimination of Racial Discrimination and Racist Behaviour' prohibits racial discrimination.
 - Defence Instruction (General) Personnel 26-2 `Australian Defence Force Policy on Religious Practices and ADF Members' prohibits religious discrimination.
 - Defence Instruction (General) Operations 33-1 `Australian Defence Force Law of Armed Conflict Training' sets out the levels of training to be provided.

Other Documentation

- Navy has printed a booklet titled `A Guide to Workplace Equity in the Navy' which has been distributed to all service and civilian personnel. The Guide outlines the principles of workplace equity, provides helpful information and details individual responsibilities in relation to EEO.
- Army is developing a new Training Instruction that requires units to annually conduct EEO training, harassment and discrimination awareness training, gender awareness training and cross-cultural awareness training.
- Army has produced a publications entitled `Discrimination and Harassment Recognition - Management - Prevention: A Guide for Junior Leaders', and `Harassment and Discrimination; A Guide for Soldiers'.
- Army has arranged for the publication and distribution of two new posters to encourage the reporting of incidents, and their resolution by the involved individuals. They each focus on different aspects of harassment and discrimination
- Various Air Force EEO posters have been dispatched to the field and other Services.
- Copies of the booklet `Eliminating Harassment in the Defence Environment - A Guide for Managers, Supervisors and Harassment Contact Officers', various single service pamphlets and the Academy pamphlet `Sexual Harassment is Unacceptable Behaviour' have been widely distributed throughout the Australian Defence Force Academy.

Advisory Groups

- Advisory groups from each Service representing all EEO groups have been established. Their role is to provide information on issues and problems at the workplace and to participate in the process of monitoring progress in achieving equity goals.
- A comprehensive network of EEO and Harassment Contact Offices has been instituted.

Aboriginal and Torres Strait Islander Employment Strategy

- An Aboriginal and Torres Strait Islander Employment Strategy has been established by the ADF. The Strategy contains eight objectives, which relate to recruitment, selection testing, conditions of service, training and support, cultural awareness, Reserves and cadets. The objectives of the Strategy include the following:
 - the increase of awareness of ADF employment and career options amongst young Indigenous people ;
 - the increase in the number of Indigenous people recruited into the ADF;
 - ensuring that the Services have a good understanding of Aboriginal and Torres Strait Islander cultural demands and beliefs to enable fair and reasonable application of conditions of service by providing appropriate training;
 - the creation of a more culturally aware environment within the ADF to support Aboriginal and Torres Strait Islander retention and career development.
 - the ADF has developed cultural awareness training and is running courses for ADF recruitment officers.

Defence Force Equity Organisation

- The Defence Force Equity Organisation has been established and is expected to be instrumental in reducing discrimination and harassment through the following:
 - the development of policies on the elimination of all forms of discrimination, discriminatory practices and harassment in the ADF, and increasing commitment to gender integration and employment equity;
 - the provision of employment equity advice to reviews of personnel policies and practices to ensure consistency with anti-discrimination legislative requirements;
 - the development of seminars and briefing material geared to different levels and areas of the organisation to ensure adequate knowledge and understanding of obligations under relevant legislative provisions;
 - the development of guideline material, statements of principle and the like to ensure consistency in compliance with the legislative provisions across the ADF;
 - setting up of advisory groups from each Service representing all EEO groups, to provide information on issues and problems at the workplace and to participate in the process of monitoring progress in achieving equity goals;
 - the development of a climate survey instrument for use by Commanding Officers and others, to be used as a component of the monitoring process;
 - the development of a framework for information required to be presented in EEO reports to government; support the Services in their development and implementation of EEO Plans; monitor outcomes and provide feedback;
 - the development of educative and training programs for the transfer of employment equity knowledge and principles to military personnel; and
 - development of tri-Service EEO and anti-discrimination training.