

# AUSTRALIA 2016 HUMAN RIGHTS REPORT

## EXECUTIVE SUMMARY

Australia is a constitutional democracy with a freely elected federal parliamentary government. In a free and fair federal parliamentary election held in July, the Liberal Party and National Party coalition won a majority in the 150-seat House of Representatives and formed a government with Malcolm Turnbull as prime minister.

Civilian authorities maintained effective control over the security forces.

The main human rights problems were domestic violence against women and children, particularly in indigenous communities; indigenous disadvantage; and policies affecting asylum seekers, including detention and detention center conditions for some attempting to reach the country by sea.

The government took steps to prosecute officials accused of abuses, and ombudsmen, human rights bodies, and internal government mechanisms responded effectively to complaints.

### **Section 1. Respect for the Integrity of the Person, Including Freedom from:**

#### **a. Arbitrary Deprivation of Life and other Unlawful or Politically Motivated Killings**

There were no reports the government or its agents committed arbitrary or unlawful killings.

#### **b. Disappearance**

There were no reports of politically motivated disappearances.

#### **c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment**

The law prohibits such practices, and the government generally respected these provisions. There were occasional claims police and prison officials mistreated suspects in custody.

In July an investigative news program revealed that from 2010 until 2015, some juveniles at the Don Dale Detention Center in the Northern Territory were tear-gassed, physically assaulted, stripped naked, shackled, and hooded. A spokesperson for the Office of the United Nations High Commissioner for Human Rights (OHCHR) stated the mistreatment at the detention center may breach two human rights conventions, and could amount to torture. Northern Territory Chief Minister Adam Giles removed the Corrections Minister, brought responsibility for the detention center under the Chief Minister's Office, and vowed to build a new youth detention center. In July, Prime Minister Turnbull announced a joint royal commission into juvenile detention in the Northern Territory, and the reports have prompted calls for the commission to look into alleged abuses in other states.

In November 2015 the government investigated the death of an indigenous woman in police custody in Western Australia. The coroner investigated claims of mistreatment and neglect of the woman in custody and the "failure to respond with sufficient urgency" by police to the woman's deteriorating health. A Western Australian Police senior detective told the inquest that police did not directly cause the woman's death; however, their neglect "may have contributed to her demise." The senior constable responsible for the woman while in custody received an administrative warning from the assistant police commissioner and an internal police investigation found 11 police officers failed to comply with appropriate police regulations. The government did not conclude its official inquiry by year's end.

### **Prison and Detention Center Conditions**

Prison and detention center conditions generally met international standards.

Physical Conditions: In June 2015 the Australian Institute of Criminology reported 53 deaths in prison in 2012-13. Of the 53 deaths, 32 were from natural causes, nine from hanging, five from external/multiple trauma, one from head injury, one from drugs, and one from other/multiple causes. The report excluded four cases due to missing data.

In November 2015 media reported that a New South Wales Auditor-General's report found the state's prisons held an average of 11,011 inmates a day, while there was capacity for only 9,829. In June the Queensland Corrective Services Minister said an increase in prisoner-on-prisoner assaults was "partly due to overcrowding in the state's prison system."

In July the Office of the Inspector of Custodial Services in Western Australia released findings into its 2015 inspection of Hakea Prison. The acting inspector reported overcrowding resulted in violence within the prison and “inadequate appreciation of human rights,” particularly for pretrial detainees.

As of May 31, there were 1,254 persons in immigration detention facilities in the country, including 177 on Christmas Island. As part of the government’s Operation Sovereign Borders (OSB), a multi-agency initiative launched in 2013 aimed at preventing the arrival of asylum seekers by boat, the governments of Papua New Guinea and Nauru operated immigration detention centers on behalf of the Australian government where the respective host governments processed applications for intercepted asylum seekers. As of July 31, there were 411 asylum seekers on Nauru and 833 on Papua New Guinea’s Manus Island. On April 28, a 23-year-old Iranian male asylum seeker died in a Brisbane hospital after setting himself on fire at the Nauru detention center. On May 2, a Somali female asylum seeker set herself on fire at the Nauru detention center and authorities transferred her to a Brisbane hospital where she remained in a critical condition.

Administration: Authorities investigated allegations of inhuman conditions and documented the results of such investigations in a publicly accessible manner. The government investigated and monitored prison and detention center conditions.

Independent Monitoring: The government permitted visits by independent human rights observers. There were no reports of intimidation by authorities. A number of domestic and international human rights groups expressed concerns about conditions at immigration detention centers (see section 2.d.).

#### **d. Arbitrary Arrest or Detention**

The law prohibits arbitrary arrest and detention, and the government generally observed these prohibitions.

#### **Role of the Police and Security Apparatus**

The armed forces, under the minister for defense, are responsible for external security. The Australian Federal Police (AFP)--under the minister for justice--and state and territorial police forces are responsible for internal security. The AFP enforces national laws, and state and territorial police forces enforce state and territorial laws. The Department of Immigration and Border Protection and the Australian Border Force are responsible for migration and border enforcement.

Civilian authorities maintained effective control over the armed forces and police, and the government had effective mechanisms to investigate and punish abuse and corruption. There were no reports of impunity involving the security forces during the year.

### **Arrest Procedures and Treatment of Detainees**

Police officers may seek an arrest warrant from a magistrate when a suspect cannot be located or fails to appear, but they also may arrest a person without a warrant if there are reasonable grounds to believe the person committed an offense. Police must inform arrested persons immediately of their legal rights and the grounds for their arrest, and must bring arrested persons before a magistrate for a bail hearing at the next session of the court. The law permits police to hold individuals in preventive detention without charge for up to 48 hours under federal law and up to 14 days under state and territory laws if a senior police official finds it is “reasonably necessary to prevent a terrorist act or preserve evidence of such an act.” Police may detain individuals for an additional 24 hours under court order.

The law states that 24 hours is the maximum investigation period police may hold and question a person without charge, unless extended by court order. In the case of a terrorism suspect, however, police may detain a person for up to seven continuous days and police can question the suspect for a maximum period of 24 hours, or 48 hours if an interpreter is needed.

A separate provision of law permits the attorney general to grant the Australian Security Intelligence Organization (ASIO) authority to detain a person for a continuous period of up to 168 hours (seven days) in special circumstances, such as “reasonable grounds for believing that issuing the warrant to be requested will substantially assist the collection of intelligence that is important in relation to a terrorism offense.” The ASIO, however, reportedly has not used this authority.

The law permits a judge to authorize “control orders” on persons suspected of involvement with terrorism-related activities. These orders may include a range of measures, such as monitoring of suspects and house arrest, and may be in effect for up to one year without filing criminal charges. Authorities can renew a control order after one year with a new court order. In February police arrested a Sydney man for accessing terrorist propaganda videos in violation of his control order stemming from a previous arrest in August 2014 at Sydney Airport for allegedly seeking to fight for the Islamic State. In June the court denied him bail.

By law the Independent National Security Legislation Monitor helps provide that counterterrorism laws strike an appropriate balance between protecting the community and protecting human rights. The AFP, the Australian Crime Commission, and intelligence agencies are subject to parliamentary oversight. The inspector-general of intelligence and security is an independent statutory officer who provides oversight of the country's six intelligence agencies.

Bail generally is available to persons facing criminal charges unless authorities consider the person a flight risk or the charges carrying a penalty of 12 months' imprisonment or more. Authorities granted attorneys and families prompt access to detainees. Government-provided attorneys are available to give legal advice to detainees who cannot afford counsel. Arrested persons enjoy additional legal protections, such as the ability to challenge the lawfulness of their detention and to apply for compensation if unlawfully detained.

Detainee's Ability to Challenge Lawfulness of Detention before a Court: Persons arrested or detained, regardless of whether on criminal or other grounds, are entitled to challenge in court the legal basis or arbitrary nature of their detention and obtain prompt release and compensation if found to have been unlawfully detained.

Protracted Detention of Rejected Asylum Seekers or Stateless Persons: A small number of asylum seekers remained in long-term detention despite having exhausted the appeal process. Authorities could not return them to their home country because they lacked travel documents or could not obtain necessary transit visas.

#### **e. Denial of Fair Public Trial**

The law provides for an independent judiciary, and the government respected judicial independence.

#### **Trial Procedures**

The law provides for the right to a fair public trial, and an independent judiciary generally enforced this right. In state district and county courts, and in state and territorial supreme courts, a judge and jury try serious offenses. Defendants enjoy a presumption of innocence and cannot be compelled to testify or confess guilt. They have the right to be informed promptly and in detail of the charges, with free

interpretation as necessary from the moment charged through all appeals, the right to an attorney, and adequate time and facilities to prepare a defense. Government-funded attorneys are available to low-income persons. The defendant's attorney can question witnesses, present witnesses and evidence, access relevant government-held evidence, and appeal the court's decision or the sentence imposed.

### **Political Prisoners and Detainees**

There were no reports of political prisoners or detainees.

### **Civil Judicial Procedures and Remedies**

There is an independent and impartial judiciary in civil matters, and individuals or organizations may seek civil judicial remedies for human rights violations. There is also an administrative process at the state and federal levels to seek redress for alleged wrongs by government departments. Administrative tribunals may review a government decision only if the decision is in a category specified under a law, regulation, or other legislative instrument as subject to a tribunal's review.

### **f. Arbitrary or Unlawful Interference with Privacy, Family, Home, or Correspondence**

The law prohibits such actions, and there were no reports the government failed to respect these prohibitions. Police have authority to enter premises without a warrant in emergency circumstances.

## **Section 2. Respect for Civil Liberties, Including:**

### **a. Freedom of Speech and Press**

Although the constitution does not explicitly provide for freedom of speech or press, the High Court has held that the constitution implies a right to freedom of expression, and the government generally respected these rights. An independent press, an effective judiciary, and a functioning democratic political system combined to promote freedom of speech and press.

### **Internet Freedom**

The government did not restrict or disrupt access to the internet or censor online content, and there were no credible reports the government monitored private online communications without appropriate legal authority. The internet was widely available to and used by citizens. In February the Australia Bureau of Statistics (ABS) reported that 86 percent of households had access to the internet at home in 2014-15.

Law enforcement agencies require a warrant to intercept telecommunications, including internet communications. In emergencies the director general of the ASIO may issue a warrant for this purpose without prior judicial authorization, but the attorney general must be informed.

The Australian Communications and Media Authority (ACMA) maintained a list of “refused classification” website content, primarily pertaining to child pornography, sexual violence, and other activities illegal in the country, compiled because of a consumer complaints process. The ACMA may issue a notice to the internet service provider to remove domestically hosted “refused classification” material, or links to such material, that is the subject of a complaint if an investigation concludes the complaint is justified. The list is available to providers of filtering software. An owner or operator of such a website can appeal an ACMA decision to the Administrative Appeals Tribunal (AAT), an executive body that reviews administrative decisions by government entities. Since 2010 three major telecommunications providers voluntarily blocked websites on Interpol’s list of child-abuse links.

### **Academic Freedom and Cultural Events**

There were no government restrictions on academic freedom or cultural events.

### **b. Freedom of Peaceful Assembly and Association**

Although the freedoms of peaceful assembly and association are not codified in law, the government generally respected these rights.

### **c. Freedom of Religion**

See the Department of State’s *International Religious Freedom Report* at [www.state.gov/religiousfreedomreport/](http://www.state.gov/religiousfreedomreport/).

#### **d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons**

The law provides for freedom of internal movement, foreign travel, emigration, and repatriation, and the government generally respected these rights.

Abuse of Migrants, Refugees, and Stateless Persons: In August, *The Guardian* leaked 2,000 reports of abuse of asylum seekers on Nauru, some involving accusations of assault, sexual abuse, and abuse of children.

The government cooperated with the Office of the United Nations High Commissioner for Refugees (UNHCR) and other humanitarian organizations in providing protection and assistance to internally displaced persons, refugees, returning refugees, asylum seekers, stateless persons, or other persons of concern.

#### **Protection of Refugees**

The government maintains a humanitarian refugee program that includes several types of visas available to refugees for resettlement in the country. UNHCR identifies and refers the majority of applicants considered under the program. For the fiscal year that began on July 1, the intake remained at 13,750. In 2015-16 authorities reserved at least 1,000 places for women at risk and at least 1,500 for Syrians. In September 2015 the government announced it would accept an additional 12,000 refugees from Syria and Iraq for permanent resettlement, in addition to the annual refugee intake of 13,750.

Access to Asylum: The law provides for granting of asylum or refugee status, and the government has a system for providing protection to refugees.

The number of asylum seekers arriving by sea significantly increased between 2008 and 2013, putting pressure on detention center capacity, processing times, and the capacity of the humanitarian refugee program. In the 2012-13 fiscal year, the government recorded 25,750 such arrivals. As of May 31, 28,329 asylum seekers were living in the community while authorities processed their cases. The country retained third party processing of asylum seekers in Nauru and Papua New Guinea for asylum seekers who arrived after July 19, 2013. Authorities continued their policy of not settling those arrivals in the country and forced intercepted boats carrying smuggled persons back into the territorial waters of their country of embarkation when safe to do so. Since the inception of OSB in 2013, authorities have transferred 2,125 asylum seekers to Nauru and Papua New Guinea's Manus



Island as of May 31, and there were 537 voluntary returns to country of origin during this period. In June the immigration minister reported that authorities had turned back 28 boats transporting asylum seekers since 2013.

The law authorizes the immigration minister to designate a country as a regional offshore processing center, if the minister determines it is in the national interest to do so, and requires the minister to notify parliament, which may then disapprove the proposed designation within five working days of notification. The law states that such a designation “need not be limited by reference to the international obligations or domestic law of that country.” Under the government’s policy on asylum processing for unauthorized maritime arrivals, asylum seekers transferred to third countries for regional processing have their asylum claims assessed by the country in which the claim is processed.

In 2013 the previous Labor government entered into a Regional Resettlement Arrangement with Papua New Guinea to send all unauthorized maritime arrivals to Papua New Guinea for assessment and to resettle those found to be refugees in Papua New Guinea. In 2013 Nauru became part of the arrangement. The government then began transferring all unauthorized maritime asylum seeker arrivals to Papua New Guinea and Nauru for processing. As of September Papua New Guinea had not approved any permanent resettlement arrangements but had granted refugee status to at least 50 individuals for release into the local community to receive support services at an open facility, including language training, cultural orientation, and case support. In 2014 the government reached agreement with Cambodia to resettle refugees on a voluntary basis from the processing center in Nauru. Of the five refugees settled in Cambodia, four voluntarily returned to their country of origin. In October 2015 the Nauruan government announced it would expedite processing for the 600 outstanding refugee claims and claimants would be able to move freely around the island, while maintaining access to assistance from the regional processing center.

In 2014 parliament passed a law that the government stated, “fundamentally changes Australia’s approach to managing asylum seekers” and was partly aimed at addressing a backlog of approximately 30,000 asylum applications. The legislation provided additional clarity and consistency in the powers to detain and move vessels and persons; introduced three-year temporary protection visas (TPV) for those who arrived between August 13, 2012 and December 31, 2013; and introduced a “fast-track” assessment process for those who arrived during this period. It also established a Safe Haven Enterprise Visa (SHEV) that enabled TPV holders to apply for five-year visas to work in non-metropolitan areas. After

holding a SHEV for three and a half years, an applicant would be eligible to apply for other onshore visas, such as a permanent skilled visa.

There is a statutory obligation for the government to facilitate access to legal representation for persons in immigration detention. In March 2014 the federal government tightened access to government-funded legal assistance to only those that arrived through authorized channels.

In May there were 399 persons in immigration detention for longer than 730 days and the average duration authorities held them in detention facilities was 459 days.

There were no children (younger than 18 years) in immigration detention in the country as of May 31, compared with 118 in 2014. There were 50 children on Nauru and none on Manus Island. In 2014 the government announced arrangements to enable more minors to reside in the community while authorities processed their applications.

On May 2, UNHCR stated, “There is no doubt that the current policy of offshore processing and prolonged detention is immensely harmful...Despite efforts by the Governments of Papua New Guinea and Nauru, arrangements in both countries have proved completely untenable....The situation of these people has deteriorated progressively over time, as UNHCR has witnessed firsthand over numerous visits since the opening of the centers.”

In February the Australian High Court threw out a challenge to the existence of the country’s offshore immigration detention center on Nauru. In March protests occurred in major cities after authorities prepared to return a one-year-old girl to Nauru 24 hours after her transfer to a Brisbane hospital for severe burns. Doctors refused to release the infant and the Victorian government issued a public letter to the prime minister criticizing the federal government’s stance on children in detention, and offered to resettle the refugees in Victoria.

More than 1,800 academics urged the prime minister to call a summit to create a more “just and humane approach” to handling asylum seekers arriving by sea. The Supreme Court of Papua New Guinea ruled in April that the detention of asylum seekers at the Manus Island processing center was illegal. The Australian government stated in August it intended to close the Manus Island Center, but did not reveal a specific date.

Durable Solutions: The government accepted refugees for resettlement from third countries and funded refugee resettlement services. The Humanitarian Settlement Services program provided case-specific assistance that included finding accommodation, employment programs, language training, registering for income support and health care, and connecting with community and recreational programs.

### **Section 3. Freedom to Participate in the Political Process**

The constitution and law provide citizens the ability to change their government through free and fair periodic elections held by secret ballot and based on universal and equal suffrage. Voting is mandatory.

#### **Elections and Political Participation**

Recent Elections: The country held a free and fair federal parliamentary election in July. Voters re-elected the Liberal-National Party Coalition government and Malcolm Turnbull remained prime minister. The coalition won 76 seats in the 150-seat House of Representatives, the Labor Party 69, and others five.

Participation of Women and Minorities: There are no legal impediments to voting or holding public office for women or minorities.

Indigenous persons and other minorities generally were underrepresented relative to their share of the population. In 2010 voters elected an indigenous person to the federal House of Representatives for the first time; voters elected the first indigenous woman to the Senate in 2013; and voters elected the first indigenous woman to the House of Representatives in the recent election. An indigenous woman succeeded another indigenous woman as senator for the Northern Territory and voters elected an indigenous man as senator for Western Australia. Five indigenous persons served in the federal parliament. In September 2015 the prime minister named an indigenous member of parliament as the assistant minister for health, making him the first indigenous person on the parliamentary front bench; he retained this portfolio after the election. There were two indigenous persons in the Western Australia state parliament and six in the Northern Territory legislative assembly, which included the Northern Territory's chief minister and the first indigenous state-level head of government. The Tasmania and New South Wales state parliaments and the Australian Capital Territory legislative assembly each had one indigenous member.

## Section 4. Corruption and Lack of Transparency in Government

The law provides criminal penalties for corruption by officials, and the government generally implemented these laws effectively.

Corruption: Queensland, Western Australia, Victoria, South Australia, and New South Wales states have anticorruption bodies that investigate alleged government corruption, and every jurisdiction has an ombudsperson who investigates and makes recommendations in response to complaints about government decisions. These bodies actively collaborated with civil society, operated independently and effectively, and had adequate resources.

The Northern Territory does not have an independent watchdog with sufficient power to investigate politicians and their staffers for corruption and misconduct, according to the territory's police and investigative bodies. In a joint statement to the territory's parliament in July, the Northern Territory Police Commissioner, Public Interest Disclosures Commissioner, Public Employment Commissioner, Auditor-General, and Ombudsman called for new powers to close the loophole on investigating politicians and staffers. The group also demanded greater transparency regarding travel expenses, allowances, appointments, and tenders for work not publicly advertised.

Financial Disclosure: The law requires all federal, state, and territory elected officials to report their financial interests. Failure to do so could result in a finding of contempt of parliament and a possible fine or jail sentence. Federal officeholders must report their financial interests to a Register of Pecuniary Interests, and the report made public within 28 days of the individual's assumption of office.

Public Access to Information: Federal, state, and territorial governments have freedom-of-information (FOI) laws that provide the public access to government information. The federal government does not charge application fees, but some state and territorial governments charge application and processing fees.

The government may exempt information from disclosure to protect essential public interests or the private or business affairs of others. An applicant, including foreign media, may appeal a government decision to deny a request for information to the quasi-legal AAT. An applicant may appeal an adverse AAT decision to the Federal Court. FOI laws, including appeal mechanisms, generally functioned

effectively. A FOI commissioner is responsible for promoting and protecting information rights.

### **Section 5. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights**

A variety of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials often were cooperative and responsive to their views.

Government Human Rights Bodies: The Human Rights Commission (HRC), an independent organization established by parliament and adequately funded by the federal government, investigates complaints of discrimination or breaches of human rights under the federal laws that implement the country's human rights treaty obligations. The HRC reports to parliament through the attorney general. The media and nongovernmental organizations deemed its reports accurate and reported them widely. Parliament has a Joint Committee on Human Rights, and federal law requires that a statement of compatibility with international human rights obligations accompany each new bill.

In addition to the HRC at the federal level, each state and territory has a human rights ombudsperson.

### **Section 6. Discrimination, Societal Abuses, and Trafficking in Persons**

#### **Women**

Rape and Domestic Violence: The law criminalizes rape, including spousal rape, and the government enforced the law effectively. The laws of individual states and territories provide the penalties for rape. Maximum penalties range from 12 years' to life imprisonment, depending on the jurisdiction and aggravating factors.

The law prohibits violence against women, including domestic abuse, and the government enforced the law. Violence against women remained a problem, particularly in indigenous communities.

According to the government, approximately one in three women experienced physical violence, and nearly one in five experienced sexual violence since the age of 15 years. In July the ABS reported that in 2015 police recorded 21,380 cases of

sexual assault, of which 82 percent of the victims were women. Two-thirds of sexual assaults occurred in a residential location.

In 2015, there were 158 homicides linked to family and domestic violence; 103 of the victims were female. In September 2015, in its first major policy initiative, the government under Prime Minister Turnbull announced a policy package of A\$100 million (\$75 million) to address the threat of domestic violence, particularly against women. Federal and state governments funded programs to combat domestic violence and provide support for victims, including funding for numerous women's shelters. Police received training in responding to domestic violence. Federal, state, and territorial governments collaborated on the National Plan to Reduce Violence against Women and their Children 2010-22, the first effort to coordinate action at all levels of government to reduce violence against women.

Female Genital Mutilation/Cutting (FGM/C): FGM/C is a criminal act in all states and territories of the country, and these laws apply extraterritoriality to protect citizens or residents from being subjected to FGM/C overseas. In June a court sentenced a Muslim leader to at least 11 months in jail for covering up FGM/C offenses against two sisters in Wollongong and Sydney between 2009 and 2012. The court sentenced the girls' mother, and the woman who carried out the procedure, to 11 months home detention. It was the country's first FGM/C trial. In 2013 the government held a national summit on FGM/C and subsequently announced a National Compact on Female Genital Mutilation. In 2013 the government announced it would provide A\$1 million (\$750,000) for 15 new projects aimed at ending FGM/C among citizens whether they lived domestically or abroad.

Sexual Harassment: The law prohibits sexual harassment. Complaints of sexual harassment can lead to criminal proceedings or disciplinary action against the defendant and compensation claims by the plaintiff. The HRC receives complaints of sexual harassment as well as sex discrimination. The HRC received 212 complaints of sexual harassment during 2014-15; however, separate statistics on resolution of harassment complaints were not available.

An independent review of the Victoria Police Department released in December 2015 found workplace sexual harassment to be an endemic problem despite more than 30 years of legislation prohibiting sex based discrimination. The Victorian Equal Opportunity and Human Rights Commission found evidence that of more than 5,000 participants surveyed, 40 percent of women and 7 percent of men had experienced sexual harassment. The review found evidence of chronic

underreporting with victims afraid of negative professional and personal consequences resulting from making a complaint.

Reproductive Rights: Couples and individuals have the right to decide freely the number, spacing, and timing of their children; manage their reproductive health; and to have the information and means to do so, free from discrimination, coercion, or violence. State and territorial governments provided comprehensive sex education and sexual health and family planning services. Women had access to contraception and skilled medical care, including essential prenatal, obstetric, and postpartum care. Indigenous persons in isolated communities had more difficulty accessing such services than the population in general. Cultural factors and language barriers also inhibited use of sexual health and family planning services by indigenous persons, and rates of sexually transmitted diseases and teenage pregnancy among the indigenous population were higher than among the general population.

Discrimination: The law provided for the same legal status and rights for women as for men, including under laws related to family, religion, personal status, labor, property, nationality, and inheritance, as well as employment, credit, pay, owning and/or managing businesses, education, and housing. Employment discrimination against women occurred, and there was a much-publicized “gender pay gap” (see section 7.d.). The HRC received 453 complaints under the Sex Discrimination Act from 2014-15, including 358 from women.

There were well-organized and effective public and private women’s rights organizations at the federal, state, and local levels. The federal sex discrimination commissioner of the HRC undertakes research, formulates policy, and conducts educational work designed to eliminate gender discrimination. The Office for Women, under the Department of the Prime Minister and Cabinet, focuses on reducing violence against women, promoting women’s economic security, and enhancing the status of women.

## **Children**

Birth Registration: Children are citizens if at least one parent is a citizen or permanent resident at the time of the child’s birth; however, being physically born within the country does not confer citizenship on a child. Children born in the country to parents who are not citizens or permanent residents acquire citizenship on their 10th birthday, if they lived the majority of their life within the country. In general births were registered promptly.

Child Abuse: State and territorial child protection agencies investigate and initiate prosecutions of persons for child neglect or abuse. All states and territories have laws or guidelines that require members of certain designated professions to report suspected child abuse or neglect. The federal government's role in the prevention of child abuse includes funding for research, carrying out education campaigns, developing action plans against commercial exploitation of children, and funding community-based parenting programs. The federal government's Royal Commission into Institutional Responses to Child Sexual Abuse released an interim report in 2014, which included the personal stories of 150 abused persons. In August 2015 the commission released recommendations on background checks for persons working with children and, in September 2015 released recommendations on redress and civil litigation. It continued to conduct hearings during the year.

According to the Australian Institute of Health and Welfare, a national agency that maintains health statistics and information, there were 42,457 children in substantiated abuse or neglect cases during 2014-15. The rate remained unchanged between 2012-13 and 2014-15 at approximately eight per 1,000 children. The rate of Aboriginal and Torres Strait Islander children on care and protection orders was approximately seven times greater than the nonindigenous rate.

Early and Forced Marriage: The legal minimum age of marriage is 18 for both boys and girls. A person between 16 and 18 years may apply to a judge or magistrate in a state or territory for an order authorizing marriage to a person who has attained 18 years, but the marriage of the minor still requires parental or guardian consent. Two persons younger than 18 years may not marry each other. Although no statistics were available, reports of marriages involving a person younger than 18 years were rare. There were reports forced marriage sometimes occurred.

Sexual Exploitation of Children: The law provides for a maximum penalty of 25 years' imprisonment for commercial sexual exploitation of children. There were documented cases of children younger than 18 years subjected to commercial sexual exploitation.

The law prohibits citizens and residents from engaging in, facilitating, or benefiting from sexual activity with children overseas who are younger than 16 years and provides for a maximum sentence of 17 years' imprisonment for violations. The government continued its awareness campaign to deter child sex



tourism through distribution of pamphlets to citizens and residents traveling overseas.

The legal age for consensual sex is 16 years in the Australian Capital Territory, New South Wales, the Northern Territory, Victoria, and Western Australia and 17 years in Tasmania and South Australia. In Queensland the age of consent for anal sex is 18 years, while the age of consent for all other sexual acts is 16 years. Maximum penalties for violations vary across jurisdictions. Defenses include reasonable grounds for believing the alleged victim was older than the legal age of consent and situations in which the two persons are close in age.

All states and territories criminalize the possession, production, and distribution of child pornography. In New South Wales; however, the law prohibiting child abuse material, including child pornography applies only to children younger than 16 years, and in South Australia the law prohibiting child exploitation material, including child pornography, only applies to children younger than 17 years. Maximum penalties for these offenses range from four to 21 years' imprisonment. Federal laws criminalize using a "carriage service" (for example, the internet) for the purpose of possessing, producing, and supplying child pornography. The maximum penalty for these offenses is 10 years' imprisonment, a fine of A\$275,000 (\$206,000), or both. Under federal law suspected pedophiles can be tried in the country regardless of where the crime was committed. The AFP worked with its international partners to identify and charge persons involved in online exploitation of children.

The government largely continued federal emergency intervention measures initiated in 2007 to combat child sexual abuse in Aboriginal communities in the Northern Territory. These measures included emergency bans on sales of alcohol and pornography, restrictions on the payment of welfare benefits in cash, linkage of support payments to school attendance, and medical examinations for all indigenous children younger than 16 years in the Northern Territory. In 2012 parliament extended most of these interventions through 2022.

While public reaction to the interventions remained generally positive, some Aboriginal activists asserted there was inadequate consultation and the measures were racially discriminatory, since nonindigenous persons in the Northern Territory were not initially subject to such restrictions.

International Child Abductions: The country is a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. For

information see the Department of State's report on compliance at [travel.state.gov/content/childabduction/en/legal/compliance.html](http://travel.state.gov/content/childabduction/en/legal/compliance.html).

### **Anti-Semitism**

According to the 2011 census, the country's Jewish community numbered 97,300 persons. During the 12-month period ending in September 2015, the nongovernmental Executive Council of Australian Jewry reported 190 anti-Semitic incidents logged by the council, Jewish community umbrella groups in each state, and the Australian Capital Territory, and community security groups. These incidents included vandalism, harassment, and physical and verbal assaults. In early April vandals spray-painted several swastikas on Marouba Synagogue in Sydney and on nearby bus stop signs. The synagogue's Rabbi Friedman described the incident as "an assault against Jewish people and directed towards those in my community."

### **Trafficking in Persons**

See the Department of State's *Trafficking in Persons Report* at [www.state.gov/j/tip/rls/tiprpt/](http://www.state.gov/j/tip/rls/tiprpt/).

### **Persons with Disabilities**

The law prohibits discrimination against persons with physical, sensory, intellectual, and mental disabilities in employment; education; access to premises; access to air travel and other forms of transport; provision of goods, services (including health services), and facilities; accommodation; purchase of land; activities of clubs and associations; sport; the judicial system; and the administration of federal laws and programs. The government effectively enforced the law.

The disability discrimination commissioner of the HRC promotes compliance with federal laws that prohibit discrimination against persons with disabilities. The commissioner also promotes implementation and enforcement of state laws that require equal access to buildings and otherwise protect the rights of persons with disabilities, including providing equal access to communications and information. The law also provides for mediation by the HRC of discrimination complaints, authorizes fines against violators, and awards damages to victims of discrimination.

Schools are required to comply with the Disability Discrimination Act, and children with disabilities generally attended school. The federal government's Better Start for Children with Disability initiative provided up to A\$12,000 (\$9,000) per person for early intervention services and treatment for eligible children with disabilities. The government also cooperated with state and territorial governments that ran programs to assist students with disabilities. The 2015 budget increased federal funding for students with disabilities to a record A\$1.3 billion (\$974 million) for 2015-16 and more than A\$5 billion (\$3.75 billion) over 2014-17. The government announced a National Consistent Collection of Data on School Students with Disability so that all students with disability receive funding on the same basis.

The HRC's annual report stated that 740 complaints, citing 846 alleged grounds of discrimination, were filed under the Disability Discrimination Act during 2014-15. Of these, 34 percent related to employment, and 37 percent involved the provision of goods and services (see section 7.d.). The HRC resolved 772 complaints during the period, including 376 through conciliation.

In 2013 the government launched the National Disability Insurance Scheme (NDIS), a national disability insurance program and allocated a budget of A\$14.3 billion (\$10.7 billion) to the program. On June 30, the NDIS began across the country following a trial involving 30,000 people.

### **National/Racial/Ethnic Minorities**

According to its annual report, the HRC received 561 complaints under the Racial Discrimination Act during 2014-15, citing 1,070 alleged grounds of discrimination. Of these, 18 percent involved employment, 15 percent involved provision of goods and services, and 18 percent alleged "racial hatred." The HRC reported resolution of 405 complaints, including 202 through conciliation (see section 7.d.).

### **Indigenous People**

According to the 2011 census, Aboriginals and Torres Strait Islanders constituted 2.5 percent of the total population.

Aboriginal and Torres Strait Islanders hold special collective native title rights in limited areas of the country. Aboriginal Land Rights and Native Title Acts at the federal and state levels enable indigenous groups to claim unused government land. Indigenous ownership of land was predominantly in nonurban areas.

Indigenous-owned or -controlled land constituted approximately 20 percent of the country's area (excluding native title lands) and nearly 50 percent of the land in the Northern Territory. The National Native Title Tribunal resolves native land title applications through mediation and acts as an arbitrator in cases where the parties cannot reach agreement about proposed mining or other development of land. Under a 2002 High Court ruling, native title rights do not extend to mineral or petroleum resources and, in cases where leaseholder rights and native title rights are in conflict, leaseholder rights prevail but do not extinguish native title rights.

The Indigenous Land Corporation, established in 1995, provides a continuing source of funds for indigenous persons to acquire or manage land for the benefit of indigenous persons. It has acquired 250 properties and added more than 5.8 million hectares to the indigenous estate. It receives a minimum annual payment of A\$45 million (\$34 million) from the Land Account, which had a balance of A\$2.014 billion (\$1.5 billion) at the end of June 2015. The Department of the Prime Minister and Cabinet administer the Land Account. It is separate from the National Native Title Tribunal and is not for payment of compensation to indigenous persons for loss of land or to titleholders for return of land to indigenous persons.

As part of the intervention to address child sexual abuse in Northern Territory indigenous communities (see section 6, Children), in 2007 the government took control of 64 indigenous communities through five-year land leases. The federal government's Stronger Futures in the Northern Territory plan begun in 2012 repealed the emergency response and provided for negotiation of voluntary long-term leases. The Indigenous Advancement Strategy administered by the Department of Prime Minister and Cabinet, which began in 2014, allocated indigenous-specific federal funding of A\$4.9 billion (\$3.7 billion) for a period of four years. Additionally, authorities allocated A\$3.7 billion (\$2.8 billion) through National Partnership Agreements, Special Accounts, and Special Appropriations. Funding was also available through indigenous-specific and mainstream programs delivered by other agencies.

In 2013 parliament unanimously passed an act of recognition intended to build momentum for a future referendum for constitutional recognition of indigenous people. The new government supported constitutional recognition of indigenous people and was working toward a referendum to achieve this aim. The portfolio of indigenous affairs had cabinet-level status, and indigenous policy coordination shifted to the Department of Prime Minister and Cabinet.

Since 2008 the prime minister has reported annually to parliament on the government's progress on eliminating indigenous inequalities. In February the prime minister reported mixed results in the eight years since the government set Closing the Gap targets, with advancements in education and child mortality, but slower progress in employment and life expectancy.

According to the ABS, as of March the rate of imprisonment for Aboriginal and Torres Strait Islander individuals was 11.4 times higher than the national imprisonment rate, and Aboriginal and Torres Strait Islander prisoners represented 27 percent of the full-time adult prisoner population. The Ministry for Indigenous Affairs reported in October indigenous children and teenagers were 24 times more likely to be imprisoned than the nonindigenous population, while indigenous women are 30 times more likely to be incarcerated. Nearly half of the imprisoned indigenous persons were serving sentences for violent offenses.

The ABS reported Aboriginal and Torres Strait Islander individuals experienced disproportionately high levels of domestic violence, with hospitalization for family-related assault 28 times more likely for indigenous men and 34 times more likely for indigenous women than the rest of the country's population. According to the Australian Institute of Health and Welfare, life expectancy for indigenous men was an estimated 69.1 years, compared to 79.7 years for nonindigenous men; life expectancy for indigenous women was an estimated 73.7 years, compared to 83.1 years for nonindigenous women; and the indigenous unemployment rate was 17 percent, compared to approximately 5 percent for the nonindigenous population.

The Productivity Commission's *2012 Indigenous Expenditure Report* estimated that total direct indigenous expenditure in 2010-11 was A\$25.4 billion (\$19 billion). This resulted in expenditures of A\$44,128 (\$33,100) per indigenous citizen, compared to A\$19,589 (\$14,700) for other citizens. The report found the difference was due to "greater intensity of service use" and "additional costs of providing services."

The National Congress of Australia's First Peoples, established in 2012, is the national representative body for Aboriginals and Torres Strait Islanders. Government funding for it ceased in 2014. The HRC has an Aboriginal and Torres Strait Islander social justice commissioner.

### **Acts of Violence, Discrimination, and Other Abuses Based on Sexual Orientation and Gender Identity**

There are no laws criminalizing consensual same-sex sexual conduct between adults. Discrimination based on sexual orientation and gender identity is prohibited by law in a wide range of areas, including in employment, housing, family law, taxes, child support, immigration, pensions, care of elderly persons, and social security.

The law provides protections against discrimination based on sexual orientation, gender identity, and intersex status.

The HRC received 34 complaints of discrimination based on sexual orientation during 2014-15.

In 2014 Victoria and New South Wales passed laws to expunge convictions related to consensual sex between men. In May, Victorian Premier Daniel Andrews apologized to citizens convicted of homosexual acts. Following the federal election, the opposition Australian Labor Party announced its first federal “shadow minister” for equality.

### **Other Societal Violence or Discrimination**

In June media reported vandals set a car on fire and sprayed anti-Muslim graffiti on a wall outside a Perth mosque. Earlier that month, someone left a pig’s head near the entrance of another mosque in Perth and parts of a pig in a nearby Islamic school.

## **Section 7. Worker Rights**

### **a. Freedom of Association and the Right to Collective Bargaining**

The law provides for the right of workers to form and join unions and associate freely domestically and internationally, to bargain collectively and to conduct legal strikes. The law prohibits antiunion discrimination and provides for reinstatement of workers fired for union activity.

A union may represent an employee only if the employee is eligible to become a member of that union under the eligibility rules of that union. Union officials have the right to enter workplaces if they hold right-of-entry permits granted by the Fair Work Commission (FWC). Written notice is generally required to enter a workplace and should be provided no less than 24 hours and no more than 14 days

before the proposed visit. Eligibility to enter premises is dependent on whether a union covers the work of a particular employee.

The law requires that employers act in “good faith” when a majority of employees want a collective agreement, although it places some restrictions on the scope of collective bargaining. Prohibited terms include requiring payment of a bargaining services fee, enabling an employee or employer to “opt out” of coverage of the agreement, and anything that breaches the law. Furthermore the law prohibits multi-enterprise agreements or “pattern bargaining,” although low-paid workers can apply for a “low-paid bargaining stream” to conduct multi-enterprise bargaining. When deciding whether to grant a low-paid authorization, the FWC looks at factors including the current terms and conditions of employment, the bargaining strength of employees, and whether employers and employees are bargaining for the first time. There is no definition of low-paid worker in the law; however, the explanatory memorandum to the Fair Work Act suggests that workers in the cleaning and childcare sectors are eligible. A bargaining agent may represent either side in the process. The law designates collective agreements as being between employers and employees directly; trade unions are the default representatives of their members but, with some exceptions, are not official parties to collective agreements.

The law restricts strikes to the period when unions are negotiating a new enterprise agreement and specifies that strikes must concern matters under negotiation, known as “protected action.” Protected action provides employers, employees, and unions with legal immunity from claims of losses incurred by industrial action. The deadline to file an unfair dismissal claim is 21 days, and the time to file a general protections claim is 21 days. Industrial action must be authorized by a secret ballot of employees; unions continued to raise concerns this requirement was unduly time consuming and expensive to implement. The law subjects strikers to penalties for taking industrial action during the life of an agreement and prohibits secondary action (e.g., a sympathy strike). The law permits the government to stop strikes judged to have “significant economic harm” to the employer or third parties. Some provinces have further restrictions. For example in New South Wales, the state government may cancel a union’s registration if the government makes a proclamation or calls a state of emergency concerning an essential service and the “industrial organization whose members are engaged in providing the essential service has, by its executive, members, or otherwise, engaged in activities which are contrary to the public interest.”

The government effectively enforced applicable laws, including federal, state, and territorial laws, regulations, and statutory instruments. Penalties for violations of freedom of association and collective bargaining protections include fines of up to A\$10,800 (\$8,100) for an individual and A\$54,000 (\$40,500) for a corporation and were generally sufficient to deter violations. The FWC is the national independent industrial relations management institution. Its functions include facilitating dispute resolution. If there is a dispute, the FWC convenes a conference between parties to facilitate a resolution. If the conference is unsuccessful, the parties may elect the FWC to arbitrate the dispute, or the applicant may pursue a ruling by a federal court. An applicant may also pursue a court ruling if one or both parties do not agree to participate in the FWC conference.

The government and employers generally respected freedom of association and collective bargaining.

### **b. Prohibition of Forced or Compulsory Labor**

The law prohibits all forms of forced or compulsory labor.

The government effectively enforced applicable labor laws, but did not obtain any successful prosecutions of criminal laws prohibiting forced labor. The law provides for sufficiently stringent penalties against forced labor commensurate with those prescribed for other serious crimes. Federal law includes specific prohibitions of forced labor and prescribed a maximum penalty of nine years' imprisonment for the offense. The law prohibits exploiting migrant employees through forced labor or slavery, and prescribes a maximum penalty of five years' imprisonment and various fines. The majority of forced labor cases, however, were addressed through civil law. In May 2015, following a media report of labor exploitation in the agricultural sector, the assistant immigration minister announced that the department was investigating the employment of Working Holiday visa holders by on-hire labor firms.

There were reports some foreign nationals who came to the country for temporary work were subjected to forced labor in such sectors as agriculture, cleaning, construction, hospitality, and domestic service.

Also see the Department of State's *Trafficking in Persons Report* at [www.state.gov/j/tip/rls/tiprpt/](http://www.state.gov/j/tip/rls/tiprpt/).

### **c. Prohibition of Child Labor and Minimum Age for Employment**



There is no federally mandated minimum age of employment. The Australian Capital Territory, Victoria, and Western Australia established 15 years as the minimum age for work. Queensland established the minimum age as 13 years, and New South Wales, the Northern Territory, South Australia, and Tasmania have no established minimum age for work. With the exception of Victoria, all states and territories have established 18 years as the minimum age for hazardous work.

There are laws and regulations pertaining to hazardous work across sectors. For example under the 1994 Western Australia Mines Safety and Inspection Act an underground employee must not be younger than 18 years unless he or she is an apprentice or a cadet who is working underground to gain required experience in the course of training for a profession or trade; a person handling, charging or firing explosives must not be younger than 18 years; a person must be at least age 21 years to obtain a winding engine driver's certificate. Victoria prohibits employment of a person younger than 15 years in door-to-door selling, in a fishing boat, on a building or construction site or in any other prohibited work; it prohibits the employment of children younger than 14 years in a mine and younger than 17 years from working underground in any mine.

Federal, state, and territorial governments effectively monitored and enforced laws, which varied among jurisdictions, governing the minimum age for leaving school and engaging in specified occupations. Penalties for violations of related laws included fines, and were sufficient to deter violations. For example in Western Australia penalties can be imposed on the employer and parent if they allow a child to: perform work that is not allowed or work outside the allowed hours for their age (maximum fine of A\$24,000 (\$18,000), or a maximum of A\$120,000 (\$90,000) for an incorporated employer); perform in an indecent or pornographic manner (maximum of 10 years' imprisonment); continue to work after the Department for Child Protection and Family Support has issued a notice for the employment to cease because the work is harmful to the child (maximum imprisonment of three years and a maximum fine of A\$36,000 (\$27,000), or A\$180,000 (\$135,000) for an incorporated employer). The Office of the Fair Work Ombudsman (FWO) actively sought to educate young workers about their rights and responsibilities.

State-imposed compulsory educational requirements, enforced by state educational authorities, effectively prevented most children from joining the workforce full time until they were 17 years old. Although some violations of these laws occurred, there was no indication of a child labor problem in any specific sector.

There were some reports of commercial sexual exploitation of children (see section 6, Children).

Also see the Department of Labor's *Findings on the Worst Forms of Child Labor* at [www.dol.gov/ilab/reports/child-labor/findings/](http://www.dol.gov/ilab/reports/child-labor/findings/) for information on the Australian territories of Christmas Island, Cocos (Keeling) Island, and Norfolk Island.

#### **d. Discrimination with Respect to Employment and Occupation**

Federal and state and territory laws provide for protections against employment discrimination based on race, color, sex, religion, political opinion, national origin or citizenship, social origin, disability, sexual orientation and/or gender identity, age, language, HIV-positive status, or other communicable diseases. The HRC reviews complaints of discrimination on the ground of HIV/AIDS status under the category of disability-related complaints.

The law requires organizations with 100 or more employees to establish a workplace program to remove barriers to women entering and advancing in their organization. The law also prohibits discrimination against employees based on family responsibilities, including breastfeeding, and requires equal pay for equal work. The government continued efforts to encourage persons under the Disability Support Pension (DSP) program to enter the workforce when they have a capacity to do so, including by requiring compulsory workforce activities for DSP recipients younger than 35 years who can work for more than eight hours per week.

The government effectively enforced laws prohibiting employment discrimination, and penalties were sufficient to deter violations. Under the law the maximum penalty for contravention of the unlawful discrimination protections is A\$54,000 (\$40,500) per contravention for a corporation and A\$10,800 (\$8,100) per contravention for an individual.

Employment discrimination against women, indigenous persons, and persons with disabilities occurred. According to the government's Workplace Gender Equality Agency, the full-time gender pay gap was 17.3 percent in March and has fluctuated between 15 percent and 19 percent for the past two decades.

Persons with disabilities also faced employment discrimination. In 2014-15, the latest year for which such data were available, the HRC received 742 complaints about disability discrimination, with 304 in the area of employment. Of the

employment discrimination complaints brought to the FWO in 2012-15, 82.8 percent were not sustained.

### **e. Acceptable Conditions of Work**

Effective July 1, the FWC increased the national minimum wage for adults working full time (38 hours per week) by 2.4 percent to A\$672.70 (\$500), based on a minimum hourly rate of A\$17.70 (\$13.30). There was no official poverty-level income figure, but the minimum wage, combined with welfare payments, was intended to provide a decent standard of living for a worker and family. Above-minimum-wage classifications apply to certain trades and professions.

By law maximum weekly hours are 38 plus “reasonable” additional hours (determined according to the law, taking into account factors such as an employee’s health, family responsibilities, ability to claim overtime, pattern of hours in the industry, and amount of notice given). The law provides for paid annual holidays and premium pay for overtime. Industry standards or awards mandate rest periods and overtime pay. An employee may refuse to work overtime if the request is “unreasonable” considering the aforementioned factors.

Federal or state occupational health and safety laws apply to every workplace, including in the informal economy. New South Wales, the Northern Territory, Queensland, South Australia, the Australian Capital Territory, and the federal government have “harmonized” occupational health and safety laws with an aim to make it easier for workers and businesses to understand requirements across different states and territories. Workers can remove themselves from situations that endangered health or safety without jeopardy to their employment, and authorities effectively protected employees in this situation. The law includes an antibullying provision that enables workers bullied at work to apply to the FWC for an order to stop the bullying. The law also enables workers who are pregnant to transfer to a safe job regardless of their time in employment.

The government effectively enforced laws related to minimum wage, hours of work, and occupational safety and health. The FWO provides employers and employees advice on their rights and has authority to investigate employers alleged to have exploited employees unlawfully. The ombudsperson also has authority to prosecute employers who do not meet their obligations to workers. FWO inspectors may enter work sites if they reasonably believe it is necessary to ensure compliance with the Fair Work Act. The number of FWO inspectors, 300, was sufficient to enforce compliance. Inspectors can order employers to compensate

employees and sometimes assess fines. Between July 2014 and June 2015, the latest year for which such data was available, the FWO levied fines of more than A\$22.3 million (\$16.7 million) on behalf of 11,613 employees.

Workers exercised their right to a safe workplace and had recourse to state health and safety commissions, which investigate complaints and order remedial action. Each state and territory effectively enforced its occupational health and safety laws through dedicated bodies that have powers to obtain and initiate prosecutions, and unions used right-of-entry permits to investigate concerns. In New South Wales, for example, an individual can be sentenced a maximum of five years' imprisonment and/or receive a maximum fine of A\$300,000 (\$225,000), and a business can be fined up to A\$3 million (\$2.25 million) for exposing an individual to serious injury or illness. In 2013 one worker was fatally injured and another worker suffered serious injuries when they were moving a cabinet from the back of a truck onto a forklift. After a SafeWork NSW investigation, the District Court convicted the employer in September 2015 and fined the employer A\$225,000 (\$169,000).

Most workers received higher compensation than the minimum hourly rate of A\$17.70 (\$13.30) through enterprise agreements or individual contracts. As of June the ABS reported approximately 3.74 million persons (31.3 percent of the workforce) were employed as part-time workers, of whom 68.5 percent were women. Temporary workers include both part-time and casual employees. Part-time employees have set hours and the same entitlements as full-time employees. Casual employees are employed on a daily or hourly wage basis. They do not receive paid annual or sick leave, but the law mandates they receive additional pay to compensate for this, which employers generally respected. Migrant worker visas require that employers respect employer contributions to retirement funds and provide bonds to cover health insurance, worker's compensation insurance, unemployment insurance, and other benefits.

There continued to be reports employers underpaid seasonal farm workers, including international students and other international migrant workers. As of June 2015, the FWO had recovered A\$254,924 (\$191,000) for 870 workers as part of its "Harvest Trail" inquiry, a program to increase monitoring of the agriculture industry and help employers and employees working on the Harvest trail to understand their rights and obligations at work. For example the Ombudsperson ordered one labor recruitment firm to pay back wages to more than 100 seasonal workers in the fruit and vegetable industry that were underpaid.

There were reports some individuals under “457” employer-sponsored, skilled-worker visas received less pay than the market rate and used as less expensive substitutes for citizen workers. The government improved monitoring of “457” sponsors and information sharing among government agencies, particularly the Australian Tax Office. Employers must undertake “labor market testing” before attempting to sponsor “457” visas; government policy prohibits positions from being nominated under the “457” program when the market rate annual salary is less than A\$53,900 (\$40,400).

According to Safe Work Australia, the government agency responsible to develop and coordinate national workplace health and safety policy, a preliminary estimate was that 86 workers died while working, as of July 26. Of these 27 fatalities were in the transport, postal, and warehousing sector; 25 in the agriculture, forestry, and fishing sector; and 10 in construction.