

AUSTRALIA'S 4th UNIVERSAL PERIODIC REVIEW – 2025-26

Joint NGO Report on behalf of the Australian NGO Coalition

16 July 2025

[*not the final cover page - subject to change]

Circulated for Endorsement Only

Foreword

This Report was coordinated by the Human Rights Law Centre, Kingsford Legal Centre, Indigenous Peoples Organisation–Australia, and Community Legal Centres Australia.

The process involved over 100 organisations across Australia who contributed to the report and it reflects a point-in-time snapshot of many of the most pressing human rights issues in Australia.

The report applies an intersectional lens, in recognition that human rights are interdependent and indivisible and that violations are compounded for people and communities that experience systematic exclusion or oppression based on factors such as race, ethnicity, gender, socioeconomic status, religion, disability, LGBTQIA+ identity or geographic location.

The report makes recommendations for steps Australia should take to improve its human rights record.

Throughout the development of this report, a key concern raised by NGOs was the lack of progress in implementing recommendations from Australia's previous three UPR cycles.

In endorsing this report, NGOs across Australia are calling on Australia to meaningfully engage in the UPR process and uphold its human rights obligations to protect the rights of all people.

Constitutional, Legislative and Institutional Framework

1. The Australian Constitution and its political and juridical institutions remain racially biased against Aboriginal and Torres Strait Islander Peoples.¹ Australia has failed to establish a Makarrata Commission to enact truth-telling and negotiate a treaty.² Consequently, Australia fails to meet its obligations under UNDRIP.³
2. **Australia must coordinate with Aboriginal and Torres Strait Islander Peoples to establish a national action plan and an Indigenous independent monitoring body to implement UNDRIP, within 12 months.**⁴
3. **Australia must establish a Makarrata Commission to supervise negotiations on a national treaty and truth-telling, within 18 months, to recognise the self-determination of Aboriginal and Torres Strait Islander Peoples.**⁵
4. **Australia must establish reparations for Stolen-Generations.**⁶
5. Australia's fragmented approach to human rights fails to ensure equal protection,⁷ and overlooks the intersecting discrimination faced by marginalised groups.⁸
6. Blame-shifting between federal and state governments detracts from compliance, transparency, and accountability regarding Australia's international obligations.
7. **Australia must enact a Human Rights Act within two years,⁹ review and amend existing laws to ensure human rights compatibility,¹⁰ advance Human Rights Acts in all states and territories, develop a transparent national human rights indicator index, and commit to best practice human rights education to promote a national human rights culture.**¹¹
8. Children continue to face systemic breaches of their human rights.¹²
9. **Australia must include specific protections for children in a federal Human Rights Act, enact a federal Children's Rights Act to incorporate CRC into domestic legislation¹³ and appoint a Cabinet Minister for Children.**¹⁴
10. Australia has no formalised approach to reviewing reservations and interpretive declarations.¹⁵
11. **The Australian Parliament's Joint Standing Committee on Treaties must review, with a view to withdrawing, all existing reservations and declarations under UN human rights treaties.**
12. **All jurisdictions must appoint and fund an NPM¹⁶ and enact legislation to support NPM, including for UNSPT.**
13. Australia's inadequate domestic incorporation of its international obligations leaves victims without an effective domestic remedy or access to complaint mechanisms.
14. **Australia must become a party to the Optional Protocols to ICESCR and CRC.**¹⁷
15. Australia lacks an institutional mechanism for investigating and prosecuting international crimes committed by and against Australians.
16. **Australia must develop a permanent specialist international crimes mechanism, resourced to provide effective access to justice for victims.**
17. Australia does not adequately protect Article 14 ICCPR rights of review in criminal proceedings.¹⁸

18. **Australia must establish a statutory National Criminal Review Commission empowered and resourced to investigate claims of wrongful conviction and refer to courts of appeal.**
19. Australia is pursuing defence exports market expansion at the expense of its human rights obligations under the Arms Trade Treaty.¹⁹
20. **Australia must conduct a comprehensive review and reform its defence export permit system to ensure ATT compliance.**

Aboriginal and Torres Strait Islander Peoples

21. Aboriginal and Torres Strait Islander Peoples lack a national representative body following previous funding cuts,²⁰ which contributes to poor outcomes across every social indicator²¹ and fails to recognise Indigenous rights to self-determination.²² Additionally, there is chronic underfunding of Aboriginal and Torres Strait Islander human rights advocacy.²³
22. **Australia must commit funding to empower Aboriginal and Torres Strait Islander Peoples to establish a permanent national representative body,²⁴ and fund Indigenous human rights bodies, within 12 months.**
23. Aboriginal and Torres Strait Islander Peoples living in remote communities suffer profound disadvantage,²⁵ reflected in food insecurity,²⁶ poor water quality,²⁷ and lower life expectancy.²⁸ Poorer health outcomes include high rates of preventable blindness,²⁹ diabetes,³⁰ and kidney failure eight times non-Indigenous rates,³¹ with 82% of rheumatic heart disease cases being Indigenous.³²
24. Remote communities are marred by historical neglect of infrastructure, chronically overcrowded housing,³³ poverty,³⁴ inconsistent telecommunications and power³⁵ and unmaintained roads and airstrips.³⁶
25. Remote communities face systemic challenges exacerbated by punitive and racially targeted policies, such as the Cashless Welfare Card,³⁷ Income Management³⁸ and the Community Development Program with mutual obligations and financial penalties.³⁹ The Remote Jobs and Economic Development Program⁴⁰ is replacing CDP with employment but is limited to 3,000 of 45,000 people on CDP.
26. **Australia must work with Aboriginal and Torres Strait Islander remote communities to adequately resource infrastructure, housing, health, languages,⁴¹ education⁴² and employment, and implement self-determination through local community decision-making bodies, within 18 months.**
27. Aboriginal and Torres Strait Islander Peoples' land rights are undermined by inconsistent state legislation, insufficient recognition of traditional ties, and barriers to effective legal recourse.⁴³ Australia's Native Title system reflects systemic inequality, failing to meet obligations under UNDRIP, ICCPR and ICERD.⁴⁴ Native Title holders lack veto power, sufficient resources and FPIC.⁴⁵ Compensation lacks transparency and sufficient consideration of cultural loss.⁴⁶ Claims require ongoing connection to land, ignoring forced displacement.⁴⁷ The associated Social Justice Package was not implemented.⁴⁸ Additionally, traditional lands have also been contaminated,⁴⁹ impacting health.⁵⁰
28. **Within 18 months, Australia must implement legal reforms to protect and facilitate the return of Indigenous lands and reform the *Native Title Act* by:**

- (a) **providing sufficient resources;**
 - (b) **revising evidentiary requirements;**
 - (c) **including non-economic loss compensation;**
 - (d) **ensuring Free Prior, and Informed Consent;**
 - (e) **remediating contamination;**⁵¹
 - (f) **enabling land acquisition; and**
 - (g) **enacting the Social Justice Package.**
29. Aboriginal communities' cultural heritage has insufficient legal protections, evidenced by the destruction of the 46,000-year-old Juukan Gorge.⁵² The federal *Aboriginal and Torres Strait Islander Heritage Protection Act* lacks enforceable rights, FPIC or capacity to reject resource extraction proposals.⁵³
 30. **Australia must establish national Aboriginal and Torres Strait Islander Cultural Heritage Protection legislation that mandates FPIC and incorporates a national repatriation policy within 18 months.**
 31. In 2020, Australia and the Coalition of Peak Organisations signed the National Agreement on Closing the Gap,⁵⁴ committing to overcome the entrenched inequality faced by many Aboriginal and Torres Strait Islander People.
 32. **Australia must adopt fundamentally new and effective ways of developing and implementing policies and programs affecting Aboriginal and Torres Strait Islander People and implement the Productivity Commission Review recommendations⁵⁵ within 12 months.**

Justice

33. Funding shortfalls, increasing complexity, high volumes of legal need, and insufficient responses to legal assistance market failure,⁵⁶ especially in remote and rural areas, is causing chronic access to justice failures.⁵⁷
34. **Australia must deliver needs-based funding, planning and initiatives for geographically comprehensive access to legal assistance.**⁵⁸
35. Aboriginal and Torres Strait Islander Peoples are subject to mass incarceration,⁵⁹ with increasing numbers held on remand.⁶⁰
36. Women experience rising incarceration rates, particularly Aboriginal and Torres Strait Islander women and mothers,⁶¹ who outstrip other groups.⁶²
37. **Australia must ensure geographically comprehensive non-carceral early intervention, prevention and diversionary solutions, co-designed with impacted communities, including trauma-informed, GBV-informed and culturally safe services.**⁶³
38. Children as young as 10 are being criminalised and incarcerated.⁶⁴
39. **Australia must raise the minimum age of criminal responsibility to at least 14 years, without exceptions.**⁶⁵
40. Investigations of abuses by police must be conducted by appropriately resourced and independent agencies.⁶⁶

41. **Australia must ensure all jurisdictions establish and properly resource fully independent investigative bodies that meet human rights standards.**⁶⁷
42. 'Intelligence-led' policing⁶⁸ and punitive bail laws⁶⁹ disproportionately harm Aboriginal and Torres Strait Islander Peoples, racially diverse communities, young people,⁷⁰ and those experiencing homelessness, who face greater bail refusals and difficulty meeting conditions.⁷¹
43. **Australia must audit policing laws to eliminate predatory and discriminatory policing,⁷² repeal punitive bail laws, and invest in culturally safe and geographically inclusive⁷³ bail support programs that are readily accessible.**⁷⁴
44. Police increasingly use 'predictive' policing and AI⁷⁵ which breaches human rights,⁷⁶ lacks accountability,⁷⁷ and entrenches racial bias.⁷⁸
45. **Australia must regulate⁷⁹ predictive policing and AI within law enforcement agencies.**⁸⁰
46. Police strip search rates have surged, disproportionately targeting young people and Aboriginal and Torres Strait Islander Peoples,⁸¹ causing humiliation and trauma, and potentially breaching laws.⁸²
47. **Australia must comprehensively amend strip search laws in all jurisdictions.**⁸³
48. Survivors of family and GBV often lack protection and face police failures, including misidentification as perpetrators⁸⁴ and privacy breaches.⁸⁵ Aboriginal and Torres Strait Islander women are disproportionately criminalised due to flawed 'victim-offender' frameworks that ignore self-defence.⁸⁶ Perpetrators must be held accountable through evidence-based and culturally secure processes.
49. **Australia must urgently reform police responses to family violence to reduce harm and increase safety,⁸⁷ including developing preventative measures, ending the criminalisation of victim-survivors,⁸⁸ and strengthening accountability mechanisms.**
50. Mandatory and presumptive sentencing laws⁸⁹ disproportionately harm Aboriginal and Torres Strait Islander Peoples,⁹⁰ people with disability, and those experiencing hardship.⁹¹ These laws⁹² fuel over-incarceration and undermine legal system integrity.⁹³
51. **Australia must end mandatory and presumptive sentencing.**
52. Australia continues to prioritise prison construction over evidence-based alternatives to imprisonment.⁹⁴
53. **Australia must halt all prison construction and expansions, invest in alternatives to reduce incarceration,⁹⁵ and work towards closing existing facilities.**⁹⁶
54. Aboriginal and Torres Strait Islander incarceration increased by 15% in 2024.⁹⁷ Since the 1991 Royal Commission, more than 600 Aboriginal and Torres Strait Islander people have died in custody,⁹⁸ a figure rising at a disturbing rate.⁹⁹ Key recommendations from coronial inquiries and royal commissions remain unimplemented or underfunded by all levels of government.¹⁰⁰
55. **Australia must fully implement recommendations from the 1991 Royal Commission,¹⁰¹ the NT Royal Commission into Youth Incarceration, the DRC, and urgently act on Coronial findings on deaths in custody.**

56. Australia's youth legal system is underpinned by a carceral logic¹⁰² with children¹⁰³ in detention facing solitary confinement,¹⁰⁴ unsafe facilities¹⁰⁵ and excessive force.¹⁰⁶ Two children have died in youth detention within a year.¹⁰⁷
57. **Australia must embed its international obligations,¹⁰⁸ and enact practical national minimum standards for the treatment of young people in detention.**
58. Basic humane standards in adult prisons and watch houses are deteriorating.¹⁰⁹ Overcrowding and staffing shortages are causing restrictions to essential services,¹¹⁰ more harmful lockdowns, confinement,¹¹¹ and worsening conditions.¹¹²
59. **Australia must urgently improve conditions in prisons to meet human rights standards.**
60. People in prisons have the right to protection from infectious diseases¹¹³ and to healthcare equal to community standards.¹¹⁴
61. **Australia must promote evidence-based responses to protect people in prison from infectious diseases¹¹⁵ and standardise access to federally funded healthcare.**
62. Australia has failed to implement its obligations under OPCAT.¹¹⁶
63. **Australia must fully implement all obligations under OPCAT.¹¹⁷**

Democratic Rights and Freedoms

64. Despite compulsory voting, Australia excludes thousands of people from voting,¹¹⁸ including prisoners¹¹⁹ and people with disabilities.¹²⁰ Many eligible voters face significant barriers.¹²¹ Many Aboriginal and Torres Strait Islander People could not vote in the Voice referendum.¹²²
65. **Australia must develop a national action plan using the National Cabinet model to protect the right to vote.¹²³**
66. Since 2020, six Australian jurisdictions have enacted laws restricting the right to peaceful assembly and freedom of expression,¹²⁴ which create broad offences and impose disproportionately harsh penalties.¹²⁵
67. Australian police have misused crowd control weapons during protests, causing serious harm.¹²⁶
68. Universities have escalated efforts to suppress campus protests, particularly in solidarity with Palestine,¹²⁷ through indoor protest bans, restrictions on banners and posters, and pre-approval requirements.¹²⁸
69. Protest notification regimes are increasingly being used as de facto authorisation systems, contrary to international law.¹²⁹
70. **Australia must:**
 - (a) **repeal or amend anti-protest laws to ensure compliance with international obligations;**
 - (b) **prohibit the use of explosive devices and dangerous crowd control weapons¹³⁰ and ban police tactics like kettling at protests; and**
 - (c) **bring notification regimes in line with its international obligations.¹³¹**

71. The 2019 AFP raids¹³² exposed serious press freedom concerns, yet recommendations remain unimplemented.¹³³ National security laws have eroded press freedom and source protection, contributing to Australia's drop on the global press freedom index.¹³⁴
72. **Australia must enact a Media Freedom Act.**¹³⁵
73. Australia continues to prosecute whistleblowers like David McBride¹³⁶ and Richard Boyle.¹³⁷ Expanding secrecy laws and inadequately protecting whistleblowing suppresses public interest reporting.
74. **Australia must strengthen and harmonise whistleblower protections, reform draconian secrecy laws, establish a Whistleblower Protection Authority,¹³⁸ and pardon McBride and Boyle.**
75. Australia's planned under-16s social media ban risks violating children's rights.¹³⁹ It fails to tackle platform algorithms that spread misinformation, hate and abuse, and poses serious data and privacy risks.¹⁴⁰
76. **Australia must repeal the ban and require platforms to protect users from foreseeable harm.**

Refugees and People Seeking Asylum

77. Australia's asylum system breaches international obligations through harmful, discriminatory practices.¹⁴¹ Interception and return of people seeking asylum violates non-refoulement obligations.¹⁴²
78. Australia has spent \$13bn on offshore detention,¹⁴³ despite deaths, violence, and medical neglect.¹⁴⁴ Refugees in Nauru¹⁴⁵ and PNG¹⁴⁶ remain without durable solutions.¹⁴⁷ The UNHRC has found Australia in breach of international law for arbitrary detention in both Australia and Nauru.¹⁴⁸
79. Around 900 people¹⁴⁹ transferred from Nauru and PNG for urgent medical care remain in Australia with no pathway to permanent residency.¹⁵⁰
80. **Australia must end offshore processing and evacuate remaining refugees to Australia, offering humane durable solutions consistent with international obligations.**
81. Onshore detention remains punitive,¹⁵¹ and pervasive¹⁵² with 966 people detained,¹⁵³ for an average period of 458 days.¹⁵⁴ Use of force and restraints is widespread.¹⁵⁵ Women, LGBTQIA+ people, and people with disability¹⁵⁶ face elevated risks.¹⁵⁷
82. **Australia must end mandatory immigration detention and enforce strict time limits, protections, and independent oversight where detention is used.**
83. In response to the High Court ruling against indefinite detention,¹⁵⁸ Australia passed laws that enable removals to third countries,¹⁵⁹ imprisonment for resisting removal attempts or breaching visa conditions, banning of items in immigration detention, reversal of protection findings, and travel bans.¹⁶⁰
84. New laws also impose harsh visa conditions including electronic monitoring and curfews.¹⁶¹
85. **Australia must repeal these laws.**

86. Over 7,000 people who were subject to the flawed Fast Track regime have no pathway to permanency despite living in Australia for over a decade.¹⁶² Australia's temporary protection visa regime discriminates based on mode of arrival.¹⁶³
87. **Australia must abolish temporary protection and create a pathway to permanency for people impacted by the Fast Track regime.**¹⁶⁴
88. Denial of work and study rights, income support, and access to Medicare drives people seeking asylum into destitution and exploitation.¹⁶⁵
89. Refugees with disability face systemic discrimination¹⁶⁶ and are excluded from the NDIS.¹⁶⁷
90. **Australia must restore a safety net to all people seeking asylum¹⁶⁸ and end discrimination against refugees with disability.**
91. LGBTQIA+ people seeking asylum and refugees face systemic exclusion and barriers to services.¹⁶⁹ The RSD¹⁷⁰ process often fails to sensitively assess GBV¹⁷¹ and LGBTQIA+ claims.¹⁷²
92. GBV disproportionately affects female¹⁷³ and LGBTQIA+ refugees.¹⁷⁴ Fear of visa cancellation deters reporting.¹⁷⁵ Forced marriage risks for LGBTQIA+ refugees and refugees with disability remain neglected in policy and practice.¹⁷⁶
93. **Australia must ensure protection and targeted settlement policies for LGBTQIA+ refugees and GBV survivors.**

Culturally and Linguistically Diverse People and Communities

94. Systemic racism disproportionately impacts CALD communities,¹⁷⁷ including in immigration, employment, education, healthcare, housing, and the legal system, resulting in poorer life outcomes, limited access to opportunities, and intergenerational disadvantage.¹⁷⁸
95. **Australia must implement the recommendations of AHRC's National Anti-Racism Framework.**¹⁷⁹
96. Capping and queuing family reunion visas creates backlogs¹⁸⁰ that disproportionately affect CALD communities.¹⁸¹ Border force profiles Asian women as sex workers and deports without due process.¹⁸² Visa refusals based on projected healthcare costs disproportionately affect people with disabilities within this CALD migrant cohort.¹⁸³
97. **Australia must commit to fair, efficient and non-discriminatory immigration policy.**
98. CALD women and children with precarious visa statuses face heightened risk of GBV, including coercive control, and are often unable to access services like Medicare, Centrelink, or safe housing. Risks are magnified for intersectional cohorts of CALD women and children.¹⁸⁴
99. **Australia must introduce a substantive temporary visa to support victim-survivors of family violence.**
100. Strict residency-based preclusion, waiting periods, language barriers, and inadequate culturally appropriate information and support¹⁸⁵ cause inequity for CALD communities accessing government services.¹⁸⁶

101. **Australia must ensure equal access to social security, health, disability, and other government services.**

Older People

102. Older people¹⁸⁷ lack adequate sanctions, redress or remedy to serious human rights violations.

103. **Australia's Draft National Plan to End the Abuse and Mistreatment of Older People 2024-34¹⁸⁸ must include stronger measures, adequate funding and clear accountability.¹⁸⁹**

104. **Australia must develop a geographically comprehensive National Plan against Ageism.¹⁹⁰**

105. *Aged Care Act*¹⁹¹ rights are not directly enforceable. The Act does not support diversity,¹⁹² including for LGBTQIA+ people and people with disability.¹⁹³ Systems lack sufficient awareness, resourcing, and training to support older people experiencing violence, abuse, and use of restrictive practices; especially women in residential care.¹⁹⁴

106. There are insufficient culturally safe, community-led ageing-in-place services, and a lack of systems to address cultural abuse for older Aboriginal and Torres Strait Islander Peoples.¹⁹⁵ Despite Closing the Gap commitments and Royal Commission findings, Australia's support for ACCOs to deliver self-determined aged care is inadequate.¹⁹⁶

107. More older women than men live in poverty,¹⁹⁷ are at increased risk of homelessness,¹⁹⁸ and experience gendered¹⁹⁹ and age-related violence.²⁰⁰ Gendered ageism and care responsibilities impede workforce participation.²⁰¹ Australia's new approach references older women but must clarify how they will be prioritised.²⁰²

108. **Australia must actively participate²⁰³ in drafting and elaboration of a convention on the human rights of older persons.²⁰⁴**

People with Disability

109. People with disability are deeply disappointed²⁰⁵ by ongoing segregation and Australia's response²⁰⁶ to the DRC.²⁰⁷

110. **Australia must implement DRC recommendations regarding full desegregation in education, employment and housing, and incorporate DRC recommendations into Australia's Disability Strategy²⁰⁸ with binding targets and legislative mandates.**

111. Implementation gaps in CRPD²⁰⁹ rights to prevent discrimination, violence,²¹⁰ abuse, neglect and exploitation of people with disability exist,²¹¹ and are compounded for Aboriginal and Torres Strait Islander Peoples²¹² geographically and other marginalised communities.²¹³

112. **Australia must implement a Human Rights Act, which gives effect to all CRPD obligations; and modernise the outdated *Disability Discrimination Act* to properly protect the rights of people with disability and include a positive duty to prevent disability discrimination.**

113. Restrictive practices, involuntary treatments and forced sterilisation²¹⁴ are prevalent. Inaccessible housing and insufficient disability and community support²¹⁵ maintain institutionalisation.²¹⁶

114. **Australia must:**

- (a) **implement the CRPD Committee's deinstitutionalisation guidelines;**
- (b) **urgently replace all substituted decision-making laws and withdraw its Interpretative Declarations;**²¹⁷
- (c) **implement human rights compliant legal frameworks regulating restrictive practices in all settings and prohibit forced sterilisation;**
- (d) **invest significant resources in establishing foundational supports;**²¹⁸ **and**
- (e) **ensure ongoing NDIS reforms are disability-led**²¹⁹ **and comply with CRPD.**

115. People with disability are disproportionately impacted by criminal legal systems and subjected to indefinite detention.²²⁰

116. **Australia must implement DRC recommendations relating to the criminal legal system.**

Sexual Orientation, Gender Identity and Expression and Sex Characteristics

117. By 2030, Australia must:

- (a) **Ensure universal access to gender-affirming healthcare.**²²¹ Access barriers include gaps in Medicare and PBS coverage, limited supply and service availability, and out-of-pocket costs.²²²
- (b) **End unnecessary medical treatment on people with innate variations of sex characteristics without personal consent.** Harmful medical practices persist in Australia, with the ACT the only jurisdiction to partially regulate some medical procedures without personal consent on people with innate variations of sex characteristics.²²³
- (c) **Protect LGBTQIA+ people from discrimination and hate speech, including by narrowing exemptions allowing religious organisations to discriminate.** Protections throughout Australia from hate speech and discrimination are inconsistent;²²⁴ the *Sex Discrimination Act*²²⁵ still allows discrimination against LGBTQ+ people through broad exemptions for religious institutions.²²⁶
- (d) **Deliver public education campaigns to address discrimination against LGBTQIA+ people.** LGBTQIA+ people continue to face high rates of discrimination, violence and mental distress.²²⁷ Public understanding of innate variations of sex characteristics is low, driving discrimination and stymying data collection.
- (e) **Sustainably fund LGBTQIA+ community-controlled organisations to deliver essential services.** Inadequate funding is available for LGBTQIA+ organisations in Australia.²²⁸ Funding tends to be for projects, instead of long-term unrestricted funding for organisations.²²⁹

Children and Young People

118. Children²³⁰ are key stakeholders in many policy areas. Yet, their views are not seriously considered in policy development.²³¹ Consultations are fragmented and lack accountability.
119. **Australia must prioritise children's rights²³² and best interests in policies impacting them, including on climate change,²³³ youth justice, education, mental health, GBV, immigration²³⁴ and technology.²³⁵**
120. Aboriginal and Torres Strait Islander children are over 10 times more likely to be removed from their families and 29 times more likely to be detained.²³⁶ Disproportionate use of suspensions in schools perpetuate a school-to-prison pipeline.²³⁷
121. **Australia must fund and empower ACCOs to co-design and deliver measures to meet Closing the Gap targets.²³⁸**
122. Australia's age of criminal responsibility remains 10 in most jurisdictions.
123. **Australia must²³⁹ urgently raise the age of criminal responsibility to at least 14, without exceptions, and appropriately support children and young people.²⁴⁰**
124. Children are often isolated, forcibly restrained, and not separated from adults in detention.
125. **Australia must guarantee separate detention of children²⁴¹ and establish and monitor national youth justice standards consistent with CRC.²⁴²**
126. Children are increasingly experiencing psychological distress, which is influenced by social determinants of health.²⁴³
127. **Australia must address these social determinants,²⁴⁴ and expand and resource new service models for children's mental health.**
128. The National Framework for Protecting Australia's Children²⁴⁵ lacks monitoring measurements. It does not effectively prevent violence and discrimination against children and fails to protect economic, social, cultural rights, and participatory rights.²⁴⁶
129. **Australia must develop a National Plan for Children²⁴⁷ which comprehensively protects children's rights.**
130. **Australia must adequately resource the National Children's Commissioner to monitor child rights and ensure the National Commission for Aboriginal and Torres Strait Islander Children and Young People complies with the Paris Principles.²⁴⁸**

Women

131. Aboriginal and Torres Strait Islander women and girls are subject to unacceptably high rates of GBV, mass incarceration and destruction of family wellbeing through child removals.²⁴⁹ They are also subject to economic disempowerment and poverty, through geographic discrimination,²⁵⁰ financial abuse, and pay inequity,²⁵¹ and their families are overrepresented in Income Management Policies.²⁵²

132. **Australia must urgently deliver a principled,²⁵³ coordinated, whole-of-government response led by Aboriginal and Torres Strait Islander women to ensure safety, economic security, and self-determination.**
133. Australia's systematic and pervasive withholding of services from remote and rural areas violates women's rights under Australia's treaty obligations, including CEDAW.²⁵⁴
134. **Australia must ensure women's human rights inclusion without geographic exception or discrimination.²⁵⁵**
135. Migrant and refugee women frequently encounter workplace sexual harassment, exploitative conditions and racial discrimination.²⁵⁶
136. **Australia must:**
- (a) **strengthen employment protections for women;**
 - (b) **expand recognition of overseas qualifications and job readiness programs;**
 - (c) **promote culturally competent hiring and inclusive workplace practices; and**
 - (d) **properly resource the Workplace Justice Visa and Strengthening Reporting Protections pilots.²⁵⁷**
137. **Australia must address all forms of GBV and intersecting discrimination,²⁵⁸ including by:**
- (a) **implementing accountability measure to address racism, sexism, geographic relegation,²⁵⁹ perpetrator accountability, and structural inequities,²⁶⁰ especially for women accessing services in rural and remote communities;**
 - (b) **ensuring legal protections for women on temporary visas facing family violence;²⁶¹ and**
 - (c) **amending laws to extend absolute defamation privilege for reports made to police, medical, housing, education, employment and complaints bodies.²⁶²**
138. **Australia must legislate gender equality across all policies and services, with parliamentary oversight to ensure it is prioritised and properly funded.**

Equality and Non-Discrimination

139. **Australia must:**
- (a) **Enact uniform anti-discrimination legislation which provides a clear, consistent and comprehensive pathway of redress, and effective remedies against intersectional discrimination, to promote substantive equality.²⁶³**
 - (b) **Extend coverage of protected attributes to fill gaps in protection.²⁶⁴**
 - (c) **Introduce federal protections against religious discrimination. Exemptions to discrimination law that allow for the manifestation of religious beliefs must be proportionate and aimed at maximising realisation of all human rights.²⁶⁵**
 - (d) **Strengthen anti-vilification laws to protect all groups vulnerable to hate speech, ensuring limitations on speech are necessary and proportionate.²⁶⁶**
 - (e) **Empower and resource Aboriginal and Torres Strait Islander Peoples to lead reform of racialised laws, policies and institutions that discriminate against and oppress them.**

- (f) **Implement the AHRC's Anti-Racism Framework.**²⁶⁷
- (g) **Extend equal access costs models in anti-discrimination legal proceedings to state/territory anti-discrimination and related civil proceedings to enhance access to justice for victims of discrimination.**²⁶⁸

Poverty

- 140. Structural inequalities place millions in poverty.²⁶⁹ Australia's social security system supports survival for many²⁷⁰ but falls far short of its responsibility to respect, protect and fulfil human rights.²⁷¹ Payments are too low, causing and compounding poverty.²⁷²
- 141. Conditionalities and surveillance harm, or exclude altogether, people accessing payments,²⁷³ often increasing intersectional and spatial inequality. Australia marginalises input from poor people, ignores evidence and perpetuates colonial violence²⁷⁴ by refusing to act on recommendations.²⁷⁵
- 142. **Australia must urgently increase social security payments²⁷⁶ and establish robust, locationally equitable anti-poverty measures.**
- 143. Compulsory participation and unpaid labour requirements, and income quarantining²⁷⁷ are inequitable, intrusive and discriminatory, and violate the right to social security. Conditionality has been applied experimentally, without ethical frameworks or due process safeguards.
- 144. **Australia must immediately abolish compulsion in programs for people accessing social security and within 3 years implement effective, responsive, voluntary programs to assist people who want help.**
- 145. Extreme targeting of payments²⁷⁸ causes increased administrative burden and barriers to access.²⁷⁹ Intentional service failure²⁸⁰ and patterns of negligent and unlawful decision-making²⁸¹ increase distress and barriers to seeking support.²⁸²
- 146. Increasing digitisation risks algorithmic injustice, systems failures, and digital exclusion.
- 147. **Australia must provide equitable access to social security payments by:**
 - (a) **reducing complexity and expanding eligibility;**
 - (b) **reforming debt recovery approaches;**
 - (c) **ensuring agencies behave lawfully and are available and responsive;**
 - (d) **restoring shopfronts and paper-based processes where needed; and**
 - (e) **resourcing support services, including culturally safe legal services for Aboriginal and Torres Strait Islander People.**

Housing and Homelessness

- 148. Since 2021, homelessness has increased,²⁸³ particularly for people with disability,²⁸⁴ women,²⁸⁵ children²⁸⁶ and Aboriginal and Torres Strait Islander Peoples.²⁸⁷ Social housing stock has proportionally declined²⁸⁸ and housing affordability worsened.²⁸⁹
- 149. **Australia must deliver a national housing and homelessness strategy which includes significant investment in support services²⁹⁰ and social housing stock for diverse needs.**²⁹¹

150. **Australia must adequately fund community-led solutions to ensure all Aboriginal and Torres Strait Islander Peoples can access appropriate housing assistance and housing in accordance with Closing the Gap and Housing Policy Partnership.**²⁹²
151. The right to adequate housing²⁹³ is not protected.²⁹⁴ Many homes are substandard,²⁹⁵ inaccessible,²⁹⁶ culturally unsuitable²⁹⁷ or lacking essential services access.²⁹⁸
152. **Australia must enshrine the right to adequate housing at all levels of government.**²⁹⁹
153. **Australia must implement binding, national legislative standards for renters.**³⁰⁰
154. The rights of people experiencing homelessness continue to be violated,³⁰¹ including through criminalisation.³⁰²
155. **Australia must work with states and territories to reform laws which disproportionately impact people experiencing homelessness.**³⁰³

Climate Change

156. Australia is failing to prevent human rights harms caused by climate change.³⁰⁴ While emissions reduction policies have strengthened in the past 3 years,³⁰⁵ Australia's 2030 target remains inadequate to limit global warming to 1.5°C.³⁰⁶ The transition has been neither equitable nor inclusive. Fossil fuel subsidies, mining, and exports are increasing,³⁰⁷ undermining global targets and human rights.³⁰⁸
157. **Australia must:**
- (a) **increase its 2030 emissions reduction target to at least 75% and work towards net zero by 2035;**
 - (b) **stop new coal and gas projects, develop a plan for winding down exports, and end fossil fuel subsidies by 2026;**³⁰⁹
 - (c) **accelerate renewable energy, storage, electrification, and energy efficiency with socially, economically and geographically inclusive policies and uphold Aboriginal and Torres Strait Islander Peoples' self-determination; and**
 - (d) **ratify the Global Oceans Treaty.**³¹⁰
158. Australia is failing to ensure people can adapt to climate change and to facilitate just transitions for all.
159. **Australia must develop mitigation and adaptation policies, including a rights and equity-based National Adaptation Plan, with effective monitoring and accountability mechanisms, and with the meaningful participation of affected communities.**³¹¹
160. **Australia must support community participation by meeting its obligation to ensure data access for at-risk communities, including release of the Climate Risk Map.**
161. Australia is failing to assist developing countries³¹² to mitigate climate pollution, adapt to climate change and recover from losses and damages in accordance with its fair share.³¹³
162. **Australia must increase its climate finance contribution,³¹⁴ while mainstreaming climate considerations into existing programs and streamlining access and funding for impacted communities.**³¹⁵

Pandemic and Disaster Response

163. Since 2020, Australia has endured COVID-19, floods, bushfires, and other disasters made worse by climate change. Another pandemic is increasingly likely because of global travel and environmental exploitation.
164. **The Australian Health Protection Committee must establish a mechanism that supports a national response focused on prevention that incorporates geographic, social, and economic inclusion,³¹⁶ is informed by advice³¹⁷ from disproportionately impacted communities,³¹⁸ and does not prioritise a criminal legal response.**
165. National emergencies³¹⁹ disproportionately impact marginalised communities.³²⁰
166. **Australia must prioritise community-led responses by Aboriginal and Torres Strait Islander and other communities impacted by emergencies.³²¹**
167. **Within one year, Australia must ensure government grant and procurement arrangements support the rapid delivery of funding and services, including legal assistance services and social security,³²² in national emergencies.³²³**

Privacy and Digital Rights

168. Australia's privacy framework is outdated and fails to protect against pervasive datafication in the digital world,³²⁴ leaving marginalised communities particularly vulnerable.³²⁵ Key reforms have been deferred.³²⁶
169. **Australia must implement the Privacy Act Review Report³²⁷ and update the *Privacy Act*³²⁸ by 2026, ensuring metadata protections, a fair and reasonable usage test,³²⁹ and genuine user choice around data consent.³³⁰**
170. Australia's online safety regime prioritises 'notice and takedown' and co-regulation, failing to address systemic digital risk. A comprehensive approach is needed³³¹ including stronger action on online hate speech³³² and implementing Safety by Design Principles.³³³
171. **Australia must update the *Online Safety Act*³³⁴ by 2028 to include an overarching duty of care, requirements for risk assessments, and mandated risk mitigation to reduce discrimination and unjustified limitations on privacy and communication.**
172. People affected by the digital divide are losing access to essential services in the rush to digital-by-default.³³⁵
173. **Australia must provide accessible alternatives to online services in consultation with affected communities.**
174. Governments and businesses are adopting automated decision-making without robust data protection measures or safeguards against error and/or discrimination.³³⁶
175. **Australia must conduct regular, independent audits of automated decision-making systems to ensure human rights compliance and limit risks of bias as part of Attorney-General's governance framework.**

Health

176. People in Australia live 13% of their lives in ill-health, with poorer outcomes for marginalized and younger populations.³³⁷
177. **Australia must invest 5%³³⁸ of the health budget in prevention and establish a Centre for Disease Control.³³⁹**
178. Health access disparities reflect social, cultural, and commercial determinants of health.³⁴⁰ Intensifying climate events exacerbate these disparities, especially for Aboriginal and Torres Strait Islander and rural and remote communities.³⁴¹
179. **Australia must invest in equitable geographic access to culturally safe, affordable healthcare that enables self-determination, bodily autonomy and reproductive justice.³⁴²**
180. Aboriginal and Torres Strait Islander Peoples carry disproportionate health burdens due to intergenerational trauma, mass incarceration and racism.³⁴³ The health gap remains substantial with inadequate progress on Closing the Gap.³⁴⁴
181. **Australia must implement the Priority Reforms of the National Agreement on Closing the Gap to support improved health outcomes.**
182. Transgender and gender diverse people experience barriers accessing culturally safe healthcare.³⁴⁵
183. **Australia must ensure nationally consistent, free, and timely access to gender-affirming multidisciplinary healthcare, including for children and adolescents.³⁴⁶**
184. **Australia must invest in education and training of the health workforce.³⁴⁷**
185. BBVs and STIs pose significant health risks³⁴⁸ among priority populations.³⁴⁹
186. **Australia must invest in implementing rights-affirming health strategies to address inequities.³⁵⁰**
187. **Australia must repeal laws that criminalise transmission and promote stigma and discrimination.**

Workers' Rights

188. Despite Australia's ratification of international treaties³⁵¹ upholding the rights to safe and equitable workplaces,³⁵² women continue to experience sexual harassment at alarming rates.³⁵³ The widespread use of NDAs³⁵⁴ and defamation law³⁵⁵ prevent people exercising their rights, and stymie efforts to address sexual harassment, silencing victim-survivors.
189. **Australia must urgently reform defamation laws to grant absolute privilege to relevant disclosures³⁵⁶ and limit misuse of NDAs.**
190. Restrictive visa conditions heighten temporary migrant workers' vulnerability to exploitation by limiting mobility, reinforcing power imbalances and restricting participation in society.³⁵⁷
191. **Australia must:**

- (a) ensure all temporary migrants can change employer without discrimination³⁵⁸ and access the Fair Entitlements Guarantee;³⁵⁹
 - (b) resource Workplace Justice Visa and Strengthening Reporting Protections pilots;³⁶⁰
 - (c) regulate labour hire companies through a national scheme;³⁶¹
 - (d) establish a low-cost-accessible wages recovery process;³⁶²
 - (e) improve industrial protections for independent contractors, particularly in the gig economy;
 - (f) allow all individuals in trafficking-like situations access to Support for Trafficked People Program;³⁶³
 - (g) fund Oceanic-led outreach services and culturally specific soft-skills training, including gender-focussed perspectives, to ensure worker safety and protect workers' rights;³⁶⁴ and
 - (h) decriminalise sex-work in all jurisdictions, ensure sex-workers are covered by work health and safety, industrial protections, and prevent discrimination against sex-workers.³⁶⁵
192. The *Fair Work Act*³⁶⁶ imposes excessive restrictions on the right to strike.³⁶⁷ Provisions³⁶⁸ of the FWA intended to give effect³⁶⁹ to ILO conventions³⁷⁰ are ineffective due to narrow interpretations.³⁷¹
193. **Australia must amend FWA provisions to ensure they meet ILO convention objectives.**

Business and Human Rights

194. Australian businesses continue to be implicated in serious human rights violations, including labour rights abuses,³⁷² attacks on civic space,³⁷³ cultural heritage destruction,³⁷⁴ abuses in conflict zones,³⁷⁵ and environmental degradation.³⁷⁶
195. **To uphold its responsibilities under the UN Guiding Principles on Business and Human Rights, Australia must:**
- (a) introduce legislation imposing human rights and environmental due diligence obligations on companies;
 - (b) fully implement UNDRIP, including meaningfully incorporating FPIC into the *Native Title Act*³⁷⁷ and establish a national cultural heritage protection framework;
 - (c) require companies to reduce their greenhouse gas emissions through a stronger 2030 emissions reduction target, consistent with the Paris Agreement;
 - (d) ban SLAPPs through dedicated legislation;³⁷⁸
 - (e) strengthen enforcement of the *Modern Slavery Act* and ban imports produced with forced labour;³⁷⁹ and

- (f) **ensure access to remedy for corporate human rights violations, including by reducing barriers to courts and strengthening OECD National Contact Point on Responsible Business Conduct.**

International Assistance

196. Australia's rights-based approach to Official Development Assistance³⁸⁰ is undermined by our ODA budget declining to its lowest level ever.³⁸¹
197. **Australia must increase ODA by 0.1% ODA/GNI annually, to meet the Sustainable Development Goals' 0.7% ODA/GNI target by 2030.**³⁸²
198. **ODA funding for civil society must be increased³⁸³ to combat shrinking of civic space, growing anti-democracy³⁸⁴ and anti-rights movements,³⁸⁵ and the influence of autocratic states.**
199. Respect for International Humanitarian Law is declining, impacting civilians and humanitarians.³⁸⁶
200. **Australia must call for IHL adherence internationally³⁸⁷ and facilitate humanitarian assistance³⁸⁸ by including humanitarian 'carve-outs' in Australian sanctions and counter-terrorism law by 2026.**³⁸⁹

Annexure A: List of Abbreviations

Abbreviation	Definition
4Rs	Regional, rural, remote and very remote areas
ACCO	Aboriginal community controlled organisation
ACT	Australian Capital Territory
AFP	Australian Federal Police
AI	Artificial intelligence
ATT	Arms Trade Treaty
BBVs	Blood borne viruses
CALD	Culturally and linguistically diverse
CDP	Community Development Program
CRC	Convention on the Rights of the Child
DRC	Disability Royal Commission
FPIC	Free, prior and informed consent
FWA	Fair Work Act
GBV	Gender-based violence
GNI	Gross national income
ICCPR	International Covenant on Civil and Political Rights
ICERD	International Convention on the Elimination of Racial Discrimination
ICESCR	International Covenant on Economic, Social and Cultural Rights
IHL	International Humanitarian Law
ILO	International Labour Organisation
LGBTQIA+	Lesbian, gay, bisexual, transgender, queer, intersex, asexual and other people with diverse sexual orientations, gender identities or expression or sex characteristics. Variations of this acronym are used intentionally to reflect the different ways human rights issues affect different communities.
NDA	Non-disclosure agreement
NDIS	National Disability Insurance Scheme
NPM	National Preventive Mechanism
ODA	Official Development Assistance
OECD	Organisation for Economic Cooperation and Development
OHCHR	Office of the United Nations High Commissioner for Human Rights
OPCAT	Optional Protocol to the Convention Against Torture
PBS	Pharmaceutical Benefits Scheme
PNG	Papua New Guinea
RSD	Refugee Status Determination
SETS	Settlement Engagement and Transition Support Program
SLAPPs	Strategic Litigation Against Public Participation
STIs	Sexually transmitted infections
UNDRIP	United Nations Declaration on the Rights of Indigenous Peoples
UNSPT	United Nations Subcommittee on the Prevention of Torture

Annexure B: Activities of the Australian UPR NGO Coalition

Methodology

The UPR NGO Coalition Report was coordinated by the Human Rights Law Centre, Kingsford Legal Centre, Indigenous People's Organisation-Australia, and Community Legal Centres Australia.

In developing this report, the Coordinating Committee undertook wide-ranging consultation with NGOs across Australia between 17 December 2024 and 30 June 2025.

The process involved over 100 organisations across Australia who contributed to the report by providing feedback on its structure and content, providing expert input in the development of each thematic section as part of a working group, and coordinating the development of each thematic section as lead authors.

Thanks to the participation of a wide range of organisations, each working group reflected a diversity of perspectives and expertise. Authors and contributors were also asked to apply an intersectional lens, with particular attention to the experiences of marginalised communities, including Aboriginal and Torres Strait Islander Peoples, people with disability, women, culturally and linguistically diverse communities, LGBTQIA+ people, and people with living in regional and remote communities.

Coordinating Committee

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Australian Centre for Disability Law (ACDL)

Australian Child Rights Taskforce

Australian Democracy Network (ADN)

Australian Lawyers for Human Rights (ALHR)
Council on the Aging (COTA) Australia
Economic Justice Australia
Equality Australia
First Nations Advocates Against Family Violence (FNAAFV)
Forcibly Displaced People Network (FDPN)
Foundation for Aboriginal and Islander Research Action
Human Rights Council of Australia
Human Rights Law Centre
Immigration Advice and Rights Centre (IARC)
Kingsford Legal Centre (KLC)
Knowmore
MSI Asia Pacific
National Native Title Council (NNTC)
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Duty of Care Campaign
Economic Justice Australia (EJA)
Elder Abuse Action Australia (EAAA)
Environmental Defenders Office (EDO)
Federation of Community Legal Centres Victoria
Federation of Ethnic Communities Council of Australia (FECCA)
First Nations Advocates Against Family Violence (FNAAFV)
First Nations Women’s Legal Services Queensland
First Peoples Disability Network (FPDN)
Grata Fund
Harmony Alliance
HEAL Network
Health Equity Matters
Hepatitis Australia
HIV/AIDS Legal Centre
Homelessness Australia
Human Rights Act for New South Wales (HR4NSW)
Human Rights Act for South Australia (HR4SA)
Human Rights Law Centre (HRLC)
Illuminate Films
Immigration Advice and Rights Centre (IARC)

Indigenous People's Organisation- Australia
Inner City Legal Centre (ICLC)
Inner-City Legal Centre NSW
Intellectual Disability Rights Service
InterAction
International Lesbian, Gay, Bisexual, Trans and Intersex Association - Oceania region
International Social Services Australia
Jesuit Refugee Service Australia
JobWatch
Justice and Equity Centre
Justice Connect
Justice Reform Initiative
Kaldor Centre Evacuations research Hub
Kingsford Legal Centre
LGBTI Legal Service Queensland
Melbourne Activist Legal Support
MSI Australia
Multicultural Centre for Women's Health
Multicultural Youth Advocacy Network (MYAN)
Murdoch University
National Aboriginal and Torres Strait Islander Legal Services (NATSILS)
National Aboriginal and Torres Strait Islander Women's Alliance (NATSIWA)
National Aboriginal Community Controlled Health Organisation (NACCHO)
National Ethnic Disability Alliance (NEDA)
National Regional, Rural, Remote & Very Remote Community Legal Network (4Rs Network)
National Rural Women's Coalition
National Women's Equality Alliance
Older Persons Advocacy Network (OPAN)
People with Disability Australia (PWDA)
Project Respect
Queensland Advocacy for Inclusion (QAI)
Redfern Legal Centre

Refugee Advice and Casework Service (RACS)

Refugee and People Seeking Asylum Network

Scarlet Alliance

Secretariat of National Aboriginal and Islander Child Care (SNAICC)

Sisters Inside

Southern Communities Advocacy Legal Education Service

Tenants Queensland

Tenants' Union of New South Wales

Townsville Community Law

Trans Justice Project

United Nations International Children's Emergency Fund (UNICEF) Australia

Victorian Aboriginal Legal Service (VALS)

Villamanta Disability Rights Legal Service

Wage Peace

Western Australia for Human Rights Act (WA4HR)

Women with Disability Australia

Women's Legal Service NSW

Women's Legal Services Australia (WLSA)

Youth Law Australia

Annexure C: Endnotes

- ¹ Joint Select Committee on Constitutional Recognition of Aboriginal and Torres Strait Islander Peoples. (2015) *Chapter 1: Achieving constitutional recognition*. Australian Government. https://www.aph.gov.au/Parliamentary_Business/Committees/Joint/2015_Constitutional_Recognition_of_Aboriginal_and_Torres_Strait_Islander_Peoples/Progress_Report/c01
- ² Productivity Commission. (2024, January). *Review of the National Agreement on Closing the Gap: Study report (Vol. 1, p. 7)*. Australian Government. <https://www.pc.gov.au/inquiries/completed/closing-the-gap-review/report/closing-the-gap-review-report.pdf>
- ³ United Nations General Assembly. (2007). *United Nations Declaration on the Rights of Indigenous Peoples* (A/RES/61/295)., Article 1, United Nations. https://www.un.org/development/desa/indigenouspeoples/wp-content/uploads/sites/19/2018/11/UNDRIP_E_web.pdf
- ⁴ United Nations General Assembly. (2007). *United Nations Declaration on the Rights of Indigenous Peoples* (A/RES/61/295). United Nations. https://www.un.org/development/desa/indigenouspeoples/wp-content/uploads/sites/19/2018/11/UNDRIP_E_web.pdf; United Nations General Assembly. (2014, September 22). *Resolution adopted by the General Assembly on 22 September 2014: Outcome document of the high-level plenary meeting of the General Assembly known as the World Conference on Indigenous Peoples* (A/RES/69/2). United Nations. <https://docs.un.org/en/A/RES/69/2>
- ⁵ Australia must follow the example of the State of Victoria by passing legislation similar to the *Advancing the Treaty Process with Aboriginal Victorians Act 2018* (Vic) and establishing a truth-telling commission similar to the Yoorrook Justice Commission.
- ⁶ The National Inquiry into the Separation of Aboriginal and Torres Strait Islander Children from Their Families was tabled in Parliament on 26 May 1997. It traces the past laws, practices and policies that resulted in the forced removal of children and makes recommendations to support healing and reconciliation for the Stolen Generations and their families. Its reparations recommendations remain unimplemented in some states and territories. National Inquiry into the Separation of Aboriginal and Torres Strait Islander Children from Their Families (Australia). (1997). *Bringing them home: Report of the National Inquiry into the Separation of Aboriginal and Torres Strait Islander Children from Their Families*. Human Rights and Equal Opportunity Commission. <https://bth.humanrights.gov.au/the-report/bringing-them-home-report>.
- ⁷ Three jurisdictions within Australia have enacted legislated human rights frameworks that afford legal recognition of some ICCPR and a very limited number of ICESCR rights (*Human Rights Act 2004* (ACT); *Charter of Human Rights and Responsibilities Act 2006* (Vic); and *Human Rights Act 2019* (Qld)). However, five state and territory jurisdictions are yet to enact similar legislation. There is no comparable framework at the federal level. Additionally, no human rights legislation (federal, state or territory) visibly addresses human rights inclusion of people in rural and remote areas (see submission - National Regional, Rural, Remote and Very Remote Community Legal Network. (2017, June). *Independent review of Human Rights Act 2019 (Qld) submission*. <https://clcs.org.au/wp-content/uploads/2024/07/21-June-24-4Rs-submission-review-of-the-Qld-Human-Rights-Act.pdf>
- ⁸ In this submission marginalised groups and communities refers to populations that are systemically exclude, oppressed, or disadvantaged due to factors such as race, ethnicity, genders, socioeconomic status, religion, disability, sexual orientation, or geographical location, who face structural barriers to equal opportunities in education, employment, healthcare, and political representation.
- ⁹ See recommendations in Parliamentary Joint Committee on Human Rights (PJCHR). (2024, May 30). *Inquiry into Australia's Human Rights Framework* (Report, Recommendation 2). Parliament of Australia. https://www.aph.gov.au/Parliamentary_Business/Committees/Joint/Human_Rights/HumanRightsFramework/Report
- ¹⁰ Parliamentary Joint Committee on Human Rights (PJCHR). (2024, May 30). *Inquiry into Australia's Human Rights Framework* (Report, Recommendation 16). Parliament of Australia. https://www.aph.gov.au/Parliamentary_Business/Committees/Joint/Human_Rights/HumanRightsFramework/Report
- ¹¹ Parliamentary Joint Committee on Human Rights (PJCHR). (2024, May 30). *Inquiry into Australia's Human Rights Framework* (Report, Recommendation 17). Parliament of Australia. https://www.aph.gov.au/Parliamentary_Business/Committees/Joint/Human_Rights/HumanRightsFramework/Report: A national human rights indicator index should establish a publicly available database that sets out all findings and recommendations of United Nations human rights treaty bodies about Australia, and individual communications involving Australia, and any Australian government responses.
- ¹² Australia ranks a 32 out of 38 OECD countries on child wellbeing, one in six children in Australia are living in poverty (see, Australian Government Department of the Treasury. (2023). *Measuring what matters: Child wellbeing*. https://treasury.gov.au/sites/default/files/2023-03/c2023-379612-equity_economics.pdf). Two thirds of Australians are victims of child maltreatment, including domestic, family and sexual violence (see, Queensland Family and Child Commission. (2023). *Queensland Child Rights Report 2023: Violence against children* (Chapter 4). Queensland Government. https://www.qfcc.qld.gov.au/sites/default/files/2023-08/QFCC_Child_Rights_Report_4_Violence.pdf). Children as young as 10 years old can be held criminally responsible and incarcerated in most Australian jurisdictions (see, Human Rights Watch. (2025, May 25). *Australia: Children suffering under criminal legal system*. <https://www.hrw.org/news/2025/05/25/australia-children-suffering-under-criminal-legal-system>). Children in remote areas, and Aboriginal and Torres Strait Islander Children experience high developmental vulnerabilities (see, The Front Project. (2022). *Supporting all children to thrive: The importance of equity in early childhood education*. https://www.thefrontproject.org.au/media/attachments/2022/11/24/supporting-all-children-to-thrive-report_updated-1.pdf). The vast majority of Australia's obligations under the CRC are yet to be incorporated into domestic legislation. At the federal, state and territory levels, many government decisions ignore available evidence of best practice for children's wellbeing and Australia's human rights obligations.
- ¹³ These recommendations reflect the calls made by Act for Children, an alliance of 43 civil society organisations working with Australia's National Children's Commissioner: <https://www.actforchildren.net/>.
- ¹⁴ Australia currently has no Minister for Children and no budget reports on child wellbeing. A Cabinet Minister for Children is needed to develop a national plan for child wellbeing and ensure coordination across all federal government portfolios with responsibilities for children.
- ¹⁵ Parliamentary Joint Committee on Human Rights (PJCHR). (2024, May 30). *Inquiry into Australia's Human Rights Framework* (Report, p. 95). Parliament of Australia. https://www.aph.gov.au/Parliamentary_Business/Committees/Joint/Human_Rights/HumanRightsFramework/Report
- ¹⁶ OPCAT requires countries to establish independent monitoring bodies known as National Preventive Mechanisms (NPMs).

¹⁷ This refers to the communication procedure for both the International Covenant on Economic, Social and Cultural Rights and the Optional Protocol to the Convention on the Rights of the Child.

¹⁸ The options available to a wrongfully convicted person in Australia are extremely limited. Recent reforms allow for persons in South Australia, Tasmania, Victoria and Western Australia to ask for a second appeal from the appeal court if there is fresh and compelling evidence that proves a miscarriage of justice occurred. People in New South Wales and the Northern Territory have the right to ask for one appeal against their conviction. See for instance: Woods, C. (2024, December 5). *Efficient and accessible pathways to challenge wrongful convictions*. Law Society Journal. <https://lsj.com.au/articles/efficient-and-accessible-pathways-to-challenge-wrongful-convictions/>

¹⁹ Arms Trade Treaty. Defence export permits continue to be issued to states and regimes with well documented current and historical human rights violations, such as Indonesia, Saudi Arabia, Israel, and Myanmar.

²⁰ The National Congress of Australia's First Peoples established in 2010 served as the national representative body for Aboriginal and Torres Strait Islander Australians. In 2014, the Australian Government terminated the \$15 million funding allocated to the Congress. This funding cessation led the organization to enter voluntary administration in June 2019 and ceased operations in October 2019. See: Coggan, M. (2014, May 13). Budget 2014: \$534 million cut to Indigenous programs. *ABC News*. [https://www.abc.net.au/news/2014-05-13/budget-2014-\\$534-cut-to-indigenous-programs-and-health/5451144](https://www.abc.net.au/news/2014-05-13/budget-2014-$534-cut-to-indigenous-programs-and-health/5451144)

In 2005, the Australian Government abolished the Aboriginal and Torres Strait Islander Commission (ATSIC), the national representative body established in 1990. See: National Museum of Australia, *1.24 2005 Abolition of the Aboriginal and Torres Strait Islander Commission (ATSIC)*. [https://digital-classroom.nma.gov.au/learning-modules/rights-and-freedoms-defining-moments-1945-present/124-2005-abolition-aboriginal-and-torres-strait-islander-commission-atsic#:~:text=of%20Indigenous%20Peoples-.1.24%202005%20Abolition%20of%20the,Torres%20Strait%20Islander%20Commission%20\(ATSIC\)&text=It%20is%202005.ATSIC%2C%20is%20to%20be%20abolished](https://digital-classroom.nma.gov.au/learning-modules/rights-and-freedoms-defining-moments-1945-present/124-2005-abolition-aboriginal-and-torres-strait-islander-commission-atsic#:~:text=of%20Indigenous%20Peoples-.1.24%202005%20Abolition%20of%20the,Torres%20Strait%20Islander%20Commission%20(ATSIC)&text=It%20is%202005.ATSIC%2C%20is%20to%20be%20abolished) See also: ABC News. (2005, March 17). Indigenous leaders lament ATSIC's demise. <https://www.abc.net.au/news/2005-03-17/indigenous-leaders-lament-atsics-demise/1534886>

²¹ See page 7: Australian Productivity Commission. (2024). *Review of the National Agreement on Closing the Gap Study Report Volume 1*. Australian Government. <https://www.pc.gov.au/inquiries/completed/closing-the-gap-review/report/closing-the-gap-review-report.pdf>

²² United Nations General Assembly. (2007). *United Nations Declaration on the Rights of Indigenous Peoples* (A/RES/61/295). United Nations.

https://www.un.org/development/desa/indigenouspeoples/wp-content/uploads/sites/19/2018/11/UNDRIP_E_web.pdf

²³ The Indigenous Peoples' Organisation-Australia, the national peak rights advocacy body remains unfunded following two years of seed funding from 2023-24.

²⁴ Australia must follow the example of the State of Victoria in establishing a representative body similar to the First Peoples' Assembly of Victoria at a national level to advance Aboriginal and Torres Strait Islander Peoples' self-determination.

²⁵ Health disparities between Indigenous and non-Indigenous Australians remain significant. According to the Australian Institute of Health and Welfare (AIHW), in 2018, the burden of disease among Aboriginal and Torres Strait Islander (First Nations) people was 2.3 times that of non-Indigenous Australians. See: Australian Institute of Health and Welfare. (2025, March 6). *Closing the Gap targets: key findings and implications*. Australian Government. <https://www.aihw.gov.au/reports/indigenous-australians/closing-the-gap-targets-key-findings-implications/contents/overview>

²⁶ Australian Bureau of Statistics. (2024, November 26) *National Aboriginal and Torres Strait Islander Health Survey*. Australian Government. <https://www.abs.gov.au/statistics/people/aboriginal-and-torres-strait-islander-peoples/national-aboriginal-and-torres-strait-islander-health-survey/latest-release>; National Indigenous Australian's Agency. (2025). *National Strategy for Food Security in Remote Aboriginal and Torres Strait Islander Communities*. Australian Government. <https://www.niaa.gov.au/our-work/health-and-wellbeing/national-strategy-food-security-remote-aboriginal-and-torres-strait-islander-communities>

²⁷ Australian National University. (2022, July 21). *Remote Australians lack access to quality drinking water: New research into the impact of poor water quality in remote and regional areas of Australia highlights the gaps in drinking water*. All news. <https://www.anu.edu.au/news/all-news/remote-australians-lack-access-to-quality-drinking-water>

²⁸ In 2023, the ABS estimates for life expectancy at birth for Aboriginal and Torres Strait Islander people born in Australia in 2020-2022 was 8.8 years less than non-Indigenous males, while women born in 2020-22 could expect to live to 8.1 years less than non-Indigenous females. This disparity increased to 13.5 years less in the Northern Territory and 12.3 years less in Western Australia. See: Australian Institute of Health and Welfare. (2025, June 11). *Aboriginal and Torres Strait Islander Health Performance Framework – Summary report*. Australian Government. <https://www.indigenoushpf.gov.au/Report-overview/Overview/Summary-report/4-Tier-1-%E2%80%93-Health-status-and-outcomes/Life-expectancy>

²⁹ Indigenous blindness is 6 times the rate of other Australians, with 94% of vision loss in Indigenous Australians preventable or treatable. Australian Institute of Health and Welfare. (2011, May 5). *Eye health in Aboriginal and Torres Strait Islander people*. Australian Government. <https://www.aihw.gov.au/reports/indigenous-australians/eye-health-in-aboriginal-and-torres-strait-islander/summary>

³⁰ In 2018–19, First Nations adults were 2.8 times as likely to report having diabetes as non-Indigenous adults (17% compared with 6.1%) However, death rates from for First Nations people was 4.7 times non-Indigenous Australians. Australian Institute of Health and Welfare. (2025, June 11). *Aboriginal and Torres Strait Islander Health Performance Framework – Summary report*. Australian Government. <https://www.indigenoushpf.gov.au/Report-overview/Overview/Summary-report/4-Tier-1-%E2%80%93-Health-status-and-outcomes>

³¹ Chronic kidney disease for Indigenous Australians was 8 times the rate for non-Indigenous Australians. Australian Institute of Health and Welfare. (2025, June 11). *Aboriginal and Torres Strait Islander Health Performance Framework – Summary report*. Australian Government. <https://www.indigenoushpf.gov.au/measures/1-10-kidney-disease>

³² Australian Institute of Health and Welfare. (2025, June 11). *Aboriginal and Torres Strait Islander Health Performance Framework – Summary report*. Australian Government. <https://www.indigenoushpf.gov.au/report-overview/overview/summary-report/4-tier-1-%E2%80%93-Health-status-and-outcomes/acute-rheumatic-fever-and-rheumatic-heart-disease>

³³ Australian Institute of Health and Welfare. (2020, December 8). *Housing* (Measure 2.01). Aboriginal and Torres Strait Islander Health Performance Framework. <https://www.indigenoushpf.gov.au/report-overview/overview/summary-report/5-tier-2-%E2%80%93-determinants-of-health/housing>. For example, in human rights failures in relation to remote Aboriginal community housing in the Northern Territory, for a description see, Skye Thompson, (2024) 'Housing and Homelessness in the Northern Territory', Parity 37(5), https://ahnt.org.au/wp-content/uploads/2024/07/2024-07_NT-issue-of-Parity_Vol37-05_NT-Aboriginal-housing-homelessness.pdf. 55% of Aboriginal peoples in remote communities lived in significant overcrowding. Though the Commonwealth announced a landmark \$4 billion investment in remote housing in 2024 to deliver 2,700 new homes in remote communities across the Northern Territory, this needs to be extended nationally with additional funding and training of Aboriginal people in the building and maintenance of housing. <https://www.niaa.gov.au/sites/default/files/documents/2025-02/NIAA%20CTG%20Combined%20Report.pdf> Australian Institute of Health and Welfare (2025, March 6). *Closing the Gap targets: key findings and implications*. Australian Government. <https://www.aihw.gov.au/reports/indigenous-australians/closing-the-gap-targets-key-findings-implications/contents/housing>

- ³⁴ Australian Institute of Health and Welfare & National Indigenous Australians Agency. (2023). *Measure 2.08 Income, Aboriginal and Torres Strait Islander Health Performance Framework website*. Retrieved from <https://www.indigenoushpf.gov.au/measures/2-08-income>; Tanton, R., Dare, L., Miranti, R., Vidyattama, Y., Yule, A. and McCabe, M. (2021). *Dropping Off the Edge 2021: Persistent and multilayered disadvantage in Australia*. Jesuit Social Services. <https://jss.org.au/dropping-off-the-edge-2021/>.
- ³⁵ Moskos, M., Isherwood, L., Dockery, A.M., Habibis, D., Grealy, L., Benedict, R., Harris, M., Singh, R. and Lea, T. (2024). *Indigenous people's mobility and its impact on remote infrastructural needs: an exploratory study*: Final Report 42. Australian Housing and Urban Research Institute Limited (AHURI). <https://www.ahuri.edu.au/sites/default/files/documents/2024-06/AHURI-Final-report-423-Indigenous-peoples-mobility-and-its-impact-on-remote-infrastructural-needs-an-exploratory-study.pdf>
- ³⁶ Moskos, M., Isherwood, L., Dockery, A.M., Habibis, D., Grealy, L., Benedict, R., Harris, M., Singh, R. and Lea, T. (2024). *Indigenous people's mobility and its impact on remote infrastructural needs: an exploratory study*: Final Report 42. Australian Housing and Urban Research Institute Limited (AHURI). <https://www.ahuri.edu.au/sites/default/files/documents/2024-06/AHURI-Final-report-423-Indigenous-peoples-mobility-and-its-impact-on-remote-infrastructural-needs-an-exploratory-study.pdf>
- ³⁷ Grey, S. (2020). *Northern Territory Emergency Response: An Evaluation*. Castan Centre for Human Rights Law. https://www.monash.edu/_data/assets/pdf_file/0003/2106156/NT-Intervention-Evaluation-Report-2020.pdf; Walters, A. (2019, August 21). *Experimenting with People's Lives: Jobs, income management and the cashless welfare card*. Human Rights Law Centre, <https://www.hrlc.org.au/updates/2019-8-21-experimenting-with-peoples-lives/>
- ³⁸ See for example the Department of Social Security ('DSS') outline of the 'Basics Card', 'Income Management' and 'Enhanced Income Management': Services Australia. *Comparison between cards*. <https://www.servicesaustralia.gov.au/income-management-and-basicscard-northern-territory> and <https://www.servicesaustralia.gov.au/comparison-between-cards?context=64353> The latter includes that "The Cashless Debit Card program ended on 6 March 2023. Eligible customers moved to enhanced Income Management and got an enhanced Income Management account with a SmartCard." The words 'eligible customers', and positive orientation mask that the overwhelming majority of continuations were involuntary with no positive duty, individual review requirement applied to – or undertaken by – DSS. See also: Roche S., Taylor-Zach, N., Taylor, R., & Mendes, P. (2024). Perspectives on the ongoing impact of compulsory income management in the Northern Territory. *The Australian Journal of Social Issues*, 59(3), 995-1012 at 99. <https://doi.org/10.1002/ajs4.323>.
- ³⁹ The Department of Social Security published a report on Compulsory Income Management ('CIM') which shows broad geographic patterns: Australian Government. (2025, February 28). *Income Management (IM) and enhanced IM – Participant Data*. Department of Social Services. <https://www.dss.gov.au/income-management/resource/income-management-im-and-enhanced-im-participant-data> See more detailed information including the percentage of Indigenous and non-Indigenous CIM participants on the Australian Government Data Hub: Australian Government. *Australian Government Income Management Program*. Department of Social Services. <https://data.gov.au/data/dataset/australian-government-income-management-program> The Parliamentary Joint Committee on Human Rights, Inquiry into Compulsory Income Management, Final Report September 2024 recommended ceasing CIM; also see submissions to this inquiry opposing the continuation of CIM by the North Australian Aboriginal Justice Agency, the Aboriginal Peak Organisation of the Northern Territory, the National Aboriginal Community Controlled Health Organisation, Associate Professor Elise Klein OAM and Dr Francis Markham and Professor Anna Cody, Sex Discrimination Commissioner with the Australian Human Rights Commission and others, https://www.aph.gov.au/Parliamentary_Business/Committees/Joint/Human_Rights/HRIncomeManagement/Submissions Although the Australian Government terminated the dramatically disproportionate conditionalities and penalties applied to remote area 'work for the dole' in 2022, no legal guarantees to prevent repetition have been implemented. For background see Staines, Z.(2022). Work and wellbeing in remote Australia: Moving beyond punitive 'workfare'. *Journal of Sociology*, 59(4), 808-827. <https://doi.org/10.1177/14407833221114669>; Regarding delinking remote area employment programs from punitive social security conditionalities and designing new beneficial approaches see: Aboriginal Peak Organisation of the Northern Territory. (2023). *Fair Work Strong Communities, A Refreshed Summary Of The APO NT Fair Work Strong Communities Proposal To Address Remote Employment*. <https://apo.org.au/sites/default/files/resource-files/2023-10/apo-nid326718.pdf>
- ⁴⁰ National Indigenous Australians Agency. (n.d.). *Remote Jobs and Economic Development Program consultation*. <https://www.niaa.gov.au/remote-jobs-and-economic-development-program-consultation>
- ⁴¹ Department of Infrastructure, Transport, Regional Development and Communications, Australian Institute of Aboriginal and Torres Strait Islander Studies and Australian National University. (2020). *National Indigenous Languages Report*. <https://www.arts.gov.au/sites/default/files/documents/national-indigenous-languages-report-lowres.pdf>; First Languages Australia. (2023). *Jintangka maripa jungu nyinanjaku*. <https://www.firstlanguages.org.au/bilingual-education>; First Languages Australia. (2023). *Yalbilinya: National First Languages Education Workforce Strategy*. <https://www.firstlanguages.org.au/yalbilinya-strategy>
- ⁴² Hurley, P., Nguyen, H. & Tham, M. (2024) *Mapping the childcare deserts: Childcare accessibility in Australia*. Victoria University News. <https://www.vu.edu.au/about-vu/news-events/news/mapping-the-childcare-deserts-childcare-accessibility-in-australia>; Department of Education. (2024). *2024 Early Childhood Education and Care National Workforce Census National tables* [Dataset]. Australian Government. <https://www.education.gov.au/early-childhood/resources/2024-early-childhood-education-and-care-national-workforce-census-national-tables>. SNAICC. (2024). *Funding Model Option for ACCO Integrated Early Years Services Final Report*. <https://www.snaicc.org.au/wp-content/uploads/2024/05/240507-ACCO-Funding-Report.pdf>. SNAICC. (2022). *Stronger ACCOs Stronger Families Final Report*. <https://www.snaicc.org.au/wp-content/uploads/2023/05/SNAICC-Stronger-ACCOs-Stronger-Families-report-2022.pdf>
- ⁴³ Australian Human Rights Commission (n.d). *Native Title Reports*. <https://humanrights.gov.au/our-work/aboriginal-and-torres-strait-islander-social-justice/publications/native-title-reports>. National Native Title Council. (2024). *The National Native Title Council Submission to the Australian Human Rights Commission's Informing the Agenda Project*. <https://nntc.com.au/wp-content/uploads/2025/05/NNTC-Submission-HRC-Informing-the-Agenda-2024.pdf>
- ⁴⁴ UN HRC, Report of the Special Rapporteur on the rights of Indigenous peoples: Australia, A/HRC/36/46/Add.2, 2017.
- ⁴⁵ Australian Law Reform Commission. (2024). *Review of the Future Acts Regime – Issues Paper 50*. <https://www.alrc.gov.au/publication/future-acts-issues-paper-2024/>
- ⁴⁶ *Griffiths v Northern Territory* [2019] HCA 7.
- ⁴⁷ UNDRIP, Article 27; Australian Law Reform Commission. (2024). *Review of the Future Acts Regime – Issues Paper 50*. <https://www.alrc.gov.au/publication/future-acts-issues-paper-2024/>
- ⁴⁸ See [3.86]: Australian Law Reform. (1993). *The Land Fund and social justice package*: Commission Review of the Native Title Act 1993 (DP 82). <https://www.alrc.gov.au/publication/review-of-the-native-title-act-1993-dp-82/3-context-for-reform-proposals/the-land-fund-and-social-justice-package/>
- ⁴⁹ The contamination is spreading and according to reports commissioned by the WA Government, will continue to spread for 'hundreds of years' if the tailings dumps aren't stabilised, see page 6: Department of Industry and Resources & Department of Local Government and

REGIONAL Development. (2006). *Management of Asbestos Contamination in Wittenoom: Non-technical Summary Report*. https://www.wa.gov.au/system/files/2021-04/CL-GHD_PB_Report_Management_of_asbestos_contamination_in_Wittenoom.pdf;

Wittenoom (Banjima) is the largest contaminated site in the Southern Hemisphere. More than three million tonnes of mining waste laced with deadly asbestos (tailings) were left dumped in the Wittenoom area from blue asbestos mining that took place between 1937 and 1966; see page 37 in Office of the Auditor General. (2022) Compliance with Mining Environmental Conditions. .” <https://audit.wa.gov.au/reports-and-publications/reports/compliance-with-mining-environmental-conditions/> - “In 2008, the area was classified ‘contaminated-remediation required’ and it remains the largest contaminated site in the Southern Hemisphere at 46,840 hectares.”

⁵⁰ Aboriginals in Western Australia have the highest incidence of mesothelioma of any group, anywhere in the world: Franklin P, Reid A, Olsen N, Peters S, de Klerk N, Brims F, Threlfall T, Murray R, Musk AB. Incidence of malignant mesothelioma in Aboriginal people in Western Australia. *Aust N Z J Public Health*. 2016 Aug;40(4):383-7. doi: 10.1111/1753-6405.12542. Epub 2016 Jul 3. PMID: 27372959 <https://pubmed.ncbi.nlm.nih.gov/27372959/>

⁵¹ The contamination is a violation of Native Title rights. 2022, Banjima Native Title Aboriginal Corporation submission to OCHR: [OCHR Submission from BNTAC banjima-native-title-aboriginal-corporation \(2\).docx.pdf](https://www.ochr.gov.au/sites/default/files/2022-06/BNTAC_banjima-native-title-aboriginal-corporation_(2).docx.pdf); It contravenes Article 29 of UNDRIP: 2006 United Nations Declaration on the Rights of Indigenous Peoples, Article 29: “The State shall take effective measures to ensure that no storage or disposal of hazardous materials shall take place in the lands or territories of indigenous peoples without their free prior and informed consent.”; The SR on Toxics and Human Rights, Dr Marcos Orellana conducted his country visit to Australia in 2023 and among his interviewees were representatives of Indigenous group Banjima, whose traditional homelands include Wittenoom, the largest contaminated site in the Southern Hemisphere. https://www.un.org/sites/un2.un.org/files/eom_-_08_sep_2023_-_final.pdf Dr Orellana delivered his country report in 2024 with the recommendation that Australia remediate asbestos contaminated environments: July 2024, A/HRC/57/52/Add.2: Visit to Australia – Report of the Special Rapporteur on the implications for human rights of the environmentally sound management and disposal of hazardous substances and wastes, Marcos Orellana. (E. Waste 113. The Special Rapporteur also recommends that the Government of Australia: (g) Accelerate the removal of asbestos from buildings and undertake remediation of contaminated environments;) <https://docs.un.org/en/A/HRC/57/52/Add.2>

⁵² Parliament of Australia, Never Again: Inquiry into the destruction of Indigenous heritage sites at Juukan Gorge, Joint Standing Committee on Northern Australia, Final Report, October 2021.

⁵³ United Nations General Assembly. (2007). *United Nations Declaration on the Rights of Indigenous Peoples* (A/RES/61/295). United Nations. https://www.un.org/development/desa/indigenouspeoples/wpcontent/uploads/sites/19/2018/11/UNDRIP_E_web.pdf. Articles 11, 19, and 32.

⁵⁴ See National Agreement on Closing the Gap and the Priority Reforms at <https://www.closingthegap.gov.au/sites/default/files/files/national-agreement-ctg.pdf>. Despite some improvements, progress on implementing the Agreement's Priority Reforms has been weak and has not led to meaningful improvements for Aboriginal and Torres Strait Islander people.

⁵⁵ Productivity Commission. (2024). *Review of the National Agreement on Closing the Gap: Study report, Volume 1*. Australian Government. <https://www.pc.gov.au/inquiries/completed/closing-the-gap-review/report/closing-the-gap-review-report.pdf>. See also Justice and Children and Young People Sections.

⁵⁶ See findings of the Independent Review of the National Legal Assistance Partnership Agreement at <https://www.ag.gov.au/sites/default/files/2024-06/NLAP-review-report.PDF>

⁵⁷ Access to justice failure is chronic, indigenised, gendered, marginalised and spatialized. Innumerable access to justice failures pervades Australia’s administrative, criminal and civil legal systems and informal systems including inadequate legal frameworks, due process and remedies, inaccessible, ineffective and culturally unsafe courts, tribunals and systems, and insufficient resources. These issues are compounded for First Nations people, people living in remote and rural areas and all vulnerable groups. See, Law Council of Australia. (2020). *The criminal justice system – Issues paper*. <https://lawcouncil.au/publicassets/debc0259-86e2-ea11-9434-005056be13b5/3861%20-%20The%20Criminal%20Justice%20System%20-%20Issues%20Paper.pdf>; Law Council of Australia. (2018). *The Justice Project: Final report*. <https://lawcouncil.au/justice-project/final-report>; and Attorney-General’s Department. (2024, March). *Independent review of the National Legal Assistance Partnership 2020–25: Final report*. Australian Government. <https://www.ag.gov.au/sites/default/files/2024-06/NLAP-review-report.PDF>. Access to justice should include not only remedies but also access to early intervention and enhancement of rights. See also Liefard, T. (2019). Access to Justice for Children: Towards a Specific Research and Implementation Agenda. *International Journal of Children’s Rights*, 27. <https://doi.org/10.1163/15718182-02702002>.

⁵⁸ As set out in: Attorney-General’s Department. (2024). *Independent Review of the National Legal Assistance Partnership: Final Report*. Australian Government. <https://www.ag.gov.au/sites/default/files/2024-06/NLAP-review-report.PDF>. A National Legal Needs Analysis and Operational Plan would identify gaps in legal service delivery across Australia and align investment with areas of greatest need.

⁵⁹ Aboriginal and Torres Strait Islander adults are imprisoned at a rate 15 times that of non-Indigenous Australians and are imprisoned at the highest rate of any people in the world (See: Anthony, T. & Baldry, E. (2017, June 6)., FactCheck: are first Australians the most imprisoned people on Earth? *The Conversation*. <https://theconversation.com/factcheck-are-first-australians-the-most-imprisoned-people-on-earth-78528>. First Nations children make up approximately 60 percent of the prison population (See: Australian Institute of Health and Welfare. (2023, December 13). Youth detention population in Australia 2023. Australian Government. <https://www.aihw.gov.au/reports/youth-justice/youth-detention-population-in-australia-2023/contents/first-nations-young-people>. Aboriginal and Torres Strait Islander women are 21 times more likely to be in custody than non-Indigenous women (See Australian Human Rights Commission. (2024, October 9). Statistics about Aboriginal and Torres Strait Islander Women and Girls. Human Rights. [https://humanrights.gov.au/education/stats-facts/statistics-about-aboriginal-and-torres-strait-islander-women-and-girls#:~:text=Within%20the%20Legal%20System,sentences%20than%20non%2DIndigenous%20women](https://humanrights.gov.au/education/stats-facts/statistics-about-aboriginal-and-torres-strait-islander-women-and-girls#:~:text=Within%20the%20Legal%20System,sentences%20than%20non%2DIndigenous%20women.). Aboriginal and Torres Strait Islander people in remote areas are highly overrepresented: Shepherd, S. M., Spivak, B., Ashford, L. J., Williams, I., Trounson, J., & Paradies, Y. (2020). Closing the (incarceration) gap: assessing the socio-economic and clinical indicators of indigenous males by lifetime incarceration status. *BMC public health*, 20(1), 710. <https://doi.org/10.1186/s12889-020-08794-3>

⁶⁰ This is attributable to legislative and policy reform that routinely expands police powers, rolls back bail protections, imposes harsher sentencing, and systematically underfunds legal rights, diversionary solutions, and 4Rs inclusion. Australian Bureau of Statistics. (2024, December 19). Prisoners in Australia, Reference Period 2024. [Dataset]. <https://www.abs.gov.au/statistics/people/crime-and-justice/prisoners-australia/latest-release>

⁶¹ This cohort of women disproportionately experience victimisation and gendered violence (See: Australian Institute of Health and Welfare. (2025). *Family, domestic and sexual violence* [Dataset]. <https://www.aihw.gov.au/family-domestic-and-sexual-violence>

⁶² In 2024 imprisonment of women increased by 8% compared to 6% in men: Australian Bureau of Statistics. (2024, December 19). Prisoners in Australia, Reference Period 2024. [Dataset]. <https://www.abs.gov.au/statistics/people/crime-and-justice/prisoners-australia/latest-release>. Australia must recognise that most women in prison are primary caregivers, and their incarceration inflicts lasting harm on children and communities. Imprisonment of mothers must end: see T Anthony, T., Behrendt, L. & Sentance, G. –(2021). “We’re not being treated like mothers”; Listening to the stories of First Nations mothers in prison. *Laws*, 10(3), 74.. <https://doi.org/10.3390/laws10030074>; Australian Law Reform Commission, *Pathways to Justice: Inquiry into the Incarceration Rate of Aboriginal and Torres Strait Islander Peoples*(ALRC Report 133, 2018) Chapter 11.

⁶³ A lack of diversionary and family friendly drug rehabilitation programs for women, particularly Aboriginal and Torres Strait Islander women, and women with children, is resulting in increased incarceration rates for women in Australia; See Women's Safety and Justice Taskforce.(2021). *Women's Safety and Justice Taskforce: Report titled 'Hear her voice-Report 2: Addressing coercive control and domestic and family violence in Queensland', Volume 2*. Queensland Legislative Assembly. <http://nla.gov.au/nla.obj-3035337963>; Diversionary programs are important for diverting women and girls from the criminal legal system.

⁶⁴ The ACT recently raised the age of criminal responsibility to 12 but from July it will be 14. In August 2024, the Victorian government reversed its commitment to raise the age of criminal responsibility from 10 to 14, instead introducing legislation to raise it only to 12. In October, the newly elected Northern Territory government lowered the age of criminal responsibility from 12 to 10.

⁶⁵ See Children and Young People section. Sisters Inside, the National Network of Incarcerated & Formerly Incarcerated Women & Girls and Scarlet Alliance (National Sex Workers Alliance) maintain that Australia must cease incarcerating children of all ages, and instead develop and invest in safe and transformative solutions that keep our children in their homes, schools and communities, see Senator Lidia Thorpe. (2024). Additional comments by Senator Lidia Thorpe [Interim report – Senate Legal and Constitutional Affairs References Committee, Inquiry into the incarceration rate of Aboriginal and Torres Strait Islander peoples]. Parliament of Australia. https://www.aph.gov.au/Parliamentary_Business/Committees/Senate/Legal_and_Constitutional_Affairs/Incarceration47/Interim_Report/Additional_Comments_by_Senator_Lidia_Thorpe.

⁶⁶See Schetzer, L. & Sotiri, M. (2024). *Policing Differently: How to reduce criminal justice system involvement and incarceration*. Justice Reform Initiative. https://assets.nationbuilder.com/justicereforminitiative/pages/441/attachments/original/1720398305/JRI_POLICE_JUNE_2024.pdf?1720398305; See pages 47 and 73 in Hopkins, T. (2009). *An Effective System for Investigating Complaints Against Police – A study of human rights compliance in police complaint models in the UK, Northern Ireland and Australia*. Victoria Law Foundation. <https://www.policeaccountability.org.au/wp-content/uploads/2014/03/An-effective-System-for-Investigating-Complaints-Against-Police.pdf>

⁶⁷Pages 4 and 233 in Porter, L. & Prenzler, T. *Police Integrity and Management in Australia: Global Lessons for Combating Police Misconduct* (Routledge, 2012).

⁶⁸ Racially discriminatory policing is widespread and impacting entire communities: see Schetzer, L. & Sotiri, M. (2024). *Policing Differently: How to reduce criminal justice system involvement and incarceration*, Justice Reform Initiative, Australia. 10-12, 14-15; Ben-Porat, G., Goff, P., Levy, N., Mentovich, A. & Tyler, T.(2018). Policing alienated minorities in divided cities., *Regulation & Governance* 14(3), 531-550. <https://doi.org/10.1111/rego.12232>; As to intelligence led policing models see Yeong, S. (2020). *An evaluation of the Suspect Target Management Plan (Crime and Justice Bulletin No. 233 revised)*. NSW Bureau of Crime Statistics and Research. <https://bocsar.nsw.gov.au/documents/publications/cjb/cjb201-250/cjb233-pagesummary-evaluation-of-the-suspect-target-management-plan.pdf>; Law Enforcement Conduct Commission. (2023). *An investigation into the use of the NSW Police Force Suspect Target Management Plan on children and young people – Operation Tepito, Final Report*. <https://www.lecc.nsw.gov.au/news-and-publications/publications/operation-tepito-final-report.pdf/@download/file>.

⁶⁹ Human rights advocates and peak bodies have criticised new bail laws introduced in 2024 and 2025 in the Northern Territory, Queensland, Victoria and New South Wales: In the Northern Territory bail reforms have expanded presumptions against bail: see: Northern Territory Department of Attorney-General and Justice. (2023). *Bail and Weapons Offences Review Taskforce*.https://agd.nt.gov.au/data/assets/pdf_file/0009/1259388/bail-weapons-offence-review-taskforce-report.pdf; Coalition of Voices. (2024, October 13). Expert coalition urges “eleventh-hour” rethink on government’s regressive justice laws. *Coalition of Voices Media Release*. https://www.justicereforminitiative.org.au/media_statement_expert_coalition_urges_eleventh_hour_rethink_on_government_s_regressive_justice_laws. Victoria has announced plans to remove the presumption of bail for specific offences and introduce additional penalties for crimes committed while on bail: see eg: Justice Reform Initiative. (2025, March 12). Victorian Government’s move to tighten bail laws won’t keep community safe. Justice Reform Initiative Media Release.https://www.justicereforminitiative.org.au/media_release_victorian_governments_move_to_tighten_bail_laws_wont_keep_community_safe; Victorian Aboriginal Legal Service. (2025, February 4). Granting bail saves lives: Premier’s review shows blatant disregard for Aboriginal communities. <https://www.vals.org.au/granting-bail-saves-lives-premiers-review-shows-blatant-disregard-for-aboriginal-communities/>. New South Wales introduced new bail laws in 2024 which restrict the availability of bail for young people aged 14-18 who are charged with particular offences: see eg: Aboriginal Legal Service NSW/ACT Ltd et. al. (2024, March 18). *Open letter to NSW Premier Minns and the Labor Government from 560 lawyers, community workers and academics*. News. <https://www.alsnswact.org.au/open-letter-from-lawyers-community-workers-and-academics>). Since the laws were introduced, more than 80 per cent of alleged young offenders have been refused bail: see: Brennan, D. (2025, February 7). *Proposed NSW bail law extension slammed by legal experts*. National Indigenous Times. The Queensland Government overrode its Human Rights Act to expand the presumption against bail, institute bail as a criminal offence for children and remove the principle of detention of children as a last resort: see: Justice Reform Initiative. (2024, October 28). *Qld shouldn’t waste an opportunity to implement leading crime prevention*. Justice Reform InitiativeMedia Release. https://www.justicereforminitiative.org.au/media_release_qld_shouldn_t_waste_an_opportunity_to_implement_leading_crime_prevention; Queensland Human Rights Commission. (2023, February 24). Strengthening Community Safety Bill 2023: Submission to Economics and Governance Committee. <https://documents.parliament.qld.gov.au/com/EGC-A022/YJDRAFTTIT-9F73/submissions/00000052.pdf>

⁷⁰Sentas V. & Pandolfini, C. (2017) *Policing Young People in NSW – A Study of the Suspect Targeting Management Plan*. Youth Justice Coalition. <https://www.piac.asn.au/wp-content/uploads/2017/10/17.10.25-YJC-STMP-Report.pdf>; Hopkins, T. (2021). Litigating racial profiling: examining the evidence for institutional racial profiling by police against African- Australians in Flemington, Victoria. *Australian Journal of Human Rights* 26(2), 209-226. <https://doi.org/10.1080/1323238X.2021.1872132>

⁷¹ People experiencing homelessness are also more likely to be refused bail even for relatively minor offences, due to the lack of a fixed address. Bail refusal may also cause homelessness, as people may lose their housing while on remand due to inability to pay rent. When bail is granted, the lack of stable accommodation can make it challenging to adhere to bail conditions (See: Anthony, T., McNamara, L., Quilter, J. & Walsh, T. (2021) Homelessness and Contact with the Criminal Justice System: Insights from Specialist Lawyers and Allied Professionals in Australia. *International Journal for Crime, Justice and Social Democracy* 10(1). doi: 10.5204/ijcsd.1742; Bartkowiak-Theron, I., Bond, C., Colvin, E., Day, A., Sarre, R. & Travers, M. *Bail decision-making and pre-trial services: A comparative study of*

magistrates courts in four Australian states. Criminology Research Grant. <https://www.aic.gov.au/sites/default/files/2020-10/CRG3416%2017%20FinalReport.pdf>

⁷² See Hopkins, T. (2017). *Monitoring Racial Profiling - Introducing a scheme to prevent unlawful stops and searches by Victoria Police*. Police Stop Data Working Group. https://www.policeaccountability.org.au/wp-content/uploads/2017/08/monitoringRP_report_softcopy_FINAL_22082017.pdf

⁷³ A disproportionate number of Aboriginal people from remote areas are refused bail, contributing to their gross over-representation in detention populations.

⁷⁴ Bail support programs should be adequately funded and including support for appropriate accommodation, to assist people to address the root causes of offending, increase compliance with bail conditions and better realise the underlying goals of the bail system.

⁷⁵ Nadel, J. (2025, 1 February). NSW Police Force's use AI raised watchdog concerns. *The Saturday Paper*.

<https://www.griffith.edu.au/library/study/referencing/apa-7>; Taylor, J. (2023, September 22). Australian federal police using AI to analyse data obtained under surveillance warrants. *The Guardian*. <https://www.theguardian.com/australia-news/2023/sep/22/australian-federal-police-afp-using-ai-analyse-surveillance-warrants-data>; Douglas, H. & Fitzgerald, R. (2021, September 17). QLD police will use AI to 'predict' domestic violence before it happens. Beware the unintended consequences. *The Conversation*. <https://theconversation.com/qld-police-will-use-ai-to-predict-domestic-violence-before-it-happens-beware-the-unintended-consequences-167976>; Goldenfein, J. (2020, March 4). Australian police are using the Clearview AI facial recognition system with no accountability. *The Conversation*. <https://theconversation.com/australian-police-are-using-the-clearview-ai-facial-recognition-system-with-no-accountability-132667>.

⁷⁶ See pages 43-44 and 114-118: Australian Human Rights Commission. (2021). *Human Rights and Technology: Final Report*. <https://humanrights.gov.au/our-work/technology-and-human-rights/publications/final-report-human-rights-and-technology>

⁷⁷ Chan, J. & Bennett Moses, L. (2018). Algorithmic prediction in policing: assumptions, evaluation, and accountability. *Policing and Society* 28(7), 817-818. <https://dx.doi.org/10.2139/ssrn.3742541>; Busuioic, M. (2020). 'Accountable Artificial Intelligence: Holding Algorithms to Account. *Public Administration Review*, 81(5), 825-836. <https://doi.org/10.1111/puar.13293>

⁷⁸ Chan, J. & Bennett Moses, L. (2018). Algorithmic prediction in policing: assumptions, evaluation, and accountability. *Policing and Society* 28(7), 817-818. <https://dx.doi.org/10.2139/ssrn.3742541>; Ntoutsis, E. et al. (2020). 'Bias in data-driven artificial intelligence systems - An introductory survey. *WIREs Data Mining and Knowledge Discovery* 10(3). <https://doi.org/10.1002/widm.1356>

⁷⁹ Regulations should be designed in collaboration with community members: see pages 50-51 in Purves, D. & Jenkins, R. (2023). *A Machine Learning Evaluation Framework for Place-based Algorithmic Patrol Management*. National Science Foundation and the Center for Advancing Safety of Machine Intelligence. <https://ssrn.com/abstract=4549861>

⁸⁰ Chan, J. & Bennett Moses, L. (2018). Algorithmic prediction in policing: assumptions, evaluation, and accountability. *Policing and Society* 28(7), 817-818. <https://dx.doi.org/10.2139/ssrn.3742541>; see pages 4-6 in Harris, H. & Burke, A. (2022). Artificial Intelligence, policing and ethics - a best practice model for AI enabled policing in Australia. *AI-PLI 2021 International Workshop on AI-enabled Policing and Law Enforcement IEEE EDOC Conference 2021 - Proceedings*. <https://ssrn.com/abstract=4029138>; see pages 833-834 in Busuioic, M. (2020). 'Accountable Artificial Intelligence: Holding Algorithms to Account. *Public Administration Review*, 81(5), 825-836. <https://doi.org/10.1111/puar.13293>

⁸¹ Grewcock, M., & Sentas, V. (2019). *Rethinking Strip Searches by NSW Police*. UNSW..

<https://rlc.org.au/sites/default/files/attachments/Rethinking-strip-searches-by-NSW-Police-web.pdf>

⁸² This is largely due to ambiguity within the definitions of a strip search and misused police discretion: see e.g. Grewcock, M., & Sentas, V. (2019). *Rethinking Strip Searches by NSW Police*. UNSW. <https://rlc.org.au/sites/default/files/attachments/Rethinking-strip-searches-by-NSW-Police-web.pdf>

⁸³ Laws should be amended to provide an exhaustive definition of a strip search, ensure strip search powers are only used in circumstances that are serious and urgent and require police to always conduct the least invasive search practicable in the circumstances: Law Enforcement Conduct Commission (LECC). 2020. *Inquiry into NSW Police Force strip search practices - Final Report*. December 2020. vi; Grewcock, M and Sentas, V. *Rethinking Strip Searches by NSW Police* (Report, August 2019). UNSW.8; LECC. 2023. Review of a sample of NSW Police Force strip search records 2021-2022. September 2023. 26.

⁸⁴ In relation to misidentification, it is noted that survivors of family and gender-based violence are routinely failed not only by police, but by multiple systems including the criminal legal system, immigration system, social security system, family law system, child protection system, victims support system, health, housing and other social support and employment systems. Wholescale reform is required to address this issue and promote accountability: Family Violence Reform Implementation Monitor (2021) *Accurate identification of the predominant aggressor* <https://www.fvrim.vic.gov.au/sites/default/files/2021-12/FVRIM%20Predominant%20Aggressor%20December%202021.pdf>; Ellen Reeves, 'I'm Not at All Protected and I Think Other Women Should Know That, That They're Not Protected Either': Victim - Survivors' Experiences of 'Misidentification' in Victoria's Family Violence System' *International Journal for Crime, Justice and Social Democracy* 10(4) 2021 <https://www.austlii.edu.au/au/journals/IntJCrImJustSocDem/2021/45.pdf>

⁸⁵ Across rural and remote communities, police frequently fail to adequately respond to domestic and family violence, often delaying or dismissing urgent calls for help. This reflects a systemic issue that leaves women, in particular, Aboriginal and Torres Strait Islander women disproportionately vulnerable, see Moore, Sheree, Rachael Fox, Bróna Nic Giolla Easpaig, and Linda Deravin. 2023. 'Family and Domestic Violence Policy Discourses and Narratives: Implications for Emergency Departments and Communities in Rural Australia'. *International Journal for Equity in Health* 22 (1). <https://doi.org/10.1186/s12939-023-01873-y>;

See pages 90, 113 and 184 in Nancarrow, H. (2019). *Unintended Consequences of Domestic Violence: Gendered Aspirations and Racialised Realities*. Palgrave; Coroners Court of the Northern Territory. (2024, November 25). *Inquests into the deaths of Miss Yunupijju, Ngeygo Ragurrrk, Kumarn Rubuntja and Kumanjayi Haywood [2024] NTLC 14*.

https://justice.nt.gov.au/_data/assets/pdf_file/0010/1463707/74c7ad06daceae11bd2c0534cdc274fe6e61b06e.pdf; Buxton-Namisyk, E. (2022). Domestic Violence Policing of First Nations Women in Australia: 'Settler' Frameworks, Consequential Harms and the Promise of Meaningful Self-Determination, *The British Journal of Criminology*, 62(6), s 1323-1340, <https://doi.org/10.1093/bjc/azab103>

⁸⁶ Research indicates not only that Indigenous women are more likely to experience DV compared to their non-Indigenous counterparts, but also as a result, that self-defensive and retaliatory violence is common among Aboriginal and Torres Strait Islander women. However, because the victim-offender dichotomy that underlines legal and service provision does not consider the nuances of female DV perpetration, mechanisms aimed at holding offenders accountable have inadvertently put those most at risk of retaliatory and self-defensive violence (i.e. Indigenous women) also at risk of experiencing justice responses that disproportionately affect them.

⁸⁷ Australian Human Rights Commission. (2020). *Wiyi Yani U Thangani (Women's Voices): Securing Our Rights, Securing Our Future*.

https://humanrights.gov.au/sites/default/files/document/publication/ahrc_wiyi_yani_u_thangani_report_2020.pdf, See also; Ghafoornia, N. & Eastal, P. (2019) Help-Seeking Experiences of Immigrant Domestic Violence Survivors in Australia: A Snapshot of Muslim Survivors. *Journal of Interpersonal Violence* 1, 2-3; House of Representatives Standing Committee on Social Policy and Legal Affairs. (2021). *Inquiry into family, domestic and sexual violence*. Australian Government.

https://parlinfo.aph.gov.au/parlInfo/download/committees/reportrep/024577/toc_pdf/Inquiryinto%20family%20domesticandsexualviolence.pdf;fileType=application%2Fpdf; Legal and Constitutional Affairs References Committee. (2024). *Missing and murdered First Nations women and children*. Australian Government.

https://parlinfo.aph.gov.au/parlInfo/download/committees/reportsen/RB000085/toc_pdf/MissingandmurderedFirstNationswomenandchildren.pdf; Change the Record. (2021). *Pathways to Safety*. <https://s3-ap-southeast-2.amazonaws.com/raisely-images/change-the-record/uploads/pathways-to-safety-report-final-pdf-adf88a.pdf>.

⁸⁸At 90, 113 and 184 of Nancarrow, H. (2019) *Unintended Consequences of Domestic Violence: Gendered Aspirations and Racialised Realities*. Palgrave Macmillan Cham.

⁸⁹ Mandatory sentencing laws may require a judicial officer to impose a minimum sentence for a particular offence regardless of the circumstances of the offender, or only in circumstances in which the offender has previously been convicted of the same, or a similar, offence (usually two or more previous convictions for the same/similar offence within a certain time period). Presumptive sentencing laws presume that a sentence (usually one that is or includes imprisonment) be imposed, unless a judicial officer is satisfied of legislative criteria permits a different sentence. These laws are largely implemented in response to rising crime rates or highly publicised individual criminal acts, and are 'aimed at reducing judicial discretion and increasing the severity of sentencing': see Frieberg, A. (2025) Reflections on 50 Years of Sentencing Reform: The Good, the Bad and the Future. *Alternative Law Journal*, (0), Pages 1-5, <https://doi.org/10.1177/1037969X25132392>; see also Law Society of Western Australia. (2020). *Briefing Paper – Mandatory Sentencing and How it Contributes to the Incarceration of Aboriginal and Torres Strait Islander Peoples in Western Australia*. https://lawsocietywa.asn.au/wp-content/uploads/2023/03/Briefing_Papers_Mandatory_Sentencing_Contributes_to_the_Incarceration_of_ATSI_people_WA.pdf. While public opinion is frequently cited as the driver of this implementation, there is research to suggest that this is misleading: see Davis, J., Frieberg, A., Spiranovic, C., & Warner, K. (2018). Mandatory Sentencing? Use [with] Discretion. *Alternative Law Journal* 43(4), Pages 289-294. https://www.utas.edu.au/_data/assets/pdf_file/0020/1223840/Mandatories-use-with-discretion-.pdf.

⁹⁰ The Australian Law Reform Commission ('ALRC') noted that 'Achieving substantive and not formal equality before the law includes, for example, the consideration upon sentencing of the unique and systemic factors affecting Aboriginal and Torres Strait Islander offenders': see ALRC. (2017). *Pathways to Justice – Inquiry into the Incarceration Rate of Aboriginal and Torres Strait Islander Peoples* (Report 133). Australian Government. <https://www.alrc.gov.au/publication/pathways-to-justice-inquiry-into-the-incarceration-rate-of-aboriginal-and-torres-strait-islander-peoples-alrc-report-133/>. Three-strike home burglary legislation (which requires that an adult offender receive a sentence of a minimum two years' imprisonment upon conviction of a third home burglary offence) has a 'disproportionate impact on Aboriginal and Torres Strait Islander people' in Western Australia: see at 278 [8.20] in ALRC. (2017). *Pathways to Justice – Inquiry into the Incarceration Rate of Aboriginal and Torres Strait Islander Peoples* (Report 133). Australian Government. <https://www.alrc.gov.au/publication/pathways-to-justice-inquiry-into-the-incarceration-rate-of-aboriginal-and-torres-strait-islander-peoples-alrc-report-133/>. Amnesty International has condemned three-strike mandatory sentencing legislation as contrary to government commitments to the reduction of Aboriginal incarceration, noting its detrimental impact on Aboriginal young people. See: Amnesty International. (2015, February 24). *Three Strikes and You're Out: Mandatory Sentencing in WA*. <https://www.amnesty.org.au/three-strikes-mandatory-sentencing-wa/>.

⁹¹ Mandatory sentencing 'disproportionately affects those who are compelled to have no choice but to commit crimes, for example, the mentally ill, those experiencing extreme poverty and children and young people': see St Vincent de Paul Society quoted in Australian Senate, Legal and Constitutional References Committee, *Value of a Justice Reinvestment Approach to Criminal Justice in Australia* (June 2013), 9 [2.35].

⁹² In 2014, the Law Council of Australia remarked that 'there is conflicting evidence as to the deterrent effectiveness of mandatory sentencing' and noted that during the NT's initial 'mandatory sentencing regime for property offences ... property crime increased': see Law Council of Australia, *Policy Discussion Paper on Mandatory Sentencing* (May 2014), 14 [34]. In 2018, the ALRC noted that 'mandatory sentencing increases incarceration, is costly, and is not effective as a crime deterrent' and subsequently recommended that 'Commonwealth, state and territory governments should repeal provisions which impose mandatory or presumptive terms of imprisonment upon conviction of an offender': see [8.17] in ALRC. (2017). *Pathways to Justice – Inquiry into the Incarceration Rate of Aboriginal and Torres Strait Islander Peoples* (Report 133). Australian Government. <https://www.alrc.gov.au/publication/pathways-to-justice-inquiry-into-the-incarceration-rate-of-aboriginal-and-torres-strait-islander-peoples-alrc-report-133/>.

⁹³ Mandatory sentences are at odds with many established sentencing principles and severely restrict the ability of judicial officers to exercise judicial discretion. Limits placed on judicial sentencing discretion interfere with the principle of 'individualised justice', which 'requires proportionality not only to the harm but to the circumstances of the offender': see Anthony, T., Bartels, Lorana., & Hopkins, A. (2015) *Lessons Lost in Sentencing: Welding Individualised Justice to Indigenous Justice*. *Melbourne University Law Review* 47, 51. <https://www.austlii.edu.au/cgi-bin/viewdoc/au/journals/MelbULawRw/2015/16.html>. Further, laws that compel judicial officers to impose mandatory sentences of imprisonment undermine the presumption of imprisonment as a last resort: see [8.9] in ALRC. (2017). *Pathways to Justice – Inquiry into the Incarceration Rate of Aboriginal and Torres Strait Islander Peoples* (Report 133). Australian Government. <https://www.alrc.gov.au/publication/pathways-to-justice-inquiry-into-the-incarceration-rate-of-aboriginal-and-torres-strait-islander-peoples-alrc-report-133/>. Further, mandatory sentencing laws '[shift] discretion from the judiciary to the lower levels of the administration of justice', giving police and prosecutors greater influence over accused individuals: see: Kumaraswamy, D. (2001) *Mandatory Sentencing: the Individual and Social Costs*. *Australian Journal of Human Rights* 7(2), Pages 7, 14. The Human Rights Law Centre also noted that 'exercise of police and prosecutorial discretion effectively determines whether or not an offender is subject to a period of imprisonment': see quote in Australian Senate, Legal and Constitutional References Committee, *Value of a Justice Reinvestment Approach to Criminal Justice in Australia* (June 2013) 9 [2.34]. The significance of these shifts in discretion are suggested in recent research findings in the United States, where 'shifts in the prosecutorial use of mandatory minimums played a critical role in decreasing black-white sentencing inequality': see: Light, M. (2022). *The Declining Significance of Race in Criminal Sentencing: Evidence from the US Federal Courts*. *Social Forces* 100(3), 1110-1141. <https://doi.org/10.1093/sf/soab018>.

⁹⁴ Since 2000, 37 new prisons have been constructed costing billions of dollars: see Blatman-Thomas, N., Burrige, A., Markham, F., Osborne, N. & Russell, E. (2025, January 23). *Prisons don't create safer communities, so why is Australia spending billions on building them?* News Room. <https://www.unsw.edu.au/newsroom/news/2025/01/prisons-dont-create-safer-communities-so-why-is-australia-spending-billions-on-building-them>.

⁹⁵ Alternatives to address burgeoning prison populations must be community led and culturally secure with respect to Aboriginal people, in order to capacity-build disadvantaged communities, improve the productiveness and wellbeing of those communities and enhance community safety.

⁹⁶ Such as devoting resources to evidence-based diversionary and preventative programs: see e.g. discussion in Blatman-Thomas, N., Burrige, A., Markham, F., Osborne, N. & Russell, E. (2025, January 23). Prisons don't create safer communities, so why is Australia spending billions on building them? News Room. <https://www.unsw.edu.au/newsroom/news/2025/01/prisons-dont-create-safer-communities-so-why-is-australia-spending-billions-on-building-them>

⁹⁷ Australian Bureau of Statistics. (2024). Prisoners in Australia. [Dataset]. <https://www.abs.gov.au/statistics/people/crime-and-justice/prisoners-australia/2024>

⁹⁸ Australian Institute of Criminology. (2025). Deaths in custody in Australia. [Dataset]. <https://www.aic.gov.au/statistics/deaths-custody-australia>

⁹⁹ See Collard, S. (2024, November 14). Indigenous deaths in custody reach 22 in 11 months as advocates say numbers 'met with indifference'. *The Guardian*. <https://www.theguardian.com/australia-news/2024/nov/14/indigenous-deaths-in-custody-reach-22-in-11-months-as-advocates-say-numbers-met-with-indifference-ntwnfb>; in the ACT: Barrett Peters, C. (2025, February 17). Two Aboriginal Detainees die in custody over four days at Alexander Maconochie Centre. *ABC News*. <https://www.abc.net.au/news/2025-02-17/act-two-detainees-die-four-days-alexander-maconochie-centre/104947614>; in VIC: Brown, M. (2024, October 8). Family seeks answers after death in custody of Aboriginal man Marley Wright-Martin. *ABC News*; <https://www.abc.net.au/news/2024-10-08/marley-wright-martin-aboriginal-death-in-custody-inquest-hearing/104444740>; in WA: Torre, G. (2025, March 8). Young Aboriginal man dies in custody in WA. *National Indigenous Times*. <https://nit.com.au/08-03-2025/16700/young-aboriginal-man-dies-in-custody-in-wa>

¹⁰⁰ For example, coronial inquests often repeat common findings and recommendations, and those recommendations often aren't fully implemented: see, Review finds WA Department of Justice "often prematurely closed coronial recommendations" from death in custody inquests. *National Indigenous Times* <https://nit.com.au/17-04-2023/5615/Review-finds-wa-department-of-justice-often-prematurely-closed-coronial-recommendations-from-death-in-custody-inquests>; Office of the Inspector of Custodial Services. (2023). *Directed Review into the Department of Justice's performance in responding to recommendations arising from coronial inquiries into deaths in custody*. Government of Western Australia. https://www.oics.wa.gov.au/wp-content/uploads/2023/04/2023_03_10-Directed-Review-Deaths-in-Custody-FINAL-v1.1.pdf; Knaus, C., & Bogle, A. (2025, June 10). 'Astounding' negligence revealed: Governments turn blind eye to staggering prison death toll. *The Guardian*. <https://www.theguardian.com/australia-news/2025/jun/10/astounding-negligence-revealed-governments-turn-blind-eye-to-staggering-prison-death-toll-hanging-points-ntwnfb>; Knaus, C. & Bogle, A., (2025, June 10). *We asked every Australian state why ligature points in jails had not been removed. Here are their responses*. *The Guardian*. <https://www.theguardian.com/australia-news/2025/jun/10/we-asked-every-australian-state-why-ligature-points-in-jails-had-not-been-removed-here-are-their-responses-ntwnfb>; Knaus, C., & Bogle, A. (2025, June 11). *After Chelsea's mother died in an unsafe cell the coroner delivered a scathing message*. *The Guardian*. <https://www.theguardian.com/australia-news/2025/jun/11/australian-coroners-hanging-points-prison-investigation-ntwnfb>

¹⁰¹ Commonwealth of Australia. (1991). *Royal Commission into Aboriginal Deaths in Custody*; & Johnston, E. *National report: Volume 1*. Australian Government. <https://www.austlii.edu.au/au/other/IndigLRes/rciadic/national/vol1/1.html>

¹⁰² Australia continues to exercise a 'default punitive approach' to youth justice, a reality which further harms Aboriginal and Torres Strait Islander People. It is expressed in a pervasive 'tough on crime' media and political rhetoric, and further by custodial staff who manifest a preference for security and punitive measures over trauma-informed care: See pages 104, 108, 112-113 in Gibbs, M., Goldman, M., Hodge, M. & et al. (2024). *Help way earlier!': How Australia can transform child justice to improve safety and wellbeing*. Australian Human Rights Commission. https://humanrights.gov.au/sites/default/files/document/publication/1807_help_way_earlier_-_accessible_0.pdf. Within this carceral landscape, oversight measures and adequate access to legal representation are frequently curtailed: see Brennan, D. (2025, March 27). ACT Indigenous child commissioner prevented from visiting youth prison. *National Indigenous Times*. <https://nit.com.au/27-03-2025/17054/act-indigenous-child-commissioner-prevented-from-visiting-youth-prison>; Brennan, D. (2025, February 5) National Child Commissioner prevented from entering youth prisons. *National Indigenous Times*. <https://nit.com.au/05-02-2025/16084/exclusive-national-child-commissioner-prevented-from-entering-victorian-youth-prison>; See page 89 of volume 8: Commonwealth of Australia. (2023). *Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability: Final Report*. Australian Government. <https://disability.royalcommission.gov.au/publications/final-report>

¹⁰³ While all children in detention environments suffer the impacts of poor conditions, Aboriginal and Torres Strait Islander children are overrepresented in the system and disproportionately harmed by the pervasive effects of colonialism, systemic racism and lack of culturally secure care: see pages 98-99 in Gibbs, M., Goldman, M., Hodge, M. & et al. (2024). *Help way earlier!': How Australia can transform child justice to improve safety and wellbeing*. Australian Human Rights Commission. https://humanrights.gov.au/sites/default/files/document/publication/1807_help_way_earlier_-_accessible_0.pdf. Children with disability are further harmed by inadequate education and therapeutic care, see pages 88-89: Commonwealth of Australia. (2023). *Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability: Final Report*, vol. 8. <https://disability.royalcommission.gov.au/system/files/2023-09/Final%20Report%20-%20Volume%208%2C%20Criminal%20justice%20and%20people%20with%20disability.pdf>; [2.25] in Legal and Constitutional Affairs References Committee. (2025). *Interim Report of the Senate Inquiry into the Youth Justice System*. Australian Government. https://parlinfo.aph.gov.au/parlInfo/download/committees/reportsen/RB000499/toc_pdf/Australia%e2%80%99youthjusticeandincarcerationsystem.pdf

¹⁰⁴ This issue has been examined and criticised by a Royal Commission, the National Children's Commission, prison inspectors, a Federal Parliamentary Inquiry, Supreme Courts, and an ongoing coronial inquest: see [3.4]-[3.8] in Commonwealth of Australia. (2023). *Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability: Final Report*, vol. 8. <https://disability.royalcommission.gov.au/system/files/2023-09/Final%20Report%20-%20Volume%208%2C%20Criminal%20justice%20and%20people%20with%20disability.pdf>; Gibbs, M., Goldman, M., Hodge, M. & et al. (2024). *Help way earlier!': How Australia can transform child justice to improve safety and wellbeing*. Australian Human Rights Commission. https://humanrights.gov.au/sites/default/files/document/publication/1807_help_way_earlier_-_accessible_0.pdf; Office of the Inspector of Custodial Services. (2022). *2021 Inspection of the Intensive Support Unit at Banksia Hill Detention Centre*. Government of Western Australia. <https://www.oics.wa.gov.au/wp-content/uploads/2022/03/Banksia-Report-141.pdf>; Legal and Constitutional Affairs References Committee. (2025). *Interim Report of the Senate Inquiry into the Youth Justice System*. Australian Government. https://parlinfo.aph.gov.au/parlInfo/download/committees/reportsen/RB000499/toc_pdf/Australia%e2%80%99youthjusticeandincarcerationsystem.pdf

; *XYZ by Next Friend XYZ v Chief Executive Officer of the Department of Justice* [2022] WASC 274; *CRU by Next Friend CRU2 v Chief Executive Officer of the Department of Justice* [2023] WASC 257. See also Australian Associated Press. (2024, July 25). Former WA justice boss concedes children subject to 'institutional abuse' under his watch, Cleveland Dodd inquest hears. *The Guardian*. <https://www.theguardian.com/australia-news/article/2024/jul/25/cleveland-dodd-inquest-wa-death-in-custody-ntwnfb>

¹⁰⁵ For example, the Queensland Government has repeatedly overridden its Human Rights Act to accommodate the detention of young people in adult watch houses for prolonged periods, which has been broadly condemned: Riga, R. & McKenna, K. (2023, February 7). Advocates say children are being held in adult watch houses in Queensland for weeks at a time. *ABC News*. https://www.abc.net.au/news/2023-02-07/children-held-in-adult-watch-houses-youth-justice-system-crisis/101936438?utm_source=abc_news_web&utm_medium=content%20shared&utm_campaign=abc_news_web; See pages 31-32 of Queensland Family and Child Commission. (2023). *Queensland Child Rights Report 2023*. Queensland Government. <https://www.qfcc.qld.gov.au/sites/default/files/2023-08/QFCC%20Child%20Rights%20Report%202023%20%281%29.pdf>; Gillespie, E. (2025, February 26). Queensland police to investigate allegations disabled child was tormented in watch house. *ABC News*. <https://www.abc.net.au/news/2025-02-26/police-commissioner-qps-investigation-cairns-watch-house/>. Similar issues have also arisen recently in the Northern Territory: see Dick, S. (2025, March 25). Detainment of 15-year-old girl in NT police watch house reignites human rights concerns. *ABC News*. <https://www.abc.net.au/news/2025-03-25/nt-teenager-held-in-palmerston-police-watch-house-three-nights/105089906>

¹⁰⁶ [4.15]-[4.21] in Legal and Constitutional Affairs References Committee. (2025). *Interim Report of the Senate Inquiry into the Youth Justice System*. Australian Government. https://parlinfo.aph.gov.au/parlInfo/download/committees/reportsen/RB000499/toc_pdf/Australia%e2%80%99youthjusticeandincarceration%20system.pdf; see page 5 of Northern Territory Aboriginal Justice Agency and Aboriginal Peak Organisations Northern Territory. (2023). *Submission No 148 to the Australian Human Rights Commission, Youth Justice and Child Wellbeing Reform Project across Australia*. https://humanrights.gov.au/sites/default/files/northern_australian_aboriginal_justice_agency_submission_0.pdf; Begley, F., Bell, M., Fallon, M. & Tobin, G. (2022, November 14). Boys handcuffed, held down by guards and sat on in dangerous youth detention 'folding' restraint. *ABC News*. <https://www.abc.net.au/news/2022-11-14/video-shows-dangerous-youth-detention-restraint-on-teenage-boy/101632832>.

¹⁰⁷ Burke, K. (2024, December 11). Coroner in Cleveland Dodd inquest indicates he may call for urgent closure of Unit 18. *ABC News*. <https://www.abc.net.au/news/2024-12-11/cleveland-dodd-inquest-coroner-may-call-for-closure-of-unit-18/>; Mayes, A. & Shine, R. (2024, August 30). Banksia Hill teenager becomes the second child to die by suicide in WA's troubled youth detention system. *ABC News*. <https://www.abc.net.au/news/2024-08-30/banksia-hill-suicide-second-child-death-wa-youth-detention-/104290074>.

¹⁰⁸ Specifically, Australia must withdraw its reservation to Article 37(c) of the Convention on the Rights of the Child, which mandates the separation of detained children from adults in custody. As observed by the National Children's Commissioner, Australia's reservation being predicated on geographical barriers is undermined by the reality that children have been detained alongside adults in predominantly metropolitan settings, and further, that Article 37(c) already provides for the concerns expressed by the Australian government – see page 90 of Gibbs, M., Goldman, M., Hodge, M. & et al. (2024). *Help way earlier! : How Australia can transform child justice to improve safety and wellbeing*. Australian Human Rights Commission. https://humanrights.gov.au/sites/default/files/document/publication/1807_help_way_earlier_-_accessible_0.pdf. Australia must also legislate to prohibit solitary confinement. Articles 37(a) and (c) of the Convention on the Rights of the Child provide protection from torture or other cruel, inhuman or degrading treatment or punishment, and require that children be treated in a way that accounts for their age. The UN Standard Minimum Rules for the Treatment of Prisoners (Mandela Rules) define solitary confinement as the physical isolation of individuals 'for 22 or more hours a day without meaningful human contact'. Children across the country have been detained in conditions amounting to solitary confinement, and no Australian jurisdiction currently prohibits isolation amounting to solitary confinement. See pages 101 - 104 in Commonwealth of Australia. (2023). *Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability: Final Report*. Australian Government.

¹⁰⁹ For example in Western Australia, the Inspector for Custodial Services recently determined that conditions in one prison constitute "cruel, inhumane and degrading treatment": pages 13-15 of Office of the Inspector of Custodial Services. (2025). *2024 Inspection of Hakea Prison*. Government of Western Australia. <https://www.oics.wa.gov.au/wp-content/uploads/2025/02/Hakea-Prison-2024-Inspection-Report-FINAL-v8.pdf>; pages 22-25 in Australian National Preventative Mechanism. (2024). *Monitoring places of detention under the Optional Protocol to the Convention against Torture Annual Report of the Australian National Preventive Mechanism 1 July 2023 - 30 June 2024*. https://www.ics.act.gov.au/_data/assets/pdf_file/0020/2820314/Australian-NPM-Annual-Report-2023-24.pdf; pages 23-30 of Queensland Ombudsman. (2024). *Prison overcrowding and other matters report*. <https://www.ombudsman.qld.gov.au/ArticleDocuments/586/Prison%20overcrowding%20and%20other%20matters%20report%20PUBLIC.PDF.aspx?embed=Y>.

¹¹⁰ The impact on services includes significant issues with access to healthcare, employment, education, recreation, programs, support services and visits. WA: see page 23 in Office of the Inspector of Custodial Services. (2024). *2023-2024 Annual Report*. Government of Western Australia. <https://www.oics.wa.gov.au/wp-content/uploads/2024/10/2023-24-Annual-Report-Final.pdf>; Qld: Queensland Ombudsman. (2024). *Prison overcrowding and other matters report*. <https://www.ombudsman.qld.gov.au/publications/ombudsman-investigative-reports/prison-overcrowding-and-other-matters-report>; Other essential services include access to disability supports for individuals on remand, while incarcerated, preparing for a post release: Commonwealth of Australia. *Royal Commission into Violence, Abuse and Exploitation of People with Disability: Final Report Vol 8*. Australian Government. <https://disability.royalcommission.gov.au/publications/final-report-volume-8-criminal-justice-and-people-disability>.

¹¹¹ See for example in WA: Office of the Inspector of Custodial Services. (2022). *The use of confinement and management regimes*. Government of Western Australia. https://www.oics.wa.gov.au/wp-content/uploads/2022/11/2022_10_03-FINAL-Use-of-Confinement-and-Management-Regimes-v2.pdf; Shine, R. (2024 November 6). Inspector of Custodial Services says Hakea Prison 'under great strain' due to overcrowding, unhygienic conditions. *ABC News*. <https://www.abc.net.au/news/2024-11-06/hakea-prison-under-strain-overcrowding-inspector-report/104568946>; NT: see pages 5-6 in Ombudsman NT. (2024). *Separate Confinement: a Thematic Investigation into Practices in Darwin Correctional Centre*. https://ombudsman.nt.gov.au/_data/assets/pdf_file/0011/1379180/Separate-Confinement-report.pdf.

¹¹² For example, record high prison population numbers in Western Australia have led to infrastructure pressures, resultant harmful practices such as increased lockdowns, and "a concerning deterioration in conditions": pages 2, 23 and 28 in Office of the Inspector of Custodial Services. (2024). *2023-2024 Annual Report*. Government of Western Australia. <https://www.oics.wa.gov.au/wp-content/uploads/2024/10/2023-24-Annual-Report-Final.pdf>.

Existing infrastructure issues are compounded for prisons which are already no longer fit for purpose: see for example Hemmings, T. (2025, February 25). Prison inspector calls for shuttering of 'dilapidated' 19th century Bathurst jail wings. *ABC News*. <https://www.abc.net.au/news/2025-02-25/inspector-custodial-service-close-bathurst-jail/104972750>; Sadler, D. (2025, April 2). Australia's 'worst prison' not closing anytime soon. *The Justice Map*. https://thejusticemap.substack.com/p/australias-worst-prison-not-closing?utm_campaign=post&utm_medium=web&triedRedirect=true.

Further, some jurisdictions are continuing to detain people in unfit-for-purpose police watch houses for prolonged periods: Dick, S. (2025,

January 30). 'Terrible' NT prison conditions prompt human rights plea to United Nations. *ABC News* <https://www.abc.net.au/news/2025-01-30/nt-prison-conditions-watch-houses-yingiya-guyula/104871668>; Colling, T. (2025, February 11). Peak NT Aboriginal bodies say Alice Springs watch house conditions 'inhumane'. *ABC News*.

<https://www.abc.net.au/news/2025-02-11/alice-springs-nt-watch-house-conditions-apont-inhumane/104922330>. Prison overcrowding in the Northern Territory has led to the only facility for prisoners with cognitive disabilities and complex mental illnesses instead being used for overflowing general prison population: Lathouris, O. (2025, January 17). NT prison crisis sees mentally disabled inmates held with general population, sparking human rights concerns. *ABC News*. <https://www.abc.net.au/news/2025-01-17/nt-prison-mental-health-facility-closed-torture/104823964>.

Such conditions contribute to unrest within prisons and increased instances of self-harm and suicide: see page 2 Office of the Inspector of Custodial Services. (2024). *2023-2024 Annual Report*. Government of Western Australia. <https://www.oics.wa.gov.au/wp-content/uploads/2024/10/2023-24-Annual-Report-Final.pdf>

¹¹³ Australia's world leading response to blood-borne viruses and sexually transmitted infections relies on evidence-based treatments and preventative measures, including the needle and syringe program (NSP). NSPs in prisons are an essential preventative health measure, yet progress is lacking.

¹¹⁴ Incarcerated people are prevented from accessing Medicare services and the Pharmaceutical Benefits Scheme, as well as any supports they may receive under the National Disability Insurance Scheme. There is a significant gap in the delivery of culturally safe healthcare for First Nations people: See pages 16-17 in Sotiri, M. & Schetzer, L. (2024). *Adult imprisonment in Australia: A discussion paper*. Justice Reform Initiative.

https://assets.nationbuilder.com/justicereforminitiative/pages/441/attachments/original/1720408746/JRI_PRISONS_JUNE_2024.pdf?1720408746.

¹¹⁵ One in seven people nationally injects drugs whilst imprisoned, some for the first time. Australian prisons feature higher rates of blood-borne viruses than the general population and people who use drugs are over-represented. Hepatitis C remains a significant public health concern in custodial settings due in no small part to barriers in accessing evidence-based harm reduction measures including sterile injecting equipment. People in prisons are the population most at risk of Hepatitis C. Evidence-based harm reduction measures in Australian prisons and other places of detention are an essential component of Australia's STI and BBV responses, is a and necessary preconditions to the elimination of hepatitis and virtual elimination of HIV transmission by 2030: see Hepatitis Australia and Hepatitis ACT. (2025). *Healthy Prison Review of the Alexander Maconochie Centre: Joint submission from Hepatitis Australia and Hepatitis ACT*.

<https://www.hepatitisaustralia.com/Handlers/Download.ashx?IDMF=bc9ffaed-188c-4d5f-a1cc-05a0e7b5c39d>; Department of Health and Aged Care. (2024). *Ninth National HIV Strategy: 2024-2030*. Australian Government.

<https://www.health.gov.au/resources/publications/ninth-national-hiv-strategy-2024-2030?language=en>

¹¹⁶ Only 6 of 9 jurisdictions have established National Preventive Mechanisms, they are not adequately funded and resourced and there is no clear or comprehensive legislative framework to support the NPM system: pages 7-9 in Australian National Preventive Mechanism. (2023). *Monitoring places of detention under the Optional Protocol to the Convention against Torture: Annual Report of the Australian Preventive Mechanism 1 July 2023- 30 June 2024*. https://www.ombudsman.gov.au/_data/assets/pdf_file/0018/317160/Australian-NPM-Annual-Report-2023-24.pdf. The Australian Human Rights Commission has set out a comprehensive plan for implementation of the OPCAT which should be followed: Australian Human Rights Commission. (2022). *Road Map to OPCAT Compliance*.

https://humanrights.gov.au/sites/default/files/opcat_road_map_0.pdf. In 2023, the Sub-Committee on the Prevention of Torture also suspended its official visit to Australia citing lack of cooperation and access to certain areas of detention, and criticized Australia for breaching its obligations under OPCAT, see: United Nations Human Rights Office of the High Commissioner. (2023). *UN torture prevention body terminates visit to Australia, confirms missions to South Africa, Kazakhstan, Madagascar, Croatia, Georgia, Guatemala, Palestine, and the Philippines*. <https://www.ohchr.org/en/press-releases/2023/02/un-torture-prevention-body-terminates-visit-australia-confirms-missions>; see [6] in Subcommittee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. (2023). *Visit to Australia undertaken from 16-23 October 2022: recommendations and observations addressed to the State party* CAT/OP/AUS/ROSP/1. United Nations. <https://digitallibrary.un.org/record/4030535?ln=en&v=pdf#files>

¹¹⁷ The Australian Government should ensure legislation implementing OPCAT applies to 'non-traditional' sites of detention, such as disability group homes, aged care homes and mental health facilities, rather than only 'traditional sites' such as prisons and immigration detention. See also recommendation 11.7(b) from the Victorian Government, *Victorian Government response to the Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability*, 2024 that "The Australian Government and state and territory governments should enact legislation incorporating a broader definition of 'places of detention' to enable all places where people with disability may be deprived of their liberty to be monitored by National Preventive Mechanism bodies."

¹¹⁸ United Nations. (1948). *Universal Declaration of Human Rights*, Article 21. <https://www.un.org/en/about-us/universal-declaration-of-human-rights>; United Nations. (1966). *International Covenant on Civil and Political Rights*, Article 25.

<https://www.ohchr.org/en/instruments-mechanisms/instruments/international-covenant-civil-and-political-rights>; United Nations. (2006). *Convention on the Rights of Persons with Disabilities*, Article 29. <https://www.un.org/development/desa/disabilities/convention-on-the-rights-of-persons-with-disabilities/article-29-participation-in-political-and-public-life.html>.

¹¹⁹ For prisoners, disenfranchisement varies by jurisdiction: while South Australia and the ACT protect prisoners' right to vote regardless of sentence length, federal law and most state/territory laws remove voting rights for sentences over specified periods (three years federally, varying from one to five years in different states), affecting approximately 10,000 prisoners in the 2022 Federal election. People serving a prison sentence of three years or longer in Australia, regardless of jurisdiction, are not eligible to vote in federal elections or referendums until they are released [*Commonwealth Electoral Act 1918* (Cth)]. In the 2022 Federal election this saw approximately 10,000 prisoners disenfranchised. Only South Australia and the Australian Capital Territory protect prisoners' right to vote regardless of sentence length. In the Northern Territory, where [more than 1 percent of the total population is currently imprisoned](#) and [84 percent of adult prisoners are Aboriginal and Torres Strait Islander](#), prisoners serving a sentence of three years or more are ineligible to vote [*Electoral Act 2004* (NT)]. In New South Wales prisoners serving a sentence of 12 months or more are ineligible to vote [*Parliamentary Electorates and Elections Act 1912* (NSW)]. In Victoria prisoners serving a sentence of five years months or more are ineligible to vote [*Electoral Act 2002* (VIC)]. In Queensland prisoners serving a sentence of three years or more are ineligible to vote [*Electoral Act 1992* (QLD)]. In Western Australia prisoners serving a sentence of one year or more are ineligible to vote [*Electoral Act 1907* (WA)]. In Tasmania prisoners serving a sentence of three years months or more are ineligible to vote [*Electoral Act 2004* (TAS)].

¹²⁰ Section 93(8)(a) of the *Commonwealth Electoral Act 1918* continues to be used to prevent some Australians from exercising their right to vote because they can be deemed to be of 'unsound mind'. This has a disproportionate impact on people with intellectual disabilities and cognitive impairments. Between 2008-2012, more than 28,000 people were removed from the electoral roll due to the "unsound mind" provisions. Successive Australian governments have consistently failed to act on the Australian Law Reform Commission's 2014 'Equality, Capacity and Disability in Commonwealth Laws' [report](#). This report called for section 93(8) of the *Electoral Act* to be amended to: (i) focus

on a person's decision-making ability with respect to enrolment and voting in the relevant election; and (ii) give consideration for decision making support and assistance when determining if a person meets the threshold.

¹²¹ Including Aboriginal and Torres Strait Islander people, people with disabilities, those in aged care or hospital and prisoners. Many Aboriginal and Torres Strait Islander people in Australia are unable to exercise their right to vote due to requirements for identification documents that some Indigenous people do not have. The Australian Electoral Commission does not use auto-enrolment processes for parts of remote Australia, creating a further barrier to voting that disproportionately impacts Aboriginal and Torres Strait Islander people. While 97.8 percent of eligible Australians are enrolled to vote, only 92.9% of Aboriginal and Torres Strait Islander Australians are enrolled to vote as [at 20 June 2024]. In Western Australia just 86.1 percent and in the Northern Territory just 87.9 percent of Aboriginal and Torres Strait Islander Peoples have been able to enrol to vote [as at 30 June] See Australian Electoral Commission data : Australian Electoral Commission. (2024). *Indigenous enrolment rate* (Updated at 3 September 2024) [Dataset].

https://www.aec.gov.au/Enrolling_to_vote/Enrolment_stats/performance/indigenous-enrolment-rate.htm. For a considerable proportion of Aboriginal and Torres Strait Islander people, English is not the language spoken at home – and who may be additionally excluded from voting due to different levels of English literacy. In the 2021 Census, a total of 88,370 Aboriginal and Torres Strait Islander people (11.4% of the population) reported speaking a language other than English at home, whatever the language and whatever their proficiency in English. See NLAS. (2025). *NLAS (Aboriginal & Torres Strait Islander peoples)*. https://lawfoundation.net.au/wp-content/uploads/2025/02/NLASAboriginal-and-Torres-Strait-Islander-peoples_for-publication.pdf. People with physical disabilities are inadequately catered for by federal and state/territory electoral processes: See Committee on the Rights of Persons with Disabilities, *Views: Communication No 19/2014*, UN Doc CRPD/C/19/D/19/2014 (29 March 2018) ('*Given v Australia*'). In addition to laws that disenfranchise prisoners according to length of sentence, there are also significant participation issues among eligible voters in prison, with issues around enrolling and accessing the material needed to place a vote. In the 2013 election, only three people in the entire Silverwater Correctional Centre voted in the federal election. And it was revealed in 2017 that correctional service officers in several states had barred Australian Electoral Commission staff from entering prisons, preventing them from enrolling people to vote and helping them to cast a ballot.

¹²² At the time of the referendum for an Indigenous Voice to parliament in 2023 there were an estimated 13,000 Aboriginal and Torres Strait Islander people incarcerated, many of whom were serving sentences in excess of three years. Many more Aboriginal and Torres Strait Islander people were impacted by barriers to voter enrolment, including requirements for identification documents

¹²³ The National Action Plan must include implementation of the Inquiry into the Conduct of the 2022 Federal Election (For a full list of the recommendations, see: Joint Standing Committee on Electoral Matters. (2023). *Conduct of the 2022 federal election and other matters: List of recommendations*. Parliament of Australia.

https://www.aph.gov.au/Parliamentary_Business/Committees/Joint/Electoral_Matters/2022federalelection/Conduct_of_the_2022_federal_el ection_and_other_matters/List_of_recommendations and The UN Committee on the Rights of Persons with Disabilities in Relation to Accessible Voting (See Committee on the Rights of Persons with Disabilities, *Views: Communication No 19/2014*, UN Doc CRPD/C/19/D/19/2014 (29 March 2018) ('*Given v Australia*').

¹²⁴ New South Wales continues to be the jurisdiction with the most restrictive anti-protest law, and has recently introduced Crimes Amendment (Places of Worship) Bill 2025 giving expanded powers to police to shut down protests. South Australia has introduced laws imposing fines of up to \$50,000 for peacefully obstructing any public place (<https://www.hrlc.org.au/reports-news-commentary/nsw-hate-speech-laws>). The South Australian laws disproportionately target environmental defenders and people advocating for action on climate change (see: Mejia-Canales, D. (2024). *Protest in peril: Our shrinking democracy*. Human Rights Law Centre. <https://www.hrlc.org.au/reports/protest-peril/>. Protest notification and pre-approval regimes are increasingly operating as de facto 'authorisation' systems, which runs counter to Australia's democratic obligations under international law. The use of permit systems as de facto authorisation regimes has had a particular influence on Aboriginal and Torres Strait Islander people with a Aboriginal and Torres Strait Islander group in the Northern Territory having been required to pay for their own traffic control in January 2024 as a precondition to obtaining authorisation from police to carry out protests when there are no recorded instances of other groups having to do so (see Grata Fund, Australian Democracy Network. (2024). *In defence of dissent*. <https://raisely-images.imgix.net/australian-democracy-network/uploads/in-defence-of-dissent-adn-grata-fund-2024-pdf-890653.pdf>).

¹²⁵ The rate at which people are being sentenced to imprisonment after engaging in peaceful protest is intensifying with a ten-fold increase in total length of imprisonment sentences given to activists in 2021-25 compared to in the decade prior (See, Grata Fund, Australian Democracy Network. (2024). *In defence of dissent*. <https://raisely-images.imgix.net/australian-democracy-network/uploads/in-defence-of-dissent-adn-grata-fund-2024-pdf-890653.pdf>). Police have exercised heavy-handed strategies at protests, including the deployment of OC spray, tear gas, batons, rubber bullets and flash-bang grenades, as well as kettling protestors, including very young children (see pages 9 and 31: Grata Fund, Australian Democracy Network. (2024). *In defence of dissent*. <https://australiandemocracy.org.au/indefenceofdissentreport>).

¹²⁶ Melbourne Activist Legal Support. (2025). *The Policing of the DLF Protests*. <https://mals.au/2025/01/27/legal-observer-report-the-policing-of-the-disrupt-land-forces-dlf-protests/documents> the excessive and dangerous use of force by Victoria Police at protests, including chemical irritants (OC foam, pepperball guns), explosive disorientation devices (flash-bangs), kinetic impact projectiles (rubber bullets), and physical crowd control tactics (riot shields, mounted police, batons). MALS observed these weapons being used indiscriminately, at close range, and often in retaliation rather than in response to violence, resulting in significant harm to protesters, legal observers, children, and people with disability. See: Melbourne Activist Legal Support. (2025). *The Policing of the DLF Protests*. https://mals.au/files/2025-01_MALS-ThePolicingOfTheDLFProtests.pdf

¹²⁷ Amnesty International Australia. (2025, February 27). *Australian universities' decision to adopt contested definition of antisemitism is an attempt to stifle freedom of expression across campuses nationwide*. <https://www.amnesty.org.au/australian-universities-decision-to-adopt-contested-definition-of-antisemitism-is-an-attempt-to-stifle-freedom-of-expression-across-campuses-nationwide/>; Human Rights Law Centre. (2025, April 16). *University of Melbourne urged to drop repressive anti-protest and surveillance policies*. <https://www.hrlc.org.au/news/university-of-melbourne-urged-to-drop-repressive-anti-protest-and-surveillance-policies/>;

The Conversation. (2025, May 20). *Top uni has imposed new restrictions on campus protests. What does this mean for students, staff, and democracy?* <https://theconversation.com/top-uni-has-imposed-new-restrictions-on-campus-protests-what-does-this-mean-for-students-staff-and-democracy-253627>.

¹²⁸ ABC Radio Melbourne. (2025, March 4). *University of Melbourne bans indoor protests after last year's student sit-in* [Audio broadcast]. *ABC Listen*. <https://www.abc.net.au/listen/programs/melbourne-drive/university-of-melbourne-bans-indoor-protests/105010262>; White, D. (2024, July 4). 'Full-scale offensive': Sydney University restricts all student protests on campus. *The Sydney Morning Herald*. <https://www.smh.com.au/national/nsw/full-scale-offensive-sydney-university-restricts-all-student-protests-on-campus-20240704-p5jr4t.html>; White, D. (2024, July 4). 'Full-scale offensive': Sydney University restricts all student protests on campus. *The Sydney Morning Herald*. <https://www.smh.com.au/national/nsw/full-scale-offensive-sydney-university-restricts-all-student-protests-on-campus-20240704-p5jr4t.html>.

¹²⁸ Page 11 in Australian Democracy Network. (2024). *In defence of dissent*. <https://australiandemocracy.org.au/indefenceofdissentreport>.

- ¹²⁹ Page 11 in Australian Democracy Network. (2024). *In defence of dissent*. <https://australiandemocracy.org.au/indefenceofdissentreport>.
- ¹³⁰ Such as stinger grenades and flash-bangs, OC aerosols, kinetic impact projectile weapons and police horses against people involved in peaceful assembly, including non-violent direct action.
- ¹³¹ Including ensuring the minimum period of advance notification is not excessively long, that notification is not required for spontaneous assemblies for which there is not enough time to provide notice, or assemblies which will have a minimal impact on others, and that the notification regime is not functioning as an authorisation regime.
- ¹³² Lyons, J. (2019, July 15). AFP raid on ABC reveals investigative journalism being put in same category as criminality. *ABC News*. <https://www.abc.net.au/news/2019-07-15/abc-raids-australian-federal-police-press-freedom/11309810>
- ¹³³ Lawler, J. (2020). *Review into the AFP's response to and management of sensitive investigations*. Australian Federal Police. <https://www.afp.gov.au/sites/default/files/PDF/LawlerReview-17022020.pdf>
- ¹³⁴ Reporters Without Borders. (2025). *World Press Freedom Index 2025*. <https://rsf.org/en/index?year=2025>.
- ¹³⁵ An MFA would protect journalists from unjust prosecution. It would also strengthen journalist warrant obligations which would protect
- ¹³⁶ McBride leaked documents to the Australian Broadcasting Corporation (ABC) which informed the landmark reporting on war crimes committed by Australian forces in Afghanistan. The reporting was subsequently confirmed by the Brereton Inquiry. McBride was sentenced in May 2024 to 5 years and 8 months imprisonment. His appeal was rejected by the Australian Capital Territory Court of Appeal; he recently lodged an application for special leave to appeal to the High Court of Australia.
- ¹³⁷ Richard Boyle blew the whistle on unethical debt recovery practices at the Australian Taxation Office. He was charged in 2019 for preparatory conduct related to gathering evidence to prove the wrongdoing, which was subsequently found by the Court of Appeal of South Australia to fall outside the protections in the federal public sector whistleblowing regime. Boyle recently agreed to a guilty plea, and will be sentenced in August 2025.
- ¹³⁸ A whistleblower protection authority has been recommended in numerous government reports and inquiries, most recently by the Parliamentary Joint Committee on Corporations and Financial Services' report on Whistleblower Protections in 2017. See, Parliamentary Joint Committee on Corporations and Financial Services. (2017, September 13). *Whistleblower protections*. Parliament of Australia. https://www.aph.gov.au/Parliamentary_Business/Committees/Joint/Corporations_and_Financial_Services/WhistleblowerProtections/Report.
- ¹³⁹ See Children and Young People section.
- ¹⁴⁰ Human Rights Law Centre. (2025, May 27). *Albanese Government should curb social media harms, instead of banning social media for teens*. <https://www.hrlc.org.au/news/social-media-ban/>; Australian Human Rights Commission. (2024, November 21). *Proposed social media ban for under-16s in Australia*. <https://humanrights.gov.au/about/news/proposed-social-media-ban-under-16s-australia>. See also, Privacy and Digital Rights Section for recommendations relating to implementation of Privacy Act Review Report.
- ¹⁴¹ Australia's policies discriminate against people seeking asylum based on their mode and date of arrival, and subject people to offshore processing, prolonged detention, and restricted access to mainstream social services. There are abundant reports and evidence that offshore processing and prolonged detention have caused irreparable harm to people. Numerous studies into the mental health impact of detention have also identified a consistent nexus between prolonged detention and anxiety, depression, and suicidal ideation. See: Human Rights Law Centre, Kaldor Centre for International Refugee Law, Refugee Council of Australia. (2022). *Torture and cruel treatment in Australia's refugee protection and immigration detention regimes*. <https://www.unsw.edu.au/content/dam/pdfs/unsw-adobe-websites/kaldor-centre/2023-08-submissions/2023-09-2022100-HRL-RCO-Kaldo-Centr-Submissio-Committe-Agains-Torture.pdf>; UNHCR Multi-Country Representation in Canberra. (2021). *UNHCR statement on 8 years of offshore asylum policy*. UNHCR. <https://www.unhcr.org/au/news/news-releases/unhcr-statement-8-years-offshore-asylum-policy>; Human Rights Watch. (2021). *Australia Universal Periodic Review Outcome Statement*. <https://www.hrw.org/news/2021/07/08/australia-universal-periodic-review-outcome-statement>; Refugee Council of Australia and Amnesty International. (2018). *Until when: The forgotten men of Manus Island*. <https://www.refugeecouncil.org.au/manus-island-report/>; Alzuhairi, B., Brooks, R., Momartin, S. & et al. (2006). Impact of immigration detention and temporary protection on the mental health of refugees. *The British Journal of Psychiatry*, 188(1), 58-64. <https://doi.org/10.1192/bjp.bp.104.007864>; Coffey, G., Kaplan, I., Sampson, R. & Montagna Tucci, M. (2010). The meaning and mental health consequences of long-term immigration detention for people seeking asylum. *Social Science & Medicine* 70(12), 2070-2079. <https://doi.org/10.1016/j.socscimed.2010.02.042>.
- ¹⁴² The Department of Home Affairs reports on the Operation Sovereign Borders show that between June 2024 and February 2025, at least 103 individuals arriving by sea were turned back to their country of departure without the opportunity to formally apply for protection, and at least 77 individuals were transferred to a regional processing country (see Operation Sovereign Borders Monthly Updates published at <https://www.abf.gov.au/sitenewsroom/#>). Also see: Refugee Council of Australia. (2025). *Statistics on boat arrivals and boat turnbacks [Dataset]*. <https://www.refugeecouncil.org.au/asylum-boats-statistics/>; Karp, P. (2023, November 8). Australian government border protection stats: boats turned back. *The Guardian*. <https://www.theguardian.com/australia-news/2023/nov/08/australian-government-border-protection-stats-boats-turned-back>. A further, unknown number of individuals are turned away every year from Australia's borders after arriving by plane, without the opportunity to formally apply for protection. See Ghezelbash, D., Hirsch, A. & Jefferies, R. (2020). *Assessing Protection Claims at Airports: Developing procedures to meet international and domestic obligations*. Kaldor Centre for International Refugee Law.
- ¹⁴³ In 2024-2025, \$604.4 million were further allocated towards the costs of maintaining the offshore detention regime (Refugee Council of Australia. (2024). *The Federal Budget 2024-25: What it means for refugees and people seeking humanitarian protection*. <https://www.refugeecouncil.org.au/the-federal-budget-what-it-means-for-refugees-and-people-seeking-humanitarian-protection/>). Further \$581 million are allocated in the 2025-2026 budget (Refugee Council of Australia. (2025). *Analysing the 2025-26 Federal Budget: What it means for refugees and people seeking protection*. <https://www.refugeecouncil.org.au/analysis-2025-26-budget/>). Also see: Andrew & Renata Kaldor Centre for International Refugee Law. *The Cost of Australia's Refugee and Asylum Policy: A Source Guide*. (May 2024). https://www.unsw.edu.au/content/dam/pdfs/unsw-adobe-websites/kaldor-centre/2023-09-factsheet/2023-09-Factsheet_Cost-of-Australias-asylum-and-refugee-policy_April-2022.pdf.
- ¹⁴⁴ Asylum Seeker Resource Centre. (2024). *Cruelty by Design: The Health Crisis in Offshore Detention*. https://asrc.org.au/wp-content/uploads/2024/07/ASRCreport_Healthcrisisinoffshoredetention_July2024.pdf; Doherty, B. (2024, March 23). Manus Island death leaves unanswered questions on offshore detention. *The Guardian*. <https://www.theguardian.com/australia-news/2024/mar/23/manus-island-refugee-inquest-faysal-ishak-ahmed>.
- ¹⁴⁵ As of January 2025, Australia's offshore asylum processing centre in Nauru held over 100 asylum seekers, see: Amnesty International Australia. (2025, January 10). *Nauru detention centre must be urgently evacuated in light of UN ruling*. <https://www.amnesty.org.au/nauru-detention-centre-must-be-urgently-evacuated-in-light-of-un-ruling/#:~:text=As%20of%20January%202025%2C%20Australia's,evacuate%20these%20individuals%20to%20Australia>.

¹⁴⁶ In PNG, 39 refugees remain in humanitarian crisis, see: McKenna, J. & Nethery, A. (2024, November 18). Dozens of refugees are still stranded in precarious situations in PNG. *The Conversation*. <https://theconversation.com/dozens-of-refugees-are-still-stranded-in-precarious-situations-in-png-and-support-from-australia-is-dwindling-241676>.

¹⁴⁷ Refugees in Nauru and Papua New Guinea (PNG) remain in deteriorating conditions, facing destitution and inadequate healthcare. There are no resettlement pathways available to allow people to leave Nauru, even if they are recognised as refugees. For people in PNG, a UNHCR-facilitated arrangement allowed a small number of people to resettle to New Zealand, but this arrangement has now reached capacity.

¹⁴⁸ UN Human Rights Office of the High Commissioner. (2025). *Australia responsible for arbitrary detention of asylum seekers offshore*. United Nations. <https://www.ohchr.org/en/press-releases/2025/01/australia-responsible-arbitrary-detention-asylum-seekers-offshore-facilities>; Nabhari v Australia, UN Doc CCPR/C/142/D/3663/2019 (25 October 2024); M.I et al v Australia, UN Doc CCPR/C/142/D/2749/2016 (31 October 2024); Refugee Advice & Casework Service. (2025). *How the UN found Australia responsible for human rights violations in the detention centre on Nauru*. <https://www.racs.org.au/advocacy/un-nauru-explainer>; Moulds, S. (2025, January 10). UN finds Australia violated human rights law. *The Conversation*. <https://theconversation.com/the-un-says-australia-violated-human-rights-law-but-its-unlikely-to-change-the-way-we-treat-refugees-247096>.

¹⁴⁹ Legal and Constitutional Affairs Legislation Committee. (2025). *Senate: Legal and constitutional affairs legislation committee estimates*. Australian Government. https://parlinfo.aph.gov.au/parlInfo/download/committees/estimate/28735/toc_pdf/Legal%20and%20Constitutional%20Affairs%20Legislation%20Committee_2025_02_24_Official.pdf;fileType=application%2Fpdf.

¹⁵⁰ These people are classed as 'transitory persons' under Australia's *Migration Act 1958* (Cth). Some of the cohort are held in community detention without a visa, while others have been granted a Bridging Visa E: a short-term visa generally granted for no more than 6 months at a time allowing them to live in the community, with limited rights and social supports. Source: Andrew & Renata Kaldor Centre for International Refugee Law. (2021). *Medical Transfers from Offshore Processing to Australia*. UNSW Sydney.

https://www.unsw.edu.au/content/dam/pdfs/unsw-adobe-websites/kaldor-centre/2023-09-factsheet/2023-09-factsheet_medical_transfers.pdf.

¹⁵¹ *Migration Act 1958* (Cth), s 189 mandates that every person without a valid visa must be detained, including children.

¹⁵² The use of broad powers to refuse or cancel visas on "character" grounds has resulted in more people being held in detention for lengthy periods, including refugees. See Refugee Council of Australia. (2025). *Statistics on people in detention in Australia*. <https://www.refugeecouncil.org.au/detention-australia-statistics/7/>; pages 12-14 in Loughnan, C. & Verma, S. (2024). Prison to Deportation Pipeline.

https://static1.squarespace.com/static/580025f66b8f5b2dabbe4291/t/67344f0b5524472b3e66dec4/1731481360273/HRLC_MSEI-Prison+to+Deportation+Report_FINAL.pdf;

¹⁵³ The data refers to March 2025. Out of the 966 people in detention, 60 are women. See: Department of Home Affairs. (2025). *Immigration Detention and Community Statistics Summary*. Australian Government. <https://www.homeaffairs.gov.au/research-and-stats/files/immigration-detention-community-statistics-31-march-2025.pdf>.

¹⁵⁴ There is no time limit for detaining a person under Australian law. As of March 2025, the average time spent in immigration detention in Australia was 458 days. See Department of Home Affairs. (2025). *Immigration Detention and Community Statistics Summary*. Australian Government. <https://www.homeaffairs.gov.au/research-and-stats/files/immigration-detention-community-statistics-31-march-2025.pdf>.

¹⁵⁵ Between July 2021 and June 2022, there were at least 7,017 use of force incidents in onshore immigration detention centres. Of these, at least 5,202 or 74.1% were 'planned' uses of force, rather than responses to dynamic and unpredictable situations. Between July 2022 and June 2023, there were at least 6,582 use of force incidents in onshore immigration detention centres. Of these, at least 5,335 or 81.1% were 'planned' uses of force, rather than responses to dynamic and unpredictable situations. See: Senate Standing Committee on Legal and Constitutional Affairs: Additional Estimates February 2024 Program 3.5: Onshore Compliance and Detention, AE24-595 – Handcuffs in Immigration Detention Centres – incidents involving the use of force. Between July 2023 and June 2024, there were at least 5,558 use of force incidents in onshore immigration detention centres. Of these, at least 4,624 or 83.2% were 'planned' uses of force, rather than responses to dynamic and unpredictable situations. Data source: Senate Standing Committee on Legal and Constitutional Affairs: Supplementary Estimates November 2024 Program 3.5: Onshore Compliance and Detention, SE24-370– Incidents involving use of force in detention facilities.

¹⁵⁶ Whenever the term 'people with disability' is used in this section, it refers to those with disability, as well as chronic health conditions.

¹⁵⁷ For the situation for women in detention, see: Australian Human Rights Commission. (2024). *Not Just an Afterthought: Women in Immigration Detention*. <https://humanrights.gov.au/our-work/asylum-seekers-and-refugees/publications/not-just-afterthought-women-immigration-detention>. For the situation for LGBTQIA+ people, see: Roberts, M. (2025, March 17). Trans woman detained at Villawood deported. *ABC News*. <https://www.abc.net.au/news/2025-03-17/nsw-sydney-villawood-immigration-detention-centre-hotel/104993756>; Roberts, M. (2024, December 10). Transgender woman feels isolation, risk of deportation. *ABC News*. <https://www.abc.net.au/news/2024-12-10/nsw-villawood-immigration-detention-centre-transgender-women/104620278>. For people with disability in detention see: Refugee Council of Australia. (2021). *People with disability in immigration detention. Submission to the Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability*. <https://www.refugeecouncil.org.au/wp-content/uploads/2021/11/People-with-disability-in-detention-RCOA.pdf>.

¹⁵⁸ In November 2023, the High Court of Australia ruled that immigration detention will not be constitutionally permissible where there is no real prospect that a person's removal from Australia will become practicable in the reasonably foreseeable future. For more information see: *NZYQ v Minister for Immigration, Citizenship and Multicultural Affairs* [2023] HCA 37; Abeyratna, R. (2023). Indefinite Detention and NZYQ. *UNSW Human Rights Institute*. <https://www.humanrights.unsw.edu.au/students/blogs/indefinite-detention-nzyq>; Human Rights Law Centre. (2023). *High Court Ruling on NZYQ*. <https://www.hrlc.org.au/reports-news-commentary/2023/11/29/explainer-high-court-ruling-in-nzyq>.

¹⁵⁹ Including for recognised refugees.

¹⁶⁰ In November 2024, the Australian Government rushed the passage of three migration laws despite strong community opposition and evidence of their long-term harmful impacts. These laws included: the *Migration Amendment Act 2024* (Cth), which enables the Australian Government to pay third countries to agree to accept people being removed from Australia, violating non-refoulement obligations through the risk of chain refoulement, and expands powers to reverse refugee protection findings and share personal data; the *Migration Amendment (Prohibiting Items in Immigration Detention Facilities) Act 2024* (Cth), which allows the Minister to ban or confiscate almost any item in immigration detention (including everyday items such as mobile phones) and authorises warrantless searches and seizures in detention; and the *Migration Amendment (Removal and Other Measures) Act 2024* (Cth), which criminalises non-compliance with removal directions and permits visa bans on nationals from designated countries. See more: Human Rights Law Centre. (2024). *Indefinite Detention and Third Country Removal Laws*. <https://www.hrlc.org.au/reports-news-commentary/2024/03/26/indefinite-detention>; Forcibly Displaced People Network. (2024). *Submission to the Inquiry into the Migration Amendment (Removal And Other Measures) Bill 2024*.

<https://www.fdpn.org.au/wp-content/uploads/2024/06/2024-FDPN-submission-deportation-bill.pdf>; Forcibly Displaced People Network. (2024). *Impact on LGBTIQ Refugees: Stop Harmful Migration Bills*. <https://www.fdpn.org.au/opinion-pieces/impact-of-lgbtqi-refugees-stop-harmful-migration-bills/>. In 2025, Minister for Home Affairs announced that three people would be removed to Nauru. These laws enable such deportations without due process. See: Keny, M., & van Toor, L. (2025, February 18). Australia is deporting 3 non-citizens from the 'NZYQ' group to Nauru. What could it do instead? *The Conversation*. <https://theconversation.com/australia-is-deporting-3-non-citizens-from-the-nzyq-group-to-nauru-what-could-it-do-instead-250053>

¹⁶¹ The imposition of curfew and electronic monitoring was held unconstitutional by the High Court of Australia in *YBFZ v Minister for Immigration, Citizenship and Multicultural Affairs* [2024] HCA 40. See: Human Rights Law Centre. (2024). *Summary: High Court's decision in YBFZ v Minister for Immigration*. <https://www.hrlc.org.au/explainers/2024-11-6-ybfz-high-court/>. However, the same visa conditions were subsequently re-introduced with a re-formulated test for their imposition in the *Migration Amendment Act 2024* (Cth).

¹⁶² The Legacy Caseload law created a sub-standard protection assessment process deemed a way to 'fast track' the asylum claims of people who arrived by sea without a prior visa. The Fast Track assessment has been criticised by members of the current Government for not providing fair, thorough, or robust assessments for people seeking asylum (see page 24: Labor Party. (2021). *ALP National Platform, As Adopted at the 2021 Special Platform Conference*. <https://alp.org.au/media/2594/2021-alp-national-platform-final-endorsed-platform.pdf>.) and was formally abolished in 2024 (*Administrative Review Tribunal (Consequential and Transitional Provisions No. 1) Act 2024* (Cth)). However, people who already had their claims unfairly refused under this system were offered no remedy. While a small number of people in these circumstances have recently been granted permanent visas or been invited to apply for permanent visas, there remains no consistent or systematic pathway to permanency for the cohort as a whole.

¹⁶³ Australia has implemented policies that differentiate and discriminate between asylum seekers based on their mode of arrival. People seeking asylum who arrive by boat as Irregular Maritime Arrivals (IMA) are subject to mandatory detention, offshore processing, and are denied the opportunity to settle in Australia. People seeking asylum who arrive in Australia by air without a valid visa are also unauthorised, and subject to mandatory detention and temporary protection visa regime. In contrast, those arriving with valid visas, can apply for permanent protection, are not subject to mandatory detention (onshore or offshore), and have their asylum claims processed in Australia.

¹⁶⁴ The implementation of this recommendation must also establish a statelessness determination process that ensures a pathway to permanency and citizenship. It is worth noting, 20,000 permanent Resolution of Status visas have been granted to people previously on Temporary Protection Visas and Safe Haven Enterprise Visas. However, recognised refugees still face discriminatory policies that prevent family reunification. Overall, the legislative framework for temporary protection still exists, meaning that certain refugees who arrive in Australia will continue to be denied durable protection. See more: Asylum Seekers Resource Centre. (2024). *Briefing paper - People failed by Fast Track*. <https://asrc.org.au/wp-content/uploads/2024/09/Briefing-paper-People-failed-by-Fast-Track.docx.pdf>.

¹⁶⁵ People seeking asylum in Australia are excluded from mainstream social safety net. Thousands of individuals seeking refugee protection in Australia are experiencing acute poverty and homelessness, including families, people with chronic health conditions, and women fleeing domestic and family violence. Those undergoing judicial review or requesting Ministerial intervention are classified by the Government as "finally determined" and are excluded from government-funded income support. The denial of work rights further entrenches destitution and increases the risk of exploitation and modern slavery (Asylum Seekers Resource Centre. (2023). *Poverty through policy: the impact of excluding people seeking asylum from mainstream social support*. https://asrc.org.au/wp-content/uploads/2023/04/ASRC_Policy_Through_Poverty_Finalv1.pdf). A 2021 report has found that since arriving in Australia, 55% of people seeking asylum had experienced some form of homelessness and 21% reported being homeless in 2020 (Asibey, B., Conroy, E. & Ucak, A. (2021). *A place to call home: a pilot survey of people seeking asylum in Greater Sydney*. Jesuit Refugee Service and Western Sydney University. <https://aus.jrs.net/wp-content/uploads/sites/20/2021/08/A-Place-to-Call-Home-Survey-Findings.pdf>). A 2023 study reported that 35% of LGBTQIA+ refugees had been homeless in the past or are currently homeless, with one third being trans people (Cochrane, B., Dixon, T., Dixon, R. (2023). *"Inhabiting Two Worlds At Once": Survey on the experiences of LGBTQIA+ settlement in Australia*. Forcibly Displaced People Network <https://www.fdpn.org.au/lgbtiqa-settlement-report/>).

¹⁶⁶ Welcoming Disability. (2023). *Review of Australia's visa significant cost threshold*. <https://alhr.org.au/wp/wp-content/uploads/2023/11/Reduced-Welcoming-Disability-Submission-to-DoH-2023-ReviewF4.docx.pdf>. Additionally, visa refusals based on perceived healthcare costs is allowed under *Disability Discrimination Act 1992* (Cth) and *Migration Act 1958* (Cth). See: Women With Disabilities Australia. (2023). *Submission to the call for comments on Australia's progress on the implementation of recommendations received by Australia – third-cycle Universal Periodic Review*. <https://wwda.org.au/wp-content/uploads/2024/03/WWDA-Submission-Response-to-call-for-comments-3rd-Cycle-UPR.pdf>

¹⁶⁷ The National Disability Insurance Scheme (NDIS) provides support to eligible people with disability. People seeking asylum and temporary visa holders, including those on temporary protection visas, are excluded from access, based on their visa status. See more at: National Ethnic Disability Alliance, Federation of Ethnic Communities' Councils of Australia, Refugee Council of Australia, Settlement Council of Australia. (2019). *Barriers and exclusions: The support needs of newly arrived refugees with a disability*. <https://neda.org.au/wp-content/uploads/2023/06/Report-Barriers-and-Exclusions-The-support-needs-of-newly-arrived-refugees-with-a-disability-02-2019-1.pdf>. Additionally, migrants with disability must have resided in Australia for 10 years, before they can become eligible for disability support pension (Services Australia. *Disability Support Pension Residency Rules*. <https://www.servicesaustralia.gov.au/residence-rules-for-disability-support-pension?context=22276#:~:text=To%20get%20DSP%20you%20generally,establish%20your%20Australian%20residence%20history.>)

¹⁶⁸ A safety net refers to income support, full work and study rights, and access to Medicare. Implementing this recommendation Australia must ensure that all people seeking asylum irrespective of their visa status and/or processing stage are included; and that they have access to financial assistance, mainstream social support, sustainable housing and healthcare. The implementation of this recommendation is consistent with Australia's obligations under the International Covenant on Economic, Social and Cultural Rights.

¹⁶⁹ Despite forming between 3% and 6% of all displaced people, LGBTQIA+ refugees and people seeking asylum are not receiving fair treatment or achieving equitable outcomes when settling in Australia. The Australian Government neither collects data on LGBTQIA+ refugees nor mandates settlement services to be trained and inclusive. According to the 2023 study 67% of LGBTQIA+ refugees and people seeking asylum reported discrimination when accessing social and community services. The lack of tailored services and negative service experience, result in LGBTQIA+ forcibly displaced people experiencing unequal settlement outcomes. Discrimination against LGBTQIA+ refugees and people seeking asylum is pervasive across all areas of lives with 69% reporting discrimination on the basis of their LGBTQIA+ status, 85% on the basis of their race and/or migration status and 15% on the basis of their disability (Cochrane, B., Dixon, T., Dixon, R. (2023). *Inhabiting Two Worlds At Once": Survey on the experiences of LGBTQIA+ settlement in Australia*. Forcibly Displaced People Network. <https://www.fdpn.org.au/lgbtiqa-settlement-report/>).

¹⁷⁰ RSD stands for refugee status determination.

¹⁷¹ GBV stands for gender-based violence.

- ¹⁷² SOGIESC stands for sexual orientation, gender identity and expression and sex characteristics. While the Department of Home Affairs has issued best practice guidelines for handling SOGIESC-related protection claims, these guidelines are non-binding and inconsistently implemented. Recently, there have been many instances where decisions are made without interviews. Refugee Advice and Casework Service. (2024). *Submission to the Australian Human Rights Commission: Current and Emerging Threats to TGD Human Rights*. <https://www.racs.org.au/advocacy/tgd-rights>
- ¹⁷³ GBV affects 42% of female refugees: Segrave, M., Wickes, R., and Keel, C. (2021) *Migrant and Refugee Women in Australia: The Safety and Security Survey*. Monash University. <https://doi.org/10.26180/14863872>; Alarcon Lopez, N., Keel, C., Segrave, M., Tan, S. & Wickes, R. (2024). *Migrant and Refugee Women: A national study of experiences, understandings and responses to sexual harassment in the workplace*, Final Report. Australia's National Research Organisation for Women's Safety. https://anrows-2019.s3.ap-southeast-2.amazonaws.com/wp-content/uploads/2024/08/19203606/ANROWS_Segrave_Migrant_Refugee_Sexual_Harassment_REPORT_2024.pdf.
- ¹⁷⁴ GBV affects 60% of LGBTQIA+ refugees with the rates of violence being higher than the national averages and those of non-LGBTQIA+ refugees, yet only 17% seek support, with most turning to counselling or friends rather than formal services. For transgender refugees and people seeking asylum, the prevalence of GBV in Australia rose to 75% (Cochrane, B., Dixon, T., Dixon, R. (2023). *Inhabiting Two Worlds At Once*: Survey on the experiences of LGBTQIA+ settlement in Australia. Forcibly Displaced People Network. <https://www.fdpn.org.au/lgbtqa-settlement-report/>).
- ¹⁷⁵ Refugee Advice and Casework Service. (2024). *Submission to the Australian Law Reform Commission: Justice responses to Sexual Violence*. <https://www.racs.org.au/advocacy/sv-inquiry>;
- Australian Law Reform Commission. (2025). *Safe, Informed, Supported: Reforming Justice Responses to Sexual Violence – Final Report*. Australian Government. <https://www.alrc.gov.au/wp-content/uploads/2025/02/JRSV-Final-Report-Book-for-Web-final-20250211.pdf>
- ¹⁷⁶ People with intellectual disability, particularly women and girls, face increased risk of forced marriage due to reliance on family members or carers, limited access to appropriate support services, and the absence of mechanisms to ensure informed consent. Although forced marriage is recognised under Australia's national anti-slavery frameworks, the specific vulnerabilities of people with disability remain under-addressed in prevention efforts, implementation strategies, and national data collection. (People with Disability Australia, Women With Disabilities Australia, National Ethnic Disability Alliance, and Inclusion Australia. (2024). *Submission to the Australian Government's Forced Marriage Consultation Paper*. https://pwd.org.au/wp-content/uploads/2024/10/PWDA_LT_Federal.Forced.Marriage.Consultation.2024-09-17v2.pdf). LGBTQIA+ refugees and people seeking asylum report experiences of forced marriage in Australia which is practices as a form of sexuality and gender identity conversion practices. The 2023 study has shown that all respondents who reported experiencing sexuality and gender identity conversion practices, also reported arranged or forced marriage in Australia (Cochrane, B., Dixon, T., Dixon, R. (2023) *Inhabiting Two Worlds At Once*: Survey on the experiences of LGBTQIA+ settlement in Australia. Forcibly Displaced People Network. <https://www.fdpn.org.au/lgbtqa-settlement-report/>; Forcibly Displaced People Network. (2024). *Submission to the ACT Legislative Review of the Sexuality and Gender Identity Conversion Practices Act 2020*.) <https://www.fdpn.org.au/publications/2024-act-sexuality-and-gender-identity-conversion-practices-act-2020-review/>).
- ¹⁷⁷ Systemic racism is deeply imbedded in in policies, practices, and social structures including in immigration, employment, education, healthcare, housing, regional, rural, remote and very remote populations and the criminal legal system; Committee on the Elimination of Racial Discrimination. (2009). *General recommendation No. 32: The meaning and scope of special measures in the International Convention on the Elimination of All Forms of Racial Discrimination*. United Nations. https://adsdatabase.ohchr.org/IssueLibrary/CERD_Recommendation%20No32.pdf; United Nations. (1965). *International Convention on the Elimination of All Forms of Racial Discrimination*. <https://www.ohchr.org/en/instruments-mechanisms/instruments/international-convention-elimination-all-forms-racial>
- ¹⁷⁸ Australian Human Rights Commission. (2024). *The National Anti-Racism Framework: Summary Report*. https://humanrights.gov.au/sites/default/files/2024-11/NARF%20Report%20Summary%202024_6pp_DIG_ACCESS.pdf; Muralidharan, P., Hosseini, Y., & Arashiro, Z. (2024). *An anti-racism framework: Experiences and perspectives of multicultural Australia: Report on the national community consultations*. Federation of Ethnic Communities' Councils of Australia. https://humanrights.gov.au/sites/default/files/document/publication/an_anti-racism_framework_community_consultations_report.pdf.
- ¹⁷⁹ Australian Human Rights Commission. (2024). *The National Anti-Racism Framework: A roadmap to eliminating racism in Australia*. <https://humanrights.gov.au/anti-racism-framework>. The National Anti-Racism Framework also contends that interpersonal racism "towards different groups ... [intensifies] in different historical moments. An example of this is the recent spike in antisemitism and Islamophobia [since October 2023]." (see page 38). Australia must combat all forms of interpersonal racism fairly, proportionately, and without politicisation or creation of perceived racial hierarchies.
- ¹⁸⁰ The most extreme example being processing times for Parent visas, which have reached up to 31 years as of May 2025: Department of Home Affairs. (2025). *Parent visas – queue release dates and processing times*. Australian Government. <https://immi.homeaffairs.gov.au/visas/getting-a-visa/visa-processing-times/family-visa-processing-priorities/parent-visas-queue-release-dates>. Even family visas which are not subject to capping and queuing arrangements involve processing practices and administrative hurdles that create extreme delays disproportionately impacting CALD communities.
- ¹⁸¹ Large backlogs also have other discriminatory consequences. For example, the 8-year Carer visa backlog punishes Australian citizens and permanent residents with disabilities who cannot access the care they need from another relative or welfare, hospital or community nursing service in Australia: Department of Home Affairs. (2025). *Visa processing times*. Australian Government. ; Department of Home Affairs. (2024). *Subclass 836: Carer visa*. Australian Government. <https://immi.homeaffairs.gov.au/visas/getting-a-visa/visa-listing/carers-836#Eligibility>.
- ¹⁸² Scarlet Alliance: Australian Sex Workers Association. (2023). *Briefing on Operation Ingleenook*. https://scarletalliance.org.au/wp-content/uploads/Scarlet-Alliance-Briefing_-_Operation-Ingleenook-Sept-2023.pdf. See also: Asian Migrant Sex Worker Advisory Group. (2025, March 20). *AMSWAG Statement on Continued Deportation and Mistreatment of Asian Migrant Sex Workers*. Scarlet Alliance. <https://scarletalliance.org.au/amswag-statement-on-continued-deportation-and-mistreatment-of-asian-migrant-sex-workers/>.
- ¹⁸³ The *Migration Act* is exempted from protection of the *Disability Discrimination Act 1992*, allowing discrimination based on disabilities. In Australia, 70% of people with hepatitis B are born overseas, and an estimated 33,431 Australian-born people affected by hepatitis B are from CALD and ethnically diverse backgrounds. Many face barriers to testing and treatment due to the complexity and inaccessibility of the health system, concerns about privacy and confidentiality, and issues related to language, access to Medicare, and cultural and gender factors: Department of Health and Aged Care. (2023). *Draft Fourth National Hepatitis B Strategy 2023-2030: For Public Consultation*. Australian Government. <https://www.health.gov.au/sites/default/files/2023-05/draft-fourth-national-hepatitis-b-strategy-2023-2030-for-public-consultation.pdf>.
- ¹⁸⁴ Department of Social Services. (2022). *National Plan to End Violence against Women and Children 2022-2032*. Australian Government. <https://www.dss.gov.au/system/files/resources/national-plan-end-violence-against-women-and-children-2022-2032.pdf>; Emmanuel, A.

(2022). *When systems collide: domestic violence, visas and social security*. Economic Justice Australia. <https://www.ejaustralia.org.au/when-systems-collide-domestic-violence-visas-and-social-security/>.

Australian Institute of Health and Welfare. (2024). *Family Domestic and Sexual Violence*. <https://www.aihw.gov.au/family-domestic-and-sexual-violence/population-groups/cald>.

¹⁸⁵ In Australia, 70% of people with hepatitis B are born overseas, and an estimated 33,431 Australian-born people affected by hepatitis B are from CALD and ethnically diverse backgrounds. Many face barriers to testing and treatment due to the complexity and inaccessibility of the health system, concerns about privacy and confidentiality, and issues related to language, access to Medicare, and cultural and gender factors: Department of Health and Aged Care. (2023). *Draft Fourth National Hepatitis B Strategy 2023-2030: For Public Consultation*. Australian Government. <https://www.health.gov.au/sites/default/files/2023-05/draft-fourth-national-hepatitis-b-strategy-2023-2030-for-public-consultation.pdf>.

¹⁸⁶ Department of Home Affairs. (2024). *Towards Fairness: A multicultural Australia for all*. Australian Government. <https://www.homeaffairs.gov.au/multicultural-framework-review/Documents/report-summary/multicultural-framework-review-report-english.pdf>;

Economic Justice Australia. (2024). *Federal Budget Submission 2024-25*. https://www.ejaustralia.org.au/wp-content/uploads/Economic-Justice-Australia_2024-Budget-Submission.pdf.

¹⁸⁷ Older Australians are generally those aged 65 and over, unless otherwise specified. For older Indigenous Australians, the age range 50 and over is used, reflecting the life expectancy gap between Indigenous and non-Indigenous Australians and the lower proportion of Indigenous people aged 65 and over. See: Australian Institute of Health and Welfare. (2024). Australian Government. <https://www.aihw.gov.au/reports/older-people/older-australians/contents/summary>.

¹⁸⁸ Draft National Plan to End the Abuse and Mistreatment of Older People 2024-2034. See: Attorney-General's Department. *Protecting the Rights of Older Australians*. Australian Government. <https://www.ag.gov.au/rights-and-protections/protecting-rights-older-australians>.

¹⁸⁹ Lange, B., Nash, V., & Ryan, L. (2024). *From insight to action: Second National Plan to Prevent and Respond to Abuse of Older people in Australia - Research and Consultation Report*. Elder Abuse Action Australia. <https://eaaa.org.au/publication/second-national-plan-research-consultation-report/>.

¹⁹⁰ World Health Organization. (2021). *Global report on ageism*. <https://www.who.int/publications/i/item/9789240016866>.

¹⁹¹ *Aged Care Act 2024* (Cth).

¹⁹² Disability prevalence among older Australians is increasing: Australian Bureau of Statistics. (2024). *Disability, Ageing and Cares, Australia: Summary of Findings*. Australian Government. <https://www.abs.gov.au/statistics/health/disability/disability-ageing-and-cares-australia-summary-findings/latest-release>.

¹⁹³ As a person must be under 65 years of age to access supports under Australia's National Disability Insurance Scheme, and over 65 (or 50 years of age for Aboriginal and/or Torres Strait Islander peoples) to access aged care services, see *National Disability Insurance Scheme Act 2013* (Cth), section 22.

¹⁹⁴ See pages 95, 138, 205: Australian Law Reform Commission. (2025). *Safe, Informed, Supported: Reforming Justice Responses to Sexual Violence* (ALRC Report 143). Australian Government. <https://www.alrc.gov.au/publication/jrsv-report-143/>. These gaps also extend to regional, rural, remote and very remote populations.

¹⁹⁵ Australian Law Reform Commission. (2017). *Elder Abuse – A National Legal Response* (ALRC Report 131). https://www.alrc.gov.au/wp-content/uploads/2019/08/elder_abuse_131_final_report_31_may_2017.pdf; Australian Government, *Aged Care Reform Strategy*, 2023; Productivity Commission. (2011). *Caring for Older Australians*. Australian Government.

<https://www.pc.gov.au/inquiries/completed/aged-care/report>; Australian Institute of Health and Welfare. *Aboriginal and Torres Strait Islander People in Aged Care*, 2022; Moskos, M., Isherwood, L., Dockery, A. M., Habibis, D., Grealy, L., Benedict, R., Harris, M., Singh, R., & Lea, T. (2024). *Indigenous people's mobility and its impact on remote infrastructural needs: An exploratory study* (AHURI Final Report No. 423). Australian Housing and Urban Research Institute Limited. <https://www.ahuri.edu.au/research/final-reports/423>

¹⁹⁶ Australian Government. (2021). *Royal Commission into Aged Care Quality and Safety: Final Report*.

<https://www.royalcommission.gov.au/aged-care/final-report>; see Priority Reform 2, Target 9: Closing the Gap in partnership. *National Agreement on Closing the Gap*. Priority Reform 2, Target 9. <https://www.closingthegap.gov.au/national-agreement/targets>.

¹⁹⁷ Including those that live in regional, rural, remote and very remote areas; 34 per cent of retired women rely on their partner's income to meet their living costs at retirement compared to 7 per cent of retired men. See, Department of the Prime Minister and Cabinet. (2024). *2024 Status of Women Report Card*. Australian Government. <https://genderequality.gov.au/status-women-report-cards/2024-report-card>.

¹⁹⁸ Older women (including those that live in regional, rural, remote and very remote populations) are more likely than older men to be in supported accommodation for homelessness, staying temporarily with other households or living in severely crowded dwellings. Of those experiencing homelessness in 2021; 68,516 (55.9%) were male, an increase of 1.6% from 2016; 53,974 (44.1%) were female, an increase of 10.1% from 2016. See, Australian Bureau of Statistics. (2023). *Estimating homelessness: Census, 2021*. Australian Government. <https://www.abs.gov.au/statistics/people/housing/estimating-homelessness-census/latest-release>.

¹⁹⁹ In 2023, there were 157 victims of family and domestic violence (FDV) homicide and related offences recorded nationally, an increase of 20% (26 victims) from the previous year. In 2023, FDV related homicide victims were most commonly: female (60% or 94 victims); aged 55 years or over (36% or 57 victims). In 2023, 28 women aged, 55+ were murdered, in 2023 in DFV homicides, compared with 14 in 2013. See, Australian Bureau of Statistics. (2024). *Recorded crime – victims, 2023*. Australian Government. <https://www.abs.gov.au/statistics/people/crime-and-justice/recorded-crime-victims/latest-release#victims-of-family-and-domestic-violence-related-offences>.

²⁰⁰ Older women (including those that live in regional, rural, remote and very remote populations) are also the fastest growing group of people who are homeless or at risk of homelessness, increasing 31% between 2011 and 2016, and domestic and family violence is the primary reason for older women seeking specialist homelessness services nationally. See, Mercy Foundation. (n.d.). *Older women and homelessness*. <https://www.mercyfoundation.com.au/our-focus/ending-homelessness/older-women-and-homelessness/>.

²⁰¹ Commission for Gender Equality in the Public Sector. (2023). *Intersectionality at work: building a baseline on compounded gender inequality in the Victorian public sector*. <https://www.genderequalitycommission.vic.gov.au/sites/default/files/2023-10/Intersectionality-At-Work-Report.pdf>.

²⁰² Department of the Prime Minister and Cabinet. (2024). *Working for Women: A Strategy for Gender Equality*. Australian Government. <https://www.pmc.gov.au/office-women/working-women-strategy-gender-equality>; Department of Social Services. (2022). *National Plan to End Violence Against Women and their Children 2022-2032*. Australian Government. <https://www.dss.gov.au/national-plan-end-gender-based-violence/resource/national-plan-end-violence-against-women-and-children-2022-2032>; and the Rapid Review of Evidence Based Approaches to prevent gender-based violence.

²⁰³ **Including through civil society.**

²⁰⁴ Currently A/HRC/RES/58/L.24/Rev.1 noting A/RES/78/324 and A/RES/79/147.

- ²⁰⁵ National disability representative organisations including those representing First Nations and people in remote and rural areas, have expressed significant concern that only 13 recommendations of 222 have been fully accepted [Media Statement from Australia's Disability Representative Organisations regarding Government Response to Disability Royal Commission today Wednesday 31 July - People with Disability Australia](#), 2024.
- ²⁰⁶ This reflects a broader stagnation of reform in disability policy. Despite extensive consultation on the [Disability Royal Commission](#), the [NDIS Review](#), the [review of Australia's Disability Strategy](#) and guardianship laws, very little has changed.
- ²⁰⁷ Royal Commission Into Violence, Abuse, Neglect and Exploitation of People with Disability - [Final Report](#) - Executive Summary, Our Vision for an Inclusive Australia and Recommendations [2023] AUROYALC 5 (29 September 2023).
- ²⁰⁸ Despite review in 2024, the [Australia's Disability Strategy](#) still does not apply a human rights framework.
- ²⁰⁹ And other rights under CEDAW, CROC, DRIP and other obligations, to prevent violence and abuse against people with disability.
- ²¹⁰ People with disability across all age groups and locations experience more violence than people without disability, and more frequently. Note 3, 46; For women with disabilities, there is no specific strategy addressing violence in segregated and institutionalised settings, see, Women with Disabilities Australia. (2020). *Disability Rights Now 2019: UN CRPD Review of Australia, CRPD Factsheet 5, Violence against People with Disability*. https://wwda.org.au/wp-content/uploads/2020/08/Factsheet_No_5_Violence.pdf.
- ²¹¹ First Nations people with disability are 'uniquely marginalised in Australia' facing 'over-representation in child protection and criminal legal systems, high rates of institutionalisation, child removal and economic exclusion', [Final Report - Volume 9, First Nations people with disability](#), 3.
- ²¹² First Nations people with disability are overrepresented in the criminal legal system. In addition to the intersection of racism and ableism, the absence of appropriate disability services and supports for First Nations people with disability is one of the factors resulting in the criminalisation and incarceration of Indigenous people with disability, Walsh, C., Puszka, S., Markham, F., Barney, J., Yap, M., & Dreise, T. (2023). Supporting Indigenous people with disability in contact with the justice system: a systematic scoping review. *Disability & Society*, 39(10), 2697–2733. <https://doi.org/10.1080/09687599.2023.2215395>
- ²¹³ Groups impacted by implementation gaps in CRPD include Aboriginal and Torres Strait Islander People, and people living in regional, rural, remote, and very remote geographical areas and people from CALD backgrounds. See, for example: Royal Commission Into Violence, Abuse, Neglect and Exploitation of People with Disability, [The experience of First Nations people with disability in Australia Issues paper](#), (June 2020); National Ethnic Disability Alliance (NEDA), People with Disability Australia (PWDA), and Federation of Ethnic Communities' Councils of Australia (FECCA), [The Experiences & Perspectives of People with Disability from Culturally and Linguistically Diverse Backgrounds: joint submission to the Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability](#) (2021); Dew, Angela. 2022. "What, If Anything, Has Changed over the Past 10 Years for People with Intellectual Disabilities and Their Families in Regional, Rural, and Remote Geographic Areas?" *Research and Practice in Intellectual and Developmental Disabilities* 9 (2): 103–7; submissions to the Joint Standing Committee on the National Disability Insurance Scheme Inquiry into NDIS participant experience in rural, regional and remote areas (2023-2025).
- ²¹⁴ The practice of non-consensual administration of contraceptives, abortion and sterilisation of women with disabilities is ongoing, despite multiple reports, including the CEDAW recommendations to end these harmful practices. See Community Affairs References Committee (2013). *Involuntary or coerced sterilisation of people with disabilities in Australia*. Australian Government. https://www.aph.gov.au/Parliamentary_Business/Committees/Senate/Community_Affairs/Involuntary_Sterilisation/~media/Committees/Senate/committee/clac_ctte/involuntary_sterilisation/first_report/report.ashx.
- Parents with disabilities, primarily mothers, are up to ten times more likely to have children removed from their care than other parents. See Carter, B. (2015). *Rebuilding the village: Supporting families where a parent has a disability* (Report 2: Child Protection). Office of the Public Advocate. <https://www.publicadvocate.vic.gov.au/opa-s-work/research/611-rebuilding-the-village-supporting-families-where-a-parent-has-a-disability>.
- ²¹⁵ People with disability from CALD backgrounds face additional barriers such as language and limited access to culturally appropriate advocacy.
- ²¹⁶ In residential institutions, special schools and for-profit disability enterprises.
- ²¹⁷ Kayess, R., & Sands, T. (2020). *Convention on the Rights of Persons with Disabilities: Shining a light on Social Transformation*. UNSW Social Policy Research Centre. <https://unswworks.unsw.edu.au/entities/publication/8095a82a-be1e-4b19-b4d5-7783b7a35900>.
- ²¹⁸ Particularly for First Nations people with disability and people in with disability in 4Rs areas. See submissions and evidence received by the [2023-5 federal Joint Standing Committee on the NDIS Inquiry into NDIS participant experience in rural, regional and remote Australia](#).
- ²¹⁹ Including changing NDIS eligibility criteria to cover children born in Australia to temporary visa holders.
- ²²⁰ Recommendation 8.20 of the Disability Royal Commission calls on Australian and state and territory governments to codesign and implement strategies to improve policing responses to people with disability, including the establishment of Disability Liaison Officers and introducing alternative pathways for people with disability to report crimes to police should be immediately implemented. Recommendation 11.11 of the Disability Royal Commission calls on national Presentative Mechanism bodies to be disability inclusive in their implementation of OPCAT (Convention against torture and other cruel, inhumane degrading treatment or punishment, with particular reference to people with disability in places of detention. All governments should work more earnestly to implement this recommendation, noting that the incarceration of people with disability should be a last resort (when used at all) and that all governments should immediately cease the indefinite detention of people with disability; The DRC highlighted that First Nations people with disability are far more likely to have contact with the criminal justice system. See, Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability. (2023). Final report – Volume 8: Criminal justice and people with disability. <https://disability.royalcommission.gov.au/publications/final-report-volume-8-criminal-justice-and-people-disability>.
- ²²¹ See also Queensland Health. (2025, January 28). *Treatment of gender dysphoria in children*. Queensland Government. <https://www.health.qld.gov.au/system-governance/policies-standards/health-service-directives/treatment-of-gender-dysphoria-in-children>. Access should also be readily available to regional, rural, remote and very remote populations.
- ²²² Bretherton, I., Thrower, E., Zwickl, S., Wong, A., Chatcuti, D., Grossmann, M., Zajac, J.D., Cheung, A. S. (2021). The Health and Well-Being of Transgender Australians: A National Community Survey. *LGBT Health*, 8(1), 42-49. <https://pmc.ncbi.nlm.nih.gov/articles/PMC7826417/>. Cundill, P. (2020) Hormone therapy for trans and gender diverse patients in the general practice setting. *Australian Journal of General Practice*, 49(7). <https://www1.racgp.org.au/ajgp/2020/july/hormone-therapy-for-trans-and-gender-diverse-patie>. Piñón-O'Connor, K.E., Mullens, A.B., Debattista, J. et al. Barriers and facilitators to publicly-funded gender-affirming surgery: the perspectives amongst a cohort of Australian clinicians. *Discov Health Systems* 2, 42 (2023). <https://doi.org/10.1007/s44250-023-00055-5>. Pace, C., Chinsen, A., Cheung, A. S., et al. (2024) Safeguarding the health and wellbeing of transgender young people. *Med J Australia*, 221(10) 516-519. See also Health section including corresponding recommendation on gender-affirming multidisciplinary healthcare for children. Alarmingly, Queensland has recently banned gender-affirming care for children: Queensland Health. (2025, January

- 28). *Treatment of gender dysphoria in children*. Queensland Government. <https://www.health.qld.gov.au/system-governance/policies-standards/health-service-directives/treatment-of-gender-dysphoria-in-children>. Access to gender-affirming healthcare reduces the risks of suicide and mental health conditions. When the care is withheld, the risk of suicide increases 15-fold compared to cisgender peers. Amos, N., Lim, G., Buckingham, P., Lin, A., Liddelow-Hunt, S., Mooney-Somers, J., Bourne, A. (2023) *Rainbow Realities: In-depth analyses of large-scale LGBTQIA+ health and wellbeing data in Australia*. La Trobe University. <https://doi.org/10.26181/24654852.v2>.
- ²²³ Carpenter, M. (2023). Protecting intersex people from harmful practices in medical settings: a new benchmark in the Australian Capital Territory. *Australian Journal of Human Rights*, 29(2), 409–417. <https://doi.org/10.1080/1323238X.2023.2247863>.
- ²²⁴ Kassisieh, G. and Ray, O. (2024, March). Dismissed, Denied and Demeaned: A National Report on LGBTQ+ Discrimination in Faith-Based Schools and Organisations. *Equality Australia*. <https://equalityaustralia.org.au/wp-content/uploads/2024/03/Dismissed-Denied-and-Demeaned-Final-1-1.pdf>.
- ²²⁵ *Sex Discrimination Act 1984* (Cth).
- ²²⁶ Australian Law Reform Commission. (2024, 21 March). Maximising the Realisation of Human Rights: Religious Educational Institutions and Anti-Discrimination Laws (ALRC Report 142). Australian Government. <https://www.alrc.gov.au/publication/adl-report-142/>.
- ²²⁷ Boume, A., Carman, M., Hill, A. & et al. (2021). *Writing Themselves In 4: The health and wellbeing of LGBTQIA+ young people in Australia* : National report, monograph series number 124. Australian Research Centre in Sex, Health and Society, La Trobe University. https://www.latrobe.edu.au/_data/assets/pdf_file/0010/1198945/Writing-Themselves-In-4-National-report.pdf; Bourne, A., Carman, M., Hill, A., Lyons, A., & McNair, R. (2020). *Private Lives 3: The health and wellbeing of LGBTIQ people in Australia*. ARCSHS Monograph Series No. 122. Australian Research Centre in Sex, Health and Society, La Trobe University. https://www.latrobe.edu.au/_data/assets/pdf_file/0009/1185885/Private-Lives-3.pdf. Such campaigns should be undertaken through an intersectional lens, including the focus on the experiences of Aboriginal and Torres Strait Islander LGBTQIA+ people, LGBTQIA+ culturally and linguistically diverse people, including migrants and refugees, LGBTQIA+ people with disability and other cohorts.
- ²²⁸ Pride by Side. (2024). *Pointing to Progress*. <https://www.pridebyside.org/pointingtoprogress>. Wark, T. and Sarasola, H. (2023). *Sydney World Pride Human Rights Conference – Gay Caucus Report*. ACON. <https://equalityaustralia.org.au/wp-content/uploads/2023/04/Gay-Caucus-Report.pdf>. This should include dedicated funding for LGBTQIA+ ACCOs, LGBTQIA+ Disabled Peoples Organisations and LGBTQIA+ refugee-led, migrant-led and people of colour led organisations.
- ²²⁹ Pride by Side. (2024). *Pointing to Progress*. <https://www.pridebyside.org/pointingtoprogress>. Wark, T. and Sarasola, H. (2023). *Sydney World Pride Human Rights Conference – Gay Caucus Report*. ACON. <https://equalityaustralia.org.au/wp-content/uploads/2023/04/Gay-Caucus-Report.pdf>.
- ²³⁰ In this context, ‘children’ refers to children and young people under the age of 18 years as defined in the *Convention on the Rights of the Child*, opened for signature 20 November 1989, 1577 UNTS 3 (entered into force 2 September 1990) (‘UNCRC’), and includes children throughout Australia, whether located in urban, regional, rural, remote and very remote areas.
- ²³¹ In breach of UNCRC (n 1) Article 12.
- ²³² Australia fails to adequately protect children’s right to be heard in administrative and judicial decisions about matters affecting them: see [22] in: UN Human Rights Office of the High Commissioner. (2019). *Committee on the Rights of the Child: Concluding observations on the combined fifth and sixth periodic reports of Australia*. United Nations. <https://www.ohchr.org/en/documents/concluding-observations/committee-rights-child-concluding-observations-combined-fifth-and>. Australia must provide systems and services that provide direct advocacy for children, including those that live in non-urban areas.
- ²³³ See Climate Change section.
- ²³⁴ See Refugees and People Seeking Asylum section, especially for legislative prohibition of detention.
- ²³⁵ See Constitutional, Legislative and Institutional Framework section which discusses implementation of this recommendation.
- ²³⁶ See page 16: SNAICC. (2025). *Family Matters Report 2024*. <https://www.snaicc.org.au/wp-content/uploads/2025/02/250207-Family-Matters-Report-2024.pdf>; Australian Government Institute of Health and Welfare. (2023). *Youth detention population in Australia 2023*. Australian Government. <https://www.aihw.gov.au/reports/youth-justice/youth-detention-population-in-australia-2023/contents/first-nations-young-people#How-many-First-Nations>.
- ²³⁷ National Indigenous Youth Education Coalition. (2024). *The School Exclusion Project*. <https://www.niyec.com/the-school-exclusion-project>; see Aboriginal and Torres Strait Islander Peoples section and the recommendation on working with Aboriginal community organisations to design programs to meet the needs of Aboriginal and Torres Strait Islander communities; At the time of submission, an Early Warning, Urgent Action complaint regarding Australia’s discriminatory youth justice policies is being considered by the UN Committee on the Elimination of Racial Discrimination (see: Human Rights Law Centre. (2024). *Urgent United Nations complaint about Australia’s youth justice policies*. <https://www.hrlc.org.au/reports/urgent-un-complaint/>).
- ²³⁸ See page 12: Productivity Commission. (2024). *Review of the National Agreement on Closing the Gap* (Study report, volume 1, 2024). Australian Government. <https://www.pc.gov.au/inquiries/completed/closing-the-gap-review/report/closing-the-gap-review-report.pdf>. See particularly Targets 12 – ‘Children are not overrepresented in the child protection system’ and 13 ‘Families and households are safe’.
- ²³⁹ For as long as criminalisation remains dominant policy. Sisters Inside, the National Network of Incarcerated & Formerly Incarcerated Women & Girls and Scarlet Alliance (Australian Sex Workers Association) maintain that Australia must cease incarcerating children of all ages, and instead develop and invest in safe and transformative solutions that keep our children in their homes, schools and communities, see, Thorpe, L. (2025). *Additional comments by Senator Lidia Thorpe*. In Senate Legal and Constitutional Affairs References Committee, *Interim report: Australia’s youth justice and incarceration system*. Parliament of Australia. https://www.aph.gov.au/Parliamentary_Business/Committees/Senate/Legal_and_Constitutional_Affairs/Incarceration47/Interim_Report/Additional_Comments_by_Senator_Lidia_Thorpe.
- ²⁴⁰ Raising the minimum age of criminal responsibility to at least 14 years would bring Australia in line with the recommendation of the UN Committee on the Rights of the Child (see Committee on the Rights of the Child, *General Comment No 24 (2019) on Children’s Rights in the Child Justice System*, UN Doc CRC/C/GC/24 (18 September 2019). The Australian Federal Government should take responsibility for ensuring the minimum age of criminal responsibility is raised across all Australian jurisdictions, through either the National Cabinet and/or Standing Council of Attorneys-General.
- ²⁴¹ Australia must withdraw its reservation to Art 37(c) CRC which requires children not be detained with adults.
- ²⁴² See also Constitutional, Legislative and Institutional Framework section and specifically the recommendation to appoint and support an NPM. An NPM is crucial to address human rights violations for children in detention, children in educational settings and children with disability. Many children with disability experience segregation and other human rights violations, including in education: Committee on the Rights of Persons with Disabilities, *Concluding observations on the combined second and third periodic reports of Australia*, 15 October

2019, [28]–[30], [45]–[46]; Committee on the Rights of the Child, Concluding observations on the combined fifth and sixth periodic reports of Australia (n 4) [43(c)].

²⁴³ Baker, D., Browne, V., Filia, K. et al. (2025). The changing impacts of social determinants on youth mental health in Australia. *International Journal of Social Psychiatry*, 71(1) 116–128. <https://findanexpert.unimelb.edu.au/scholarlywork/1937302-the-changing-impacts-of-social-determinants-on-youth-mental-health-in-australia>; Berglund, P., Demler, O., Jin, R. et al. (2005). Lifetime prevalence and age-of-onset distributions of DSM-IV disorders in the National Comorbidity Survey Replication, *Archives of General Psychiatry*, 62(6), 593–602. <https://doi.org/10.1001/archpsyc.62.6.593>.

²⁴⁴ See Housing and Homelessness and Poverty sections.

²⁴⁵ Department of Social Services. (2021). *Safe & Supported: The National Framework for Protecting Australia's Children 2021–2031*. Australian Government. <https://www.dss.gov.au/system/files/resources/dess5016-national-framework-protecting-childrenaccessible.pdf>.

²⁴⁶ See Women section, particularly with reference to The National Plan to End Violence Against Women and Children 2022–2032 and the need to address gendered violence through confronting colonial legacies and intersecting discrimination. Additionally, children must be recognised as victim-survivors in their own right and have access to services specifically tailored to children and people (Fitz-Gibbon, K. (2024). *Our National Crisis, Violence Against Women & Children*. Monash University Publishing.)

²⁴⁷ Department of Social Services. (2021). *Safe & Supported: The National Framework for Protecting Australia's Children 2021–2031*. Australian Government. <https://www.dss.gov.au/system/files/resources/dess5016-national-framework-protecting-childrenaccessible.pdf>.

²⁴⁸ The core components required for the establishment of such a commissioner are outlined in SNAICC and Family Matters. See: SNAICC and Family Matters. (2019). *Position paper: Establishment of a national commissioner for Aboriginal and Torres Strait Islander children and young people*. https://www.snaicc.org.au/wp-content/uploads/2019/10/SNAICC_Family-Matters_Position-Paper_national-commissioner_FINAL.pdf.

²⁴⁹ Gender-based violence occurs across the lifespan and includes domestic and family violence such as sexual and physical violence, psychological and other forms of non-physical abuse, economic and financial abuse and dowry abuse; systems abuse; modern slavery; sexual violence in all forms (e.g., child sexual abuse, coerced sterilisation of women with disabilities, technology facilitated sexual abuse, sexual violence in institutions including high rates perpetrated against older women and people with disability, sexual violence and abuse in workplaces and sexual violence and abuse in prisons). There are also gendered drivers in the perpetration of violence against LGBTIQ+ communities

We recommend the NSW Government properly resource and fully implement the recommendations of the Special Commission's inquiry into offending by former corrections officer, Wayne Astill. See: NSW Department of Communities and Justice. (2024). *Special Commission of Inquiry into Offending by Former Corrections Officer Wayne Astill at Dillwynia Correctional Centre*. NSW Government. <https://www.nsw.gov.au/sites/default/files/noindex/2024-03/Wayne%20Astill%20Special%20Commission%20of%20Inquiry%20-%20Final%20Report.pdf>.

²⁵⁰ Australian Human Rights Commission. (2020). *Wiyi Yani U Thangani (Women's Voices): Securing Our Rights, Securing Our Future Final Report*. https://humanrights.gov.au/sites/default/files/document/publication/ahrc_wiyi_yani_u_thangani_report_2020.pdf - see page 74 which refers to geographic based discrimination (urban v remote); Davis, M. (2015). *Woman, Rural and Indigenous – Breaking Triple Layers of Discrimination*. United Nations. <https://www.un.org/development/desa/indigenouspeoples/news/2015/10/woman-rural-and-indigenous-breaking-triple-layers-of-discrimination/>.

²⁵¹ This includes superannuation gaps.

²⁵² Department of Social Services. (2025, March 21). *Income Management (IM) and enhanced IM – Participant Data*.

<https://www.dss.gov.au/income-management/resource/income-management-im-and-enhanced-im-participant-data>.

²⁵³ Guided by the National Agreement on Closing the Gap (National Agreement on Closing the Gap (2020)

<https://www.closingthegap.gov.au/national-agreement/national-agreement-closing-the-gap>); Department of Social Services. (2022). *National Plan to End Violence Against Women and Children 2022–2032*. Australian Government.

<https://www.dss.gov.au/system/files/resources/national-plan-end-violence-against-women-and-children-2022-2032.pdf>; Department of Social Services. (2023). *Aboriginal and Torres Strait Islander Action Plan 2023–2025 under the National Plan to End Violence against Women and Children 2023–2025*. Australian Government. <https://www.dss.gov.au/national-plan-end-gender-based-violence/resource/aboriginal-and-torres-strait-islander-action-plan-2023-2025>; and Australian Human Rights Commission. (2020). *Wiyi Yani U Thangani (Women's Voices): Securing Our Rights, Securing Our Future Final Report*.

https://humanrights.gov.au/sites/default/files/document/publication/ahrc_wiyi_yani_u_thangani_report_2020.pdf); The National Agreement on Closing the Gap commits all governments to 17 socio-economic targets developed in partnership with Aboriginal and Torres Strait Islander representatives. Key targets relevant to women and girls include: Target 1 - Reduce the overrepresentation of Aboriginal and Torres Strait Islander adults in prison; Target 12 - Reduce overrepresentation of Aboriginal and Torres Strait Islander children in out-of-home care; Target 13 - Reduce family, domestic and sexual violence against Aboriginal and Torres Strait Islander women and children; Target 17 - Increase Aboriginal and Torres Strait Islander people employed in the community-controlled sector. The National Plan to End Violence Against Women and Children 2022–2032 is a 10-year strategy that outlines a national commitment to ending gender-based violence. It recognises the unique experiences of First Nations women and commits to trauma-informed, culturally safe, and community-led solutions. Priority is placed on intersectional approaches, First Nations leadership, and accountability across all levels of government. The Aboriginal and Torres Strait Islander Action Plan 2023–2025, developed under the National Plan, this targeted action plan provides a First Nations-specific roadmap to reduce violence and improve safety for women, children and families. It is the first of its kind to be developed in genuine partnership with Aboriginal and Torres Strait Islander stakeholders, and calls for investment in healing, prevention, safe housing, and culturally strong legal services. The Wiyi Yani U Thangani (Women's Voices), led by the Aboriginal and Torres Strait Islander Social Justice Commissioner, is a national initiative that captures the voices, experiences, and aspirations of First Nations women and girls. Its landmark report (2020) and subsequent Implementation Framework call for systemic change across justice, health, housing, education and economic participation — centred on self-determination and cultural strength. See: Australian Human Rights Commission. (2020). *Wiyi Yani U Thangani (Women's Voices): Securing Our Rights, Securing Our Future*. https://humanrights.gov.au/sites/default/files/document/publication/ahrc_wiyi_yani_u_thangani_report_2020.pdf.

²⁵⁴ CEDAW Committee, *General Recommendation No. 34 (2016) on the rights of rural women*, UN Doc CEDAW/C/GC/34 (7 March 2016)

²⁵⁵ Including through attitudinally, legislatively and holistically innovation.

²⁵⁶ Migrant and refugee women face limited employment rights, workplace harassment, and inadequate reporting mechanisms, increasing their vulnerability. Australian Human Rights Commission. (2025). *Speaking from experience: Report on workplace sexual harassment*. https://humanrights.gov.au/sites/default/files/Speaking%20from%20Experience%20Report_0_0.pdf

²⁵⁷ The Workplace Justice Visa and Strengthening Reporting Protections pilots protect migrant workers experiencing sexual harassment and allow migrant women to pursue justice without fear of visa repercussions

²⁵⁸ Addressing gendered violence requires confronting colonial legacies and intersecting discrimination including racism, sexism, ageism, ableism, homophobia and transphobia and economic inequality.

²⁵⁹ Including those who live in regional, rural, remote and very remote populations.

²⁶⁰ Local, state/territory and federal governments endorse and fund the implementation of the National Anti-Racism Framework (2024), Australian Human Rights Commission; the New South Wales Government include sex, sexual orientation, gender identity, sex characteristics, disability, HIV/AIDS status and religion as protected attributes in the New South Wales inciting hatred offence

²⁶¹ See the recommendations for victim-survivors on temporary visas in National Advocacy Group on Women on temporary visas experiencing violence. (2022) *Blueprint for reform: Removing barriers to safety for victims/survivors of domestic and family violence who are on temporary visa*. <https://iarc.org.au/wp-content/uploads/2023/01/Blueprint-for-reform-2022-v071222.pdf>.

²⁶² Defamation laws must be amended to protect victim-survivors so they can safely report the abuse and violence and access the support they need to help them in their recovery. Some jurisdictions like New South Wales have absolute privilege from defamation for reporting to police and particular complaint bodies. All jurisdictions in Australia need absolute privilege from defamation for reporting to police, medical and health professionals, housing providers, education providers, employers and complaints bodies.

²⁶³ See pages 19, 32, 33 and 35: Australian Human Rights Commission. (2021). *Free & Equal: A reform agenda for federal discrimination laws*. https://humanrights.gov.au/sites/default/files/document/publication/ahrc_free_equal_dec_2021.pdf.

The reform to Australian discrimination law should include a positive duty in discrimination law which applies to all attributes. Law Council of Australia. (2019). *Free and equal: An Australian conversation on human rights*. <https://lawcouncil.au/resources/submissions/free-and-equal-an-australian-conversation-on-human-rights>. This legislation should also be visibly geographic inclusive of those who live in regional, rural, remote and very remote areas.

Instead of incremental changes to each State/Territory laws, Australia should undertake holistic reform of discrimination legislation. See: NSW Law Reform Commission. (2023). Review of the *Anti-Discrimination Act 1977* (NSW): Terms of Reference.

<https://lawreform.nsw.gov.au/current-projects/anti-discrimination-act-review/anti-discrimination-act-review-terms-of-reference.html>.

Aboriginal and Torres Strait Islander Peoples have reported increased racism since the unsuccessful referendum on an Indigenous Voice to Parliament. See, Collard, S. (2025, March 6). Voice referendum normalised racism towards Indigenous Australians, report finds. *The Guardian*. <https://www.theguardian.com/australia-news/2025/mar/06/voice-referendum-normalised-racism-towards-indigenous-australians-report-finds>.

²⁶⁴ E.g. accommodation status; subjection to gender-based violence; thought, conscience or religion, irrelevant medical record, irrelevant criminal record, carer's responsibilities, trade union activity, political opinion. Australian Human Rights Commission. (2019). *Free and Equal: An Australian Conversation on Human Rights*.

https://humanrights.gov.au/sites/default/files/document/publication/ahrc_discrimination_law_reform_2019_resized.pdf.

²⁶⁵ Including the rights to equality, privacy, and expression based on sexual orientation or gender identity.

²⁶⁶ Australian should implement a holistic review of both criminal offences and civil protections relating to vilification and that these reforms apply not only to race and religion, but to race, religious belief or activity, disability, gender identity, sex, sex characteristics, sexual orientation and personal association (whether as a relative or otherwise) with a person who is identified by reference to any of the above attributes.

²⁶⁷ Australian Human Rights Commission. (2024). *Anti-Racism Framework: Voices of First Nations Peoples*. <https://humanrights.gov.au/our-work/race-discrimination/publications/anti-racism-framework-voices-first-nations-peoples>.

²⁶⁸ We commend the implementation of equal access costs models for Commonwealth anti-discrimination laws and for the same reasons seek the extension of this to state/territory anti-discrimination and related civil proceedings. See: Power to Prevent Coalition. (2023). *Submission to Australian Human Rights Commission Amendment (Costs Protection) Bill 2023*.

<https://www.aph.gov.au/DocumentStore.ashx?id=bd24f7f5-a039-46f8-95e7-73e215b94fda&subId=751295>.

²⁶⁹ Australia has above-average poverty rates among OECD countries. See: (2019). Dugain, V. & Sila, U. (2019). OECD Economics Department Working Papers No. 1539: Income poverty in Australia. OECD. https://www.oecd.org/en/publications/income-poverty-in-australia_322390bf-en.html. In 2022, the national poverty rate was 14.4 per cent according to the Productivity Commission – the highest level recorded in the 22 years of the Household Income and Labour Dynamics in Australia survey. Ten per cent of people experience persistent poverty of 3 or more years. See: Productivity Commission. (2024). Fairly equal? Economic mobility in Australia. Australian Government. https://www.pc.gov.au/research/completed/fairly-equal-mobility?trk=public_post_comment-text.

Research has also highlighted the gendered impacts of poverty, for example, households whose main income earners were women had almost twice the level of poverty (18% compared with 10%) in 2019-20, compared to those whose main income was a man. See Davidson, P., Bradbury, B. & Wong, M. (2023). *Poverty in Australia 2023: Who is affected* (A poverty & inequality partnership report no.20).

Australian Government. https://www.pc.gov.au/research/completed/fairly-equal-mobility?trk=public_post_comment-text.

See also: Australian Council of Social Service and UNSW Sydney. (2023). *Poverty in Australia 2023: Who is affected – a poverty & inequality partnership report*. https://povertyandinequality.acoss.org.au/wp-content/uploads/2023/03/Poverty-in-Australia-2023_Who-is-affected.pdf.

²⁷⁰ In Australia, households that live in poverty derive a much smaller share of income from wages and salaries, and with greater reliance on income support payments. Source: Dugain, V. & Sila, U. (2019). *OECD Economics Department Working Papers No. 1539: Income poverty in Australia*. OECD. https://www.oecd.org/en/publications/income-poverty-in-australia_322390bf-en.html. There are 2,615,390 working age people relying on income support payments, representing about 9.6 per cent of the population. Of these, people on a disability or carer payment make up 43 per cent of recipients, people on an unemployment payment make up 36 per cent, parenting payment recipients are 15 per cent and students are 6 per cent. About 363,000 people on an unemployment payment, or 39 per cent, also have a recorded disability or medical condition that limits their ability to work. There are 2,641,915 age pension recipients. See: Department of Social Services. (2024). *Benefit and Payment Recipient Demographics - quarterly data* [Dataset]. <https://data.gov.au/data/dataset/dss-payment-demographic-data>; Australian Bureau of Statistics. (2025). *National, state and territory population* [Dataset].

<https://www.abs.gov.au/statistics/people/population/national-state-and-territory-population/latest-release>.

²⁷¹ United Nations. (1966). *International Covenant on Economic, Social and Cultural Rights*, Article 11.

<https://www.ohchr.org/en/instruments-mechanisms/instruments/international-covenant-economic-social-and-cultural-rights>.

²⁷² Australia's unemployment payment for a single person with no children is the 2nd lowest in the OECD at 33 per cent of previous income, compared to the OECD average of 63 per cent of previous income. By contrast, the country scores 5th highest on the price level index. See: OECD. (2023). *Benefits in unemployment, share of previous income* [Dataset]. <https://www.oecd.org/en/data/indicators/benefits-in-unemployment-share-of-previous-income.html?oecdcontrol-e55adeb61f-var6=M2&oecdcontrol-513da3519d-var3=2023>; OECD. (2022). *Price level indices*. <https://www.oecd.org/en/data/indicators/price-level-indices.html?oecdcontrol-00b22b2429-var3=2022>.

Although there is no official poverty or living income measure in Australia, at \$391 per week the unemployment payment for a single person with no children is significantly below all available measures as of March 2025. The most recent available relative poverty measure of 50

per cent of median income is \$595 per week, and as of September 2024 the Henderson poverty line was \$636 per week. See: Department of Social Services.(2025). *Single unemployment & sickness benefit – November 1984 to present date* [Dataset]. Australian Government. [https://guides.dss.gov.au/social-security-guide/5/2/1/20Guide to Social Policy Law Social Security Guide](https://guides.dss.gov.au/social-security-guide/5/2/1/20Guide%20to%20Social%20Policy%20Law%20Social%20Security%20Guide); Melbourne Institute of Applied Economic and Social Research (Melbourne Institute), 2024, *The Household, Income and Labour Dynamics in Australia Survey: Selected Findings from Waves 1 to 22*; Fair Work Commission, May 2024, *Statistical report—Annual Wage Review 2023–24*; Melbourne Institute, February 2025, *Poverty Lines Australia*; While no available poverty measures account for the higher cost of living with disability, in 2022, the median gross personal income of people with disability was \$575 per week, compared with \$1055 per week for people without disability. ; Melbourne Institute of Applied Economic and Social Research (Melbourne Institute)., (2024). *The Household, Income and Labour Dynamics in Australia Survey: Selected Findings from Waves 1 to 22*. <https://melbourneinstitute.unimelb.edu.au/hilda/publications/hilda-statistical-reports>; Fair Work Commission.(2024). *Statistical report—Annual Wage Review 2023–24*. <https://www.fwc.gov.au/hearings-decisions/major-cases/annual-wage-reviews/annual-wage-review-2023-24/statistical-reporting>; Melbourne Institute. (2025). *Poverty Lines Australia*. <https://melbourneinstitute.unimelb.edu.au/publications/poverty-lines>. While no available poverty measures account for the higher cost of living with disability, in 2022, the median gross personal income of people with disability was \$575 per week, compared with \$1055 per week for people without disability. See: Khanam, R., Nghiem, S., Rahman, M. & Vu, Binh. (2020). *The costs of disability in Australia: a hybrid panel-data examination*. *Health Economics Review* 10(6). <https://doi.org/10.1186/s13561-020-00264-1>; Australian Bureau of Statistics.(2024). *Disability, Ageing and Carers, Australia: Summary of Findings*. Australian Government. <https://www.abs.gov.au/statistics/health/disability/disability-ageing-and-carers-australia-summary-findings/latest-release>. People on the main unemployment payment (JobSeeker) comprise 20 per cent of all suicides for working age adults, and people on the Disability Support Pension are 14 per cent. Suicide rates for people on the JobSeeker payment dropped in 2020, when the rate was doubled and reached the level of the Henderson poverty line, a poverty measure established in Australia in the 1970s. See, Australian Institute of Health and Welfare.(2024). *Suicide & self-harm monitoring*. Australian Government. <https://www.aihw.gov.au/suicide-self-harm-monitoring/population-groups/socioeconomically-disadvantaged/income-support-recipients>.

²⁷³ As of December 2024, there were around 615,000 people participating in one of three programs on a compulsory basis as a condition of their income support payment: Workforce Australia, Disability Employment Services and Community Development Program. Annually around 2.8 million payment suspension notices are issued to people with compulsory participation requirements by private employment services providers who are contracted by government to monitor compliance. Payment suspension notices cause psychological distress, and participants report that these are used as a tool of abuse by private providers. Reversing a payment suspension takes unreasonable time and resources on behalf of the payment recipient, and penalty points are often accrued regardless of whether the payment suspension was lawfully applied. When a person's payment is delayed, they often go without food, fall further behind on bills, are late on rent and are forced to try and borrow money, which can strain relationships. Penalty points, including some that are unlawfully applied, accumulate and lead to payment reductions, and eventually cancellation. Compulsory participants have reported that their experience of these programs has led them to be admitted for psychiatric care, while others have disengaged from the social security system entirely, in some cases deciding that being homeless is less harmful to them than the treatment they are exposed to due to compulsory participation requirements. Sources: Department of Employment and Workplace Relations. (2025). *Workforce Australia Targeted Compliance Framework quarterly data*. Australian Government. <https://www.dewr.gov.au/employment-services-data/job-seeker-compliance-data>; Department of Social Services.(2025). *Disability Employment Services Targeted Compliance Framework monthly data*. Australian Government. <https://data.gov.au/data/dataset/disability-employment-services-targeted-compliance-framework/resource/70ffce6f-b997-43f5-ad15-66ae4b31e117>; National Indigenous Australians Agency.(2025, March). *Community Development Program Quarterly Compliance Data*. Australian Government. <https://www.niaa.gov.au/resource-centre/community-development-program-quarterly-compliance-data> ; Department of Social Services. (2025, March). *DSS Benefit and Payment Recipient Demographics - quarterly data*. Australian Government. <https://data.gov.au/data/dataset/dss-payment-demographic-data/resource/6de5b023-01b3-4562-b4a7-d7a4cc93df75>; DEWR.(2025). *Secretary's statement – 21 March 2025*. Australian Government. <https://www.dewr.gov.au/assuring-integrity-targeted-compliance-framework/announcements/secretarys-statement-21-march-2025>; Antipoverty Centre.(2024). *Welfare residualisation and deterrence*. <https://drive.google.com/file/d/1Hkceai8GfV0qyBZ-awDK6sfGbsPgIL2n/view>; Marston, G., Patulny, R., Peterie, M., & Ramia, G. (2019). *Emotional Compliance and Emotion as Resistance: Shame and Anger among the Long-Term Unemployed*. *Work, Employment and Society* (33)5, 794-811. <https://doi.org/10.1177/0950017019845775>.

Privatised employment services providers act under the delegated authority of the employment department secretary to administer certain parts of social security law and have a long track record of using compliance mechanisms as tools of abuse and coercion. Providers that have been publicly exposed as systemic abusers and serial offenders continue to receive new government contracts worth hundreds of millions of dollars. One provider was subject to a hearing of the Disability Royal Commission and was awarded new contracts shortly thereafter. See: Australian Unemployed Workers' Union.(2024). *Payslip harassment: another scandal of maladministration and exploitation in the Australian welfare system*. *AUWU media*. <https://auwu.substack.com/p/payslip-harassment-another-scandal>; Kelly, C..(2024, February 22). *Job agencies suspending Centrelink payments at an alarming rate, data reveals*. *The Guardian*. <https://www.theguardian.com/australia-news/2024/feb/22/centrelink-payments-job-agencies-suspending-case-loads>; Kelly, C.(2024, August 11). *Major job provider accused of trying to get jobseeker to sign off on false work invoice*. *The Guardian*. <https://www.theguardian.com/australia-news/article/2024/aug/11/major-job-provider-accused-of-trying-to-get-jobseeker-to-sign-off-on-false-work-invoice>; DEWR.(2021). *Successful Organisations for Workforce Australia Services*. Australian Government. <https://tenders.employment.gov.au/tenders/b0bb0fc3-23ae-ec11-983f-002248d3b28f>; Antipoverty Centre and GetUp! (2023). *Punishment for Profit*. <https://punishmentforprofit.org/>; Henrique-Gomes, L.(2022, February 22). *New job led to 'broken life' under disability scheme spruiked as success story*. *The Guardian*. <https://www.theguardian.com/australia-news/2022/feb/27/new-job-led-to-broken-life-under-disability-scheme-spruiked-as-success-story>.

Researchers found that income quarantining policies (also known as cashless welfare) result in lower birthweights, a higher rate of premature births and negative health outcomes for children. See footnote 8 for more information. See: Doyle, M.A., Schurer, S. & Silbum, S. (2022). *Unintended consequences of welfare reform: Evidence from birthweight of Aboriginal children in Australia*. *Journal of Health Economics* 84. <https://doi.org/10.1016/j.jhealeco.2022.102618> ; Doyle, M.A., Guthridge, S. & Schurer, S. (2024). *Income and Immunity: The Consequences of a Pre- and Neo-Natal Income Shock on Childhood Infection Risk*. *SSRN*. <https://dx.doi.org/10.2139/ssrn.5003887>; Severely restrictive criteria prevent people from accessing a social security payment when they need it, including: non-citizens who live and work in Australia; people who are leaving prison; Disability Support Pension recipients who have been incarcerated for two years or more; people with enough paid work to lose access to social security who are still living below the poverty line, which is exacerbated by inconsistent indexation policies that mean the amount of paid work a person can do before being subjected to effective marginal tax rates of 50–76 per cent has drastically reduced over time. Adults under the age of 22 whose parents earn above \$65,189 a year, which is about \$7000 below the median income, have their payment reduced or cannot receive one at all, regardless of whether they live with their parents or receive any financial support from them; adults of all ages who are in an intimate relationship with a partner who earns above \$686.50 a

week, which is \$176.58 below the Henderson poverty line couple rate, have their payment reduced or cannot receive one at all regardless of whether the couple share finances; See: Services Australia. (2025). Parental income test. Australian Government. <https://www.servicesaustralia.gov.au/what-parental-income-test-for-youth-allowance-students-and-australian-apprentices?context=43916>; Australian Bureau of Statistics.(2024). Employee earnings. Australian Government. <https://www.abs.gov.au/statistics/labour/earnings-and-working-conditions/employee-earnings/latest-release>; Services Australia.(2025). Partner Income Test. Australian Government. <https://www.servicesaustralia.gov.au/income-test-for-jobseeker-payment?context=51411>; Melbourne Institute of Applied Economic and Social Research.(2025). Poverty Lines Australia. The University of Melbourne and Melbourne Institute. <https://melbourneminstitute.unimelb.edu.au/publications/poverty-lines>; Overly restrictive eligibility criteria and evidence requirements also limit access to the Disability Support Pension, Carer Payment and supplementary payments for rental assistance, and significantly reduce payments that are already inadequate for people who are affected by partner and parental income tests. Community Affairs References Committee, Australian Senate. (2024). The extent and nature of poverty in Australia inquiry report. Parliament of Australia.. https://www.aph.gov.au/Parliamentary_Business/Committees/Senate/Community_Affairs/PovertyinAustralia/The_extent_and_nature_of_poverty_in_Australia.

²⁷⁴ Colonisation is recognised as having a fundamental impact on disadvantage and health among Indigenous peoples worldwide through social systems that maintain disparities. In Australia, all compulsory participation requirements disproportionately harm Aboriginal and Torres Strait Islander people, who make up 3.8 per cent of Australia's population. 115,000 compulsory participants in Workforce Australia, Disability Employment Services and Community Development Program are Aboriginal and Torres Strait Islander people, comprising 19 per cent of people in compulsory programs despite being only 11.5 per cent of those who receive an income support payment for working age people. In the December 2024 quarter, 29.5 per cent of all payment suspension notices in the largest program, Workforce Australia Services, were issued to Aboriginal and Torres Strait Islander people, 27.7 per cent to people with disability and 13.6 per cent to parents (some people are represented in more than one cohort). In the Community Development Program, 95 per cent of payment suspensions are issued to Aboriginal and Torres Strait Islander people. See: AIHW.(2024, July). Profile of First Nations people. Australian Government. <https://www.aihw.gov.au/reports/australias-welfare/profile-of-indigenous-australians>; Australian Bureau of Statistics.(2023, August). Estimates of Aboriginal and Torres Strait Islander Australians. Australian Government. <https://www.abs.gov.au/statistics/people/aboriginal-and-torres-strait-islander-peoples/estimates-aboriginal-and-torres-strait-islander-australians/30-june-2021>; DEWR.(2025). *TCF Public Data – 1 January 2025 to 31 March 2025*. <https://www.dewr.gov.au/employment-services-data/resources/tcf-public-data-1-january-2025-31-march-2025>; Department of Social Services.(2025). *Disability Employment Services Targeted Compliance Framework – January 2025*. <https://www.data.gov.au/data/dataset/disability-employment-services-targeted-compliance-framework> NIAA.(2023). Community Development Program Quarterly Compliance Data. Australian Government. <https://www.niaa.gov.au/resource-centre/community-development-program-quarterly-compliance-data>; Department of Social Services.(2025). *Expanded DSS Benefit and Payment Recipient Demographics – March 2025*. Australian Government. <https://data.gov.au/data/dataset/dss-payment-demographic-data>. Australia settled a class action lawsuit brought by social security payment recipients compulsorily participating in the Community Development Program on racial discrimination grounds in 2021 despite having received legal advice in 2015 that the program likely breached the *Racial Discrimination Act 1975* (Cth). While the forced labour component of Community Development Program was made voluntary in 2021/22, this was a temporary measure following the class action. It has continued to place people in unpaid work since those activities were made voluntary. A new program is expected to be introduced in late November 2025, with all activities to return to being compulsory in 2027. CDP workers cannot access WorkCover when they experience injuries. Sources: Abbatangelo, B.(2025, March 22). Exclusive: Leaked report shows warnings over 'Black robodebt'. *The Saturday Paper*. <https://www.thesaturdaypaper.com.au/news/law-crime/2025/03/22/exclusive-leaked-report-shows-warnings-over-black-robodebt>; NIAA,. (n.d.). The Community Development Program. Australian Government. <https://www.niaa.gov.au/our-work/employment-and-economic-development/community-development-program-cdp>; Taylor, P.(2024, May 31). Work for the dole revived in hunt for 'real jobs'. *The Australian*. <https://www.theaustralian.com.au/nation/indigenous/burney-leaders-in-remote-communities-want-new-work-for-dole-scheme-to-have-mutual-obligations/news-story/a4a0a71e5a7d583575f1e1c53069b148?amp&nk=eaea85c0bd267e25199676d296690a96-1717306204>. 82 per cent of people in compulsory cashless welfare programs are Aboriginal and Torres Strait Islander. There has been an increase of compulsory participants from 25,025 in December 2019 to 31,467 in December 2024.

See: Morton, R. (2025, April 19). Flawed cashless welfare cards rebadged. *The Saturday Paper*. <https://www.thesaturdaypaper.com.au/news/politics/2025/04/19/flawed-cashless-welfare-cards-rebadged>; Department of Social Services.(2025). Australian Government Income Management Program. Australian Government. <https://data.gov.au/data/dataset/australian-government-income-management-program>.

Indigenous cash poverty rates in remote and very remote areas were extremely high at 41.0% and 57.1% respectively in 2021, having increased 10.8 per cent over the decade from 2011. The average cost of basic food items is 40 per cent higher in remote stores (which service communities where the population is predominantly Aboriginal and Torres Strait Islander people) than in district centre supermarkets. Social security payment recipients living in these communities receive an allowance of \$9.10 a week on top of their base social security payment to account for higher living costs. Research shows an additional amount of \$145.34 a week would be necessary to bring people living on the main unemployment benefit in remote communities to parity with people in urban areas. See: Northern Territory Government. (2024). NT Market Basket Survey 2023. <https://data.nt.gov.au/dataset/nt-market-basket-survey-2023>; Markham, F. (2024).The Poor Pay More: Why the Remote Area Allowance Needs Urgent Reform. Australian National University Policy Brief. <https://policybrief.anu.edu.au/the-poor-pay-more-why-the-remote-area-allowance-needs-urgent-reform/>.

Social security eligibility criteria maintain a highly paternalistic system that is a hangover from an era where men-controlled women's finances. The partner income test enforces financial dependency on adults, enabling economic and other forms of abuse for people while they are in a relationship and when they are not. Abusers are able to report that a single person is in a relationship to claim that they are committing fraud and not disclosing it, which can cause the target's payment to be reduced, trigger an investigation and in some cases lead to the payment recipient being issued with a debt to repay money they were entitled to and lawfully received. The partner income test also deters some people from entering an intimate relationship as they cannot afford to lose some or all of their social security payment. Women aged 21-28 years in financial hardship were more than three times as likely to report severe partner abuse in a year, and more than 60,000 women aged 15-24 years who experienced violence in 2019 also experienced moderate to very high levels of financial hardship. See: Anti-Poverty Week. (2024). Fast Facts: Women, Violence and Poverty. <https://antipovertyweek.org.au/resources/fast-facts/>; Antipoverty Centre. (2024). Welfare residualisation and deterrence. <https://drive.google.com/file/d/1Hkceai8GFV0qyBZ-awDK6sfGbsPgIL2n/view>.

²⁷⁵ We argue that Australia has engaged in an abusive cycle of consultation and inquiry into poverty and related policies, repeatedly asking people in poverty and advocates to contribute evidence of harm and then failing to act on recommendations. A sample of processes and reviews carried out since the last Universal Periodic Review follow. These are grouped by the body that conducted the process, and in addition to these, Australia has failed to implement recommendations from decades-old inquiries such as the 1991 Royal Commission into Aboriginal Deaths in Custody, the 1997 Bringing them Home report and the 2006 parliamentary inquiry into Indigenous stolen wages.

Senate Education and Employment Committee: The appropriateness and effectiveness of the objectives, design, implementation and evaluation of jobactive. Senate Community Affairs Committee: Social Security (Administration) Amendment (Income Management to Cashless Debit Card Transition) Bill 2019; Social Services and Other Legislation Amendment (Coronavirus and Other Measures) Bill 2020; Social Security (Administration) Amendment (Continuation of Cashless Welfare) Bill 2020; Social Security Legislation Amendment (Streamlined Participation Requirements and Other Measures) Bill 2021 [Provisions]; Purpose, intent and adequacy of the Disability Support Pension 2022; Social Security (Administration) Amendment (Repeal of Cashless Debit Card and Other Measures) Bill 2022; Social Security (Administration) Amendment (Income Management Reform) Bill 2023 [Provisions]; Social Services and Other Legislation Amendment (Strengthening the Safety Net) Bill 2023; Economic Inclusion Advisory Committee Bill 2023 [Provisions]; Extent and nature of poverty in Australia 2024. Parliamentary Joint Committee on Human Rights: Compulsory Income Management 2024. House Select Committee on Workforce Australia Employment Services 2023. Royal Commissions: Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability 2019–2023; Royal Commission into the Robodebt Scheme 2022–2023; Royal Commission into Defence and Veteran Suicide 2021–present. Departmental consultation: New Disability Employment Support Model 2021; Proposed changes to the Disability Support Pension (DSP) Impairment Tables 2022; A draft Quality Framework for the Disability Employment Services Program 2022; Future of Income Management 2023.

²⁷⁶ Social security payments must be increased sufficiently to lift all people accessing them out of poverty.

²⁷⁷ Income quarantining, also known as cashless welfare, is a policy that compulsorily restricts purchases of certain products by placing part or all of a social security recipient's payment on to a special debit card that can only be used in stores with compatible payment systems. In Australia, the amount of income restricted is generally 50 to 90 per cent depending on the individual's circumstances. The current products used for income quarantining are the BasicsCard and SmartCard. The SmartCard replaced the Cashless Debit Card in March 2023.

²⁷⁸ Extreme targeting of payments is designed to restrict eligibility for social security and exclude people who should be entitled to support.

²⁷⁹ Community Affairs References Committee, Australian Senate. (2022). Purpose, intent and adequacy of the Disability Support Pension inquiry report. Parliament of Australia.

https://www.aph.gov.au/Parliamentary_Business/Committees/Senate/Community_Affairs/DisabilitySupportPension/Report ; Community Affairs References Committee, Australian Senate. (2024). *The extent and nature of poverty in Australia inquiry report*. Parliament of Australia..

https://www.aph.gov.au/Parliamentary_Business/Committees/Senate/Community_Affairs/PovertyinAustralia/The_extent_and_nature_of_poverty_in_Australia .

²⁸⁰ By both government and service providers.

²⁸¹ Australia has shown a pattern of negligence and unlawfulness in its conduct towards social security payment recipients over time. The numerous examples that demonstrate this include: the lack of consequences for politicians and bureaucrats who oversaw the unlawful robodebt scheme; further alleged unlawful administration of social security debts through faulty income apportionment; alleged breaches of the International Convention on the Elimination of all forms of Racial Discrimination and other human rights instruments; recent admissions of unlawful administration of "mutual" obligations and ongoing abuses of the Targeted Compliance Framework. See: Morton, R. (2025, March 8). The federal government's failure to deliver on welfare debt reform. *The Saturday Paper*.

<https://www.thesaturdaypaper.com.au/news/2025/03/08/the-federal-governments-failure-deliver-welfare-debt-reform>; Parliamentary Joint Committee on Human Rights. (2024). Compulsory Income Management inquiry report. Parliament of Australia.

https://www.aph.gov.au/Parliamentary_Business/Committees/Joint/Human_Rights/HRIncomeManagement/Report; DEWR. (2025).

Secretary's statement – 21 March 2025. Australian Government. <https://www.dewr.gov.au/assuring-integrity-targeted-compliance-framework/announcements/secretarys-statement-21-march-2025>; Antipoverty Centre. (2025). Employment secretary admits to questionable legality of Centrelink payment penalties, refuses to pause suspensions. *The Antipoverty Centre*.

<https://apcentre.substack.com/p/employment-secretary-admits-to-questionable>; Economic Justice Australia.(2025). EJA Policy Statement on Mutual Obligations. <https://www.ejaustralia.org.au/eja-policy-statement-on-mutual-obligations/>.

²⁸² Australia implements a range of policies and engages in practices that deter people from accessing a social security payment even if they are eligible for one to reduce the number of people accessing support. These include strict targeting, confusing rules that can lead to debts being raised through no fault of the payment recipient, government failure in duty of care and punitive compulsory programs like mutual obligations and income quarantining.

²⁸³ The most recent Census in 2021 found there were 122,494 people experiencing homelessness – an increase from 116,427 in 2016 (see Table 1.1: Australian Bureau of Statistics. (2023). Estimating Homelessness: Census. Australian Government.

<https://www.abs.gov.au/statistics/people/housing/estimating-homelessness-census/latest-release>; for trends and dimensions also see: Clarke, A., Hartley, C. & Pawson, H.(2024). *Australian Homelessness Monitor 2024*. UNSW City Futures Research Centre. <https://cityfutures.adfa.unsw.edu.au/australian-homelessness-monitor-2024/>.

²⁸⁴ Disability is a key risk factor for experiencing homelessness (Australian Institute of Health and Welfare. (2024). People with disability in Australia 2024, catalogue number DIS 72, Australian Government. <https://www.aihw.gov.au/getmedia/725731a5-5296-4b8d-8e49-40fa64937fb2/aihw-dis-72-people-with-disability-in-australia-2024.pdf>); People with poor mental health, psychosocial disability and cognitive impairment experience high rates of persistent homelessness and represent the bulk of long-term users of homelessness services (Chailloux, T. (2022). *What many of us face: Homelessness, Disability and Institutional Neglect*. PrecedentAULA.

<https://www5.austlii.edu.au/au/journals/PrecedentAULA/2022/40.html>; Productivity Commission. (2020). *Mental health. Report no.95*. Australian Government. <https://www.pc.gov.au/inquiries/completed/mental-health/report>).

²⁸⁵ 53,974 women were experiencing homelessness in the 2021 Census, an increase of 10.1% from 2016 (See Overview before Graph 1: Australian Bureau of Statistics. (2023). Estimating Homelessness: Census. Australian Government.

<https://www.abs.gov.au/statistics/people/housing/estimating-homelessness-census/latest-release> ; Buxton, A., Martin, C., Ng, M. & Pawson, H. (2023). *Gender, Housing Insecurity and Homelessness in Australia: Data Insights*. UNSW City Futures Research Centre and YWCA Australia. <https://www.ywca.org.au/advocacy/research/gender-housing-insecurity-and-homelessness-in-australia-data-insights/>). Domestic and family violence is the leading cause of homelessness for women (Homelessness Australia. (2024). Homelessness and domestic and family violence: State of response report 2024. <https://homelessnessaustralia.org.au/wp-content/uploads/2024/03/IWD-2024-3.pdf>).

²⁸⁶ There was an increase in children under 12 of experiencing homelessness from 15,872 in 2016 to 17,646 in 2021. There was also an increase in youth aged 12-18 from 9,955 in 2016 to 11,302 in 2021 (See Table 1: Counts and rates(a) of people experiencing homelessness by age, Australia, 2006 to 2021: Australian Bureau of Statistics. (2021). Estimating Homelessness: Census. Australian Government. <https://www.abs.gov.au/statistics/people/housing/estimating-homelessness-census/latest-release>.

²⁸⁷ In the 2021 Census, 24,930 Aboriginal and/or Torres Strait Islander Peoples were experiencing homelessness – an increase of 6.4% from 2016. This represents one in five of people experiencing homelessness in Australia (Australian Bureau of Statistics. (2021). *Estimating Homelessness: Census*. Australian Government. <https://www.abs.gov.au/statistics/people/housing/estimating-homelessness-census/latest-release> .; See Aboriginal and Torres Strait Islander peoples and Graph 6, which is grossly disproportionate as Aboriginal and Torres Strait

Islander Peoples make up about 3.2% of the Australian population (Australian Bureau of Statistics. (2021). *Aboriginal and Torres Strait Islander People: Census*. Australian Government. <https://www.abs.gov.au/statistics/people/aboriginal-and-torres-strait-islander-peoples/aboriginal-and-torres-strait-islander-people-census/latest-release>; Australian Bureau of Statistics. , Aboriginal and Torres Strait Islander peoples experiencing homelessness. Australian Government. <https://www.abs.gov.au/articles/aboriginal-and-torres-strait-islander-peoples-experiencing-homelessness> . Aboriginal and Torres Strait Islander Peoples experience racial and spatial housing injustice. Rates of homelessness in Australia increase with distance from capital and major cities, and are highest for Aboriginal and Torres Strait Islander Peoples in remote and very remote areas: Batterham, D., Cigdem-Bayram, M., Parkinson, S., & Reynolds, M. (2024). The changing geography of homelessness in Australia (2001–21) and its structural drivers: Final Report No. 429. AHURI. <https://www.ahuri.edu.au/research/final-reports/429> - see Figure 5: Number and rate of homeless by broad area type: 2001, 2006, 2011, 2016 and 2021 (p. 33), Figure 2: National shares (%) of homeless persons and population by broad area type: 2001, 2006, 2011, 2016 and 2021 (p. 27), Figure 4: Lowest and highest rates of homelessness by nationwide decile, Australian SA3s, 2021 (p. 32); Australian Housing and Urban Research Institute. (2024). Empowering Indigenous communities to reduce homelessness is key to Closing the Gap. <https://www.ahuri.edu.au/analysis/brief/empowering-indigenous-communities-reduce-homelessness-key-closing-gap>.

²⁸⁸ The proportion of social housing households in Australia has declined from 4.7% of all households in 2013 to 4.1% in 2023 (Australian Institute of Health and Welfare. (2025). *Housing Assistance in Australia 2024*. Australian Government. <https://www.aihw.gov.au/reports/housing-assistance/housing-assistance-in-australia/contents/summary>. Annual new lettings by social housing providers declined from 32,000 in 1991 to 52,000 in 2023 – a reduction of 38% (See page 9: Aminpour, F., Clarke, A. & Eagles, K. & et al. (2024). *Australian Homelessness Monitor*. UNSW City Futures Research Centre. https://homelessnessaustralia.org.au/wp-content/uploads/2024/12/AHM_final.pdf.

²⁸⁹ The deterioration of housing affordability in Australia has been widespread, and it reached its worst level on record in 2023 (See page 95: National Housing Supply and Affordability Council. *State of the Housing System 2024*. Australian Government. <https://nhsac.gov.au/sites/nhsac.gov.au/files/2024-05/state-of-the-housing-system-2024.pdf>. Between March 2020 and June 2024, the median advertised weekly rent for all property types across all cities and regions rose from \$413 to \$624 – a 51% increase (See page 34: Aminpour, F., Clarke, A. & Eagles, K. & et al. (2024). *Australian Homelessness Monitor*. UNSW City Futures Research Centre. https://homelessnessaustralia.org.au/wp-content/uploads/2024/12/AHM_final.pdf.) Even where housing is affordable, it may be inadequate in other ways. For example, it may be of such poor quality that it negatively affects a person's health; it may be too expensive to heat or cool, or be located far from employment opportunities – causing residents to incur very high commuting costs. Research shows that integrating housing, planning, transport and employment policies is critical to mitigating the risks of housing affordability stress and displacement for lower income householders, while offering increased accessibility to key resources and services (see Crowe, A. & Rowley, S. (2024). *Measuring housing affordability: Scoping the real cost of housing: AHURI Final Report No. 427*. . AHURI. <https://www.ahuri.edu.au/research/final-reports/427>.

²⁹⁰ Grossly insufficient access to tenant support services throughout Australia, including legal help, was reflected in [numerous submissions](#) to the Senate Community Affairs References Committee Inquiry into the Worsening Rent Crisis in Australia, including submissions by the National Association of Renters' Organisations, Women's Legal Services Australia, and Darwin Community Legal Service. Correspondingly, the Chair's Recommendation 23 (at p. 194) in the [Final Report](#) in December 2023 was that 'The .. Australian Government coordinate with state and territory governments to ensure that tenancy support services are fully funded, including to help tenants navigate the appeals system.'

²⁹¹ Measures to improve the state of the housing system should also include reforms to Australia's taxation system to support supply and affordability ((National Housing Supply and Affordability Council. (2024). *State of the Housing System 2024*. Australian Government. <https://nhsac.gov.au/sites/nhsac.gov.au/files/2024-05/state-of-the-housing-system-2024.pdf>; Davidson, P. & Hall, J. (2025). *Homes for living, not wealth creation: Tax and expenditure reforms to improve housing affordability and equity*. ACOSS. <https://www.acoss.org.au/wp-content/uploads/2025/03/acoss-housing-tax-policy-paper25-1.pdf>.

²⁹² The National Aboriginal and Torres Strait Islander Housing Association calls for a long-term national Indigenous housing plan developed with Indigenous people (see Boltje, S. & Fryer, B. (2025). First Nations people experience higher rates of unmet housing needs, report finds. *ABC News*. <https://www.abc.net.au/news/2025-02-12/report-into-unmet-housing-needs-of-indigenous-people/104903982>; Victorian Aboriginal Child Care Agency. (2023). Submission to the National Housing and Homelessness Plan. <https://engage.dss.gov.au/wp-content/uploads/2024/01/Victorian-Aboriginal-Child-Care-Agency-23208-NHHP-Submission-Redacted.pdf>; Aboriginal Housing Victoria. (2023). Submission to the National Housing and Homelessness Plan. <https://engage.dss.gov.au/wp-content/uploads/2024/01/AHV-AHHF-NHHP-Submission-Redacted.pdf>; Benedict, R., Habibis, D., Isherwood, L. & et al. Indigenous housing support in Australia: the lay of the land: *Final Report no.434*. AHURI. https://www.ahuri.edu.au/sites/default/files/documents/2025-02/AHURI-Final-Report-434-Indigenous-housing-support-in-Australia_the-lay-of-the-land.pdf explains that there is a strong need for a national strategic framework to guide future housing for Aboriginal and Torres Strait Islander Peoples.

²⁹³ Article 11 *International Covenant of Economic, Social and Cultural Rights*. UN CESCR, General Comment No 4: (1991) E/1992/23 explains that the right to adequate housing comprises seven elements: a) legal security of tenure; b) availability of services, materials, facilities and infrastructure; c) affordability; d) habitability; e) accessibility; f) location; g) cultural adequacy. Each of these elements must be present for housing to be adequate.

²⁹⁴ See: AHURI. (2024). What does 'Housing as a human right' mean in Australia. <https://www.ahuri.edu.au/analysis/brief/what-does-housing-human-right-mean-australia>.

²⁹⁵ For example regarding housing habitability and Aboriginal and Torres Strait Islander Peoples, see: Benedict, R., Brambilla, A., & Greal, L. & et al. (2021). *Sustainable Indigenous housing in regional and remote Australia, Final Report no 368*. (See *Fighting for Humane Housing in Aboriginal Communities: The Santa Teresa Cases* in Jessie Hohmann section: Australian Housing and Urban Research Institute. <https://www.ahuri.edu.au/research/final-reports/368>; Hohmann, J. & Human Rights Law Centre, Human Rights Act and UTS. (2025). *The right to housing in Australia*. <https://www.hrlc.org.au/app/uploads/2025/02/RightToHousingReport2025.pdf>. See also page 17: Anthony, T. & Hohmann, J. (2024). Indigenous Housing Rights and Colonial Sovereignty: Self-Determination and Housing Rights beyond a White Possessive Frame. *Social & Legal Studies* 34(3), 339-360. <https://doi.org/10.1177/09646639241227120>.

²⁹⁶ Australian Human Rights Commission. (2021). *Adaptable housing for people with disability in Australia*. <https://humanrights.gov.au/our-work/disability-rights/publications/adaptable-housing-people-disability-australia>.

²⁹⁷ See Baker, E., Dockery, M., Isherwood, L. & et al. (2022). *What works to sustain Indigenous tenancies in Australia Final Report no. 374*. AHURI. https://www.ahuri.edu.au/sites/default/files/documents/2022-02/AHURI-Final-Report-374-What-works-to-sustain-Indigenous-tenancies-in-Australia_1.pdf.

²⁹⁸ This includes reliable and safe access to drinking water, electricity and communications services (see: Infrastructure Partnerships Australia. (2023). *Remote Communities: Improving Access to Essential Services*. <https://infrastructure.org.au/wp-content/uploads/2023/10/Remote-communities-Improving-access-to-essential-services.pdf>). People in more than 400 remote or regional

communities lack access to good-quality drinking water, while approximately 8% of Australia's population is not included in reporting on access to clean water (see Grafton, R., Manero, A., Rose, E. & et al. (2022). Measuring the gaps in drinking water quality and policy across regional and remote Australia. *npj Clean Water* 5(32). <https://doi.org/10.1038/s41545-022-00174-1>). The lack of access to essential services disproportionately impacts Aboriginal and Torres Strait Islander Peoples (see Moskos, M., Isherwood, L., Dockery, A.M., Habibis, D., Greal, L., Benedict, R., Harris, M., Singh, R. and Lea, T. (2024). Indigenous people's mobility and its impact on remote infrastructural needs: an exploratory study: Final Report 42. AHURI. <https://www.ahuri.edu.au/sites/default/files/documents/2024-06/AHURI-Final-report-423-Indigenous-peoples-mobility-and-its-impact-on-remote-infrastructural-needs-an-exploratory-study.pdf>). It is estimated that at least 250,000 Aboriginal and Torres Strait Islander People are unable to reliably access safe and healthy water, and as such experience chronic and hygiene-related diseases at higher rates than other people in Australia (see: Engineers Without Borders Australia Engineering. (2022). Clean, safe water needed for remote Indigenous communities. <https://ewb.org.au/blog/2022/11/29/clean-safe-water-needed-for-remote-indigenous-communities/#:~:text=The%20Engineers%20Without%20Borders%20Australia,their%20systems%3B%20and%20the%20governance>).

²⁹⁹ See Hohmann, J. & Human Rights Law Centre, Human Rights Act and UTS. (2025). *The right to housing in Australia*. <https://www.hrlc.org.au/app/uploads/2025/02/RightToHousingReport2025.pdf>.

³⁰⁰ Binding, national legislative standards are needed to better protect the right to adequate housing for renters. Australia has made some progress towards improving standards for renters, including through the National Cabinet agreement 'A Better Deal for Renters' which aims to harmonise and strengthen renters' rights across Australia. However, this agreement has not been implemented in full and further reform is needed (see: National Shelter and National Association of Renters' Organisations. (2025). The Rental Report: A Performance Report on the Progress of A Better Deal for Renters. <https://tenantsqld.org.au/wp-content/uploads/2025/02/2408-National-Cabinet-Rental-Report-Card.pdf>).

³⁰¹ As well as being a violation of the right to adequate housing, homelessness can also violate other rights including the right to privacy and the right to health (see Australian Human Rights Commission. (2008). Homelessness is a Human Rights Issue. <https://humanrights.gov.au/our-work/publications/homelessness-human-rights-issue-2008>).

³⁰² People experiencing homelessness are also criminalised through laws, policies and practices that penalise and criminalise life-sustaining activities in public spaces (see Human Rights Council. (2024). Breaking the cycle: ending the criminalization of homelessness and poverty: *Report of the Special Rapporteur on extreme poverty and human rights*, A/HRC/56/61/Add.3. United Nations. https://www.ohchr.org/sites/default/files/2024-11/a-hrc-56-61-add3-eng_0.pdf).

³⁰³ This reform should include investment in measures to reduce homelessness, including funding legal and tenancy support services to ensure people experiencing homelessness can access legal advice and representation.

³⁰⁴ The Human Rights Commission states "climate change threatens the enjoyment of all human rights, including the rights to health, water, food, housing, self-determination, and life itself. Climate change is man-made. It is a result of policy choices that breach the affirmative obligations of States to respect, protect and fulfil human rights": Office of the High Commissioner. (2018, October). Human Rights and Climate Change. *United Nations Human Rights*. The Paris Agreement preamble states "Parties should, when taking action to address climate change, respect, promote and consider their respective obligations on human rights, the right to health, the rights of indigenous peoples, local communities, migrants, children, persons with disabilities and people in vulnerable situations and the right to development, as well as gender equality, empowerment of women and intergenerational equity."

³⁰⁵ Since 2022, the Australian federal government has: Submitted an updated version of its Nationally Determined Contribution to the UNFCCC. The update commits Australia to reducing its emissions to 43% below 2005 levels by 2030, net zero by 2050 and achieve 82% renewable energy by 2030; In 2022, introduced a capacity investment scheme to invest in renewable energy and storage (further expanded in 2023): Rewiring the Nation Fund to provide \$20 billion in concessional loans and equity for investment in Transmission, to support coal power phase out; In 2023, reformed the Safeguard Mechanism (sets emissions limits for Australia's largest industrial facilities exceeding 100,000 tonnes of CO₂e) to strengthen the impact on emissions reductions; Established the Hydrogen head start program to invest in new large scale renewable hydrogen projects; In 2023, legislated a vehicle fuel efficiency standard to commence 1 July 2025; In September 2023, achieved a key milestone under its Nationally Determined Contribution (NDC) with the cancellation of all Commonwealth-held Kyoto Protocol units; Legislated Future Made in Australia Act in 2024 and 2025, which focuses on attracting investment to make Australia a leader in renewable energy. Australia has committed to investing \$22.7 billion over the next decade to build a Future Made in Australia; In November 2023, released the Net Zero in Government Operations strategy. The strategy commits to reducing the Australian Public Service's emissions to Net Zero by 2030; and Drafted sector plans to achieve net zero emissions by 2050 - due to be released in the second half of 2025.

³⁰⁶ Climate Action Tracker. (2024, November). <https://climateactiontracker.org/countries/australia/>.

³⁰⁷ Grudnoff, M. and Campbell, R. (2025). *Fossil fuel subsidies in Australia 2025 Federal and state government assistance to major producers and users of fossil fuels in 2024–25*. The Australia Institute. <https://australiainstitute.org.au/wp-content/uploads/2025/03/P1669-Fossil-fuel-subsidies-2025-Web.pdf>. Parties to the UNFCCC are currently required to report on their domestic emissions, meaning that large-scale fossil fuel producers are not accountable for the emissions released when their exports are burned overseas. As such, Australia can both reduce its reported emissions, while remaining in the top three global exporters of fossil gas and associated pollution.

³⁰⁸ Hare, B. (2024). Dug up in Australia, burned around the world – exporting fossil fuels undermines climate targets. *Climate Analytics*. <https://climateanalytics.org/comment/dug-up-in-australia-burned-around-the-world-exporting-fossil-fuels-undermines-climate-targets>.

³⁰⁹ Australia has no policy in place to cap, restrict or reduce its fossil fuel export production or subsidies, nor any targets or plans for doing so in the future: Australian Human Rights Institute. (2024, August). *Escalation: The destructive force of Australia's fossil fuel exports on our climate*, 17. <https://www.humanrights.unsw.edu.au/news/new-data-australias-fossil-fuel-exports-places-us-among-worlds-biggest-climate-polluters>. This policy and regulatory vacuum is exposing identifiable individuals and communities in Australia to heightening (and increasingly materialising) threats to rights to life, home life and cultural practice (among others). It is in contravention of Australia's international law obligations to respect and protect the human rights of those within its territory, including against harms by third-party fossil fuel exporting corporations)

³¹⁰ United Nations. (2023). *Agreement under the United Nations Convention on the Law of the Sea on the conservation and sustainable use of marine biological diversity of areas beyond national jurisdiction*. Retrieved June 23, 2025, from https://treaties.un.org/doc/Treaties/2023/06/20230620%2004-28%20PM/Ch_XXI_10.pdf.

³¹¹ Including children, young people, First Nations people, older people, people with a disability, women, people experiencing poverty and inequality and rural, remote, and very remote communities who will experience negative impacts on health and wellbeing. Children disproportionately suffer from climate disruptions: See, eg, Hickman, C. et al. (2021). Climate anxiety in children and young people and their beliefs about government responses to climate change: a global survey. *Lancet Planet Health*, 5(12), e863 - e873. [https://www.thelancet.com/journals/lanph/article/PIIS2542-5196\(21\)00278-3/](https://www.thelancet.com/journals/lanph/article/PIIS2542-5196(21)00278-3/). Aboriginal communities are disproportionately impacted by climate change, with inadequate housing, little shade, and a lack of water security: Standen, J. C., Spencer, J., Lee, G. W., Van Buskirk, J.,

Matthews, V., Hanigan, I., Boylan, S., Jegasothy, E., Breth-Petersen, M., Morgan, G. G. (2022). Aboriginal Population and Climate Change in Australia: Implications for Health and Adaptation Planning. *Int J Environ Res Public Health*, 19(12):7502.

<https://pmc.ncbi.nlm.nih.gov/articles/PMC9223431/>. Torres Strait Islanders and Aboriginal Islanders are particularly vulnerable to sea inundation: United Nations Office of the High Commissioner for Human Rights. (2022). *Australia violated Torres Strait Islanders' rights to enjoy culture and family life, UN Committee finds*. United Nations. <https://www.ohchr.org/en/press-releases/2022/09/australia-violated-torres-strait-islanders-rights-enjoy-culture-and-family>.

³¹² This failure is particularly acute in the Pacific, where Australia is the major donor but climate finance continues to fall well short of need. Between 2014 and 2019, around USD 3.3 billion was committed for climate projects in the Pacific, an average of USD 550 million per year. This is well short of the approximately USD 1 billion in adaptation finance that the International Monetary Fund estimates is needed annually across the region, or the USD 5.2 billion needed by 2030 to implement renewable energy plans in Pacific Island countries. Loss and damage from extreme climate events already cost Pacific Islands between USD 2.7 and 7 billion between 2000 and 2022, and is expected to grow significantly as climate impacts worsen. For more, see Oxfam Australia, Pacific Islands Climate Action Network, Climate Action Network Australia, NZ CAN and ActionAid Australia. (2024). *Seizing the Moment: A New Climate Finance Goal that delivers for the Pacific*. <https://www.oxfam.org.au/wp-content/uploads/2024/08/14246-NCQG-Policy-Paper-WEB.pdf>.

³¹³ 'Fair share' is calculated on the basis of historical emissions and capacity to pay. Australia's fair share contribution to the New Collective Quantified Goal on Climate Finance is still being calculated in the wake of the COP29 decision.

³¹⁴ In addition to existing Official Development Assistance.

³¹⁵ This must emphasise streamlined access and direct funding for least developed countries, small island developing states, local communities and civil society groups. This funding should also recognise the disproportionate impacts borne by systemically marginalised communities including but not limited to women and girls, people with disabilities, and children.

³¹⁶ The Colvin and Glasser Reviews of the National Emergency Management Systems acknowledge the need for improvements in disaster risk reduction and resilience. Colvin, A. (2024). *Independent Review of Commonwealth Disaster Funding*. Australian Government.

<https://www.nema.gov.au/sites/default/files/2024-10/Independent%20Review%20of%20Commonwealth%20Disaster%20Funding%20-%20Final%20report%20-%20Medium%20Res.PDF>. Dr Glasser, R. (2024). *Independent Review of National Natural Disaster Governance Arrangements – Final*, 1-13 Report. Australian Government. https://www.nema.gov.au/sites/default/files/2024-10/20240813%20-%20Glasser%20Review%20-%20Final%20Report_copy%20edit.PDF.

³¹⁷ Australia has endorsed the [United Nations Sendai Framework for Disaster Risk Reduction 2015–2030 which recommends inclusive engagement, partnership and non-discriminatory participation, paying special attention to people disproportionately affected by disasters](https://www.undrr.org/publication/sendai-framework-disaster-risk-reduction-2015-2030). Sendai Framework for Disaster Risk Reduction 2015–2030, UNISDR/GE/2015 – ICLUX EN5000 1st edition, March 2015, [19d], p 13. <https://www.undrr.org/publication/sendai-framework-disaster-risk-reduction-2015-2030>.

³¹⁸ Recommended (see page 10) by the Commonwealth Government Covid-19 Response Inquiry Report: Department of the Prime Minister and Cabinet. (2024). *COVID-19 Response Inquiry Report*. Commonwealth Government.

<https://www.pmc.gov.au/sites/default/files/resource/download/covid-19-response-inquiry-report.pdf>.

³¹⁹ Including the COVID-19 pandemic and climate-induced natural disasters.

³²⁰ Including Aboriginal and Torres Strait Islander Peoples, people with disability, women, people from CALD backgrounds and communities experiencing disadvantage, including socio-economic disadvantage. See, e.g. Emergency planning and response issues papers: Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability. (2020). *Emergency planning and response*. Australian Government. <https://disability.royalcommission.gov.au/publications/emergency-planning-and-response>; Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability. (2020). *Statement of concern - The response to the COVID-19 pandemic for people with disability*. Australian Government. <https://disability.royalcommission.gov.au/publications/statement-concern-response-covid-19-pandemic-people-disability>; Department of the Prime Minister and Cabinet. (2024). *COVID-19 Response Inquiry Report*. Commonwealth Government. https://www.pmc.gov.au/domestic-policy/commonwealth-government-covid-19-response-inquiry?utm_medium=email&utm_campaign=Final%20Report%20delivered_25%20October%202024&utm_content=Final%20Report%20delivered_25%20October%202024+CID_d6b23ac51b3f4c1b98bbcc23e4caa7b9&utm_source=Email%20marketing%20software&utm_term=here. For impact of the COVID-19 pandemic on Aboriginal and Torres Strait Islander People see, for example, Williamson, B. (2022). *Aboriginal community governance on the frontlines and fault lines in the Black Summer bushfires* (Discussion Paper No. 300/2022). Centre for Aboriginal Economic Policy Research, Australian National University. https://caep.r.cass.anu.edu.au/sites/default/files/docs/2022/4/DP_300_Williamson_2022.pdf. See also NACCHO Submission # 11, at https://www.aph.gov.au/Parliamentary_Business/Committees/Senate/Finance_and_Public_Administration/Bushfire/recovery/Submissions

³²¹ Including people experiencing poverty or homelessness, people in insecure housing, people with disability, older people, and people living in rural, regional, remote, and very remote communities.

³²² Including necessary funding and supports to respond to increased rates of gender-based violence during and after pandemics and disasters'.

See: Respect Victoria (2025). *Understanding the link between climate disasters and gendered violence*.

<https://www.respectvictoria.vic.gov.au/news/understanding-link-between-climate-disasters-and-gendered-violence>; Boxall, H., Morgan, A. & Brown, R (2020). *The prevalence of domestic violence among women during the COVID-19 pandemic* (Statistical Bulletin no. 28. Canberra) Australian Institute of Criminology. <https://doi.org/10.52922/sb04718>;

Department of the Prime Minister and Cabinet. (2024). *Covid-19 Response Inquiry Report*. Commonwealth of Australia.

<https://www.pmc.gov.au/sites/default/files/resource/download/covid-19-response-inquiry-report.pdf>.

³²³ Recommended by the Commonwealth Government Covid-19 Response Inquiry Report, see page 11: Department of the Prime Minister and Cabinet. (2024). *COVID-19 Response Inquiry Report*. Commonwealth Government.

<https://www.pmc.gov.au/sites/default/files/resource/download/covid-19-response-inquiry-report.pdf>.

³²⁴ Office of the Australian Information Commissioner (OAIC). (2020, 11 December). Submission No 126 to Attorney-General's Department. *Privacy Act Review Issues Paper*, 6. https://www.oaic.gov.au/data/assets/pdf_file/0018/1773/privacy-act-review-issues-paper-submission.pdf. Office of the Victorian Information Commissioner. (2020, 27 November). Submission to Attorney-General's Department, *Privacy Act Review Issues Paper*. <https://ovic.vic.gov.au/wp-content/uploads/2021/08/Privacy-Act-review-Submission.pdf>.

³²⁵ See Special Rapporteur on the right to privacy. (2019, February). *Privacy and technology from a gender perspective: report*.

A/HRC/40/63, [56] and [59]. <https://www.ohchr.org/en/documents/thematic-reports/ahrc4063-privacy-and-technology-gender-perspective-report>. Office of the United Nations High Commissioner for Human Rights. (2022, August). *The right to privacy in the digital age*. UN Doc A/HRC/51/17, [46]. <https://www.ohchr.org/en/documents/thematic-reports/ahrc5117-right-privacy-digital-age>. For example, facial recognition technology is largely beyond the scope of the existing Australian privacy framework. These developments exemplify 'function creep', where technologies are used beyond their initially intended purpose "most notably against marginalised populations" and risk exacerbating profiling against "people of a particular racial or ethnic group". Australian Human Rights Commission. (2023, April 5).

Response No 461917447 to Attorney-General's Department. *Privacy Act Review Report*, [74] and [97]; Low digital literacy rates due to lack of infrastructure, and reduced opportunities for education and digital skills training contribute to the vulnerability of remote communities.

³²⁶ The Privacy and Other Legislation Amendment Bill 2024 is "only the first tranche of the intended reforms". Other measures, including the introduction of an objective 'fair and reasonable test', amendment to definitions of 'personal information' and 'collect', introduction of a definition of 'consent', and introduction of a direct right of action for a breach of privacy, have been deferred. Accordingly, further reform is required to ensure Australia's privacy framework offers sufficient protection: Justice and Equity Centre, Submission No 24 to Senate Standing Committees on Legal and Constitutional Affairs, Parliament of Australia. (2024, 11 October). *Inquiry into Privacy and Other Legislation Amendment Bill 2024*, 2. See also, Kemp, K. (2024, 12 September). Long overdue Australian privacy law reform is here and it's still not fit for the digital era. *The Conversation*. <https://theconversation.com/long-overdue-australian-privacy-law-reform-is-here-and-its-still-not-fit-for-the-digital-era-238214>. Karp, P. (2024, 9 September). Get a VPN and delete your cookies, Australia's privacy laws are still lagging. *The Guardian*. <https://www.theguardian.com/australia-news/article/2024/sep/09/australia-privacy-laws-reform-albanese-government>.

³²⁷ Commonwealth Attorney-General's Department. (2023, February). *Privacy Act Review Report 2022*.

³²⁸ *Privacy Act 1988* (Cth).

³²⁹ See Office of the Australian Information Commissioner. (2020, 11 December). *Privacy Act Review Issues Paper, Part 6: Fairness and Reasonableness Requirements for Entities*. <https://www.oaic.gov.au/engage-with-us/submissions/privacy-act-review-issues-paper-submission/part-6-fairness-and-reasonableness-requirements-for-entities>.

³³⁰ See Office of the Australian Information Commissioner. (2020, 11 December). *Privacy Act Review Issues Paper, Part 5: Notice and Consent*. <https://www.oaic.gov.au/engage-with-us/submissions/privacy-act-review-issues-paper-submission/part-5-notice-and-consent>.

³³¹ See e.g. *Online Safety Act 2023* (UK) and 8 Regulation (EU) 2022/2065 of the European Parliament and of the Council of 19 October 2022 on a Single Market For Digital Services and amending Directive 2000/31/EC [2022] OJ L277/1 (Digital Services Act); Law, S. (2025). Effective enforcement of the Online Safety Act and Digital Services Act: unpacking the compliance and enforcement regimes of the UK and EU's online safety legislation. *Journal of Media Law*, 16(2), 262-300. <https://www.tandfonline.com/doi/full/10.1080/17577632.2025.2459441>.

³³² See, e.g. Australian Human Rights Commission. (2024, 28 June). *Submission to the Statutory Review of the Online Safety Act 2021*. 19-22. https://humanrights.gov.au/sites/default/files/online_safety_act_2021_cth_submission_ahrc_0.pdf.

³³³ eSafety Commissioner. (2024). *Technology, gendered violence and Safety by Design*. Australian Government.

<https://www.esafety.gov.au/sites/default/files/2024-09/SafetyByDesign-technology-facilitated-gender-based-violence-industry-guide.pdf> <https://www.esafety.gov.au/sites/default/files/2024-09/SafetyByDesign-technology-facilitated-gender-based-violence-industry-guide.pdf>.

³³⁴ Fitzpatrick, C. (2022). *Designed to Disrupt: reimagining banking products to improve financial safety* (CWES Discussion Paper 1). Centre for Women's Economic Safety. https://cwes.org.au/wp-content/uploads/2022/11/CWES_DesignToDisrupt_1_Banking.pdf;

Fitzpatrick, C. (2024). *Designed to Disrupt: Reimagining general insurance products to improve financial safety* (CWES Discussion Paper 2). Centre for Women's Economic Safety. https://cwes.org.au/wp-content/uploads/2024/03/CWES_DTD-GI_Issue2_FINAL_Singles.pdf.

³³⁴ *Online Safety Act 2021* (Cth).

³³⁵ Productivity Commission. (2023). *5-year Productivity Inquiry Report: Australia's data and digital dividend*, Vol. 4. Australian Government. <https://www.pc.gov.au/inquiries/completed/productivity/report>; Thomas, J., McCosker, A., Parkinson, S., Hegarty, K., Featherstone, D., Kennedy, J., Holcombe-James, I., Ommond-Parker, L., & Ganley, L. (2023). *Measuring Australia's Digital Divide: Australian Digital Inclusion Index: 2023*. ARC Centre of Excellence for Automated Decision-Making and Society, RMIT University, Swinburne University of Technology, and Telstra. https://www.digitalinclusionindex.org.au/wp-content/uploads/2023/07/ADII-2023-Summary_FINAL-Remediated.pdf; Featherstone, D., Ganley, L., Hawkins, L. & et al. (2024). *Mapping the Digital Gap 2024 Outcomes Report*. ARC Centre of Excellence for Automated Decision-Making and Society. <https://apo.org.au/node/329174>; National Rural Health Alliance. (2024). *Digital Health and Connectivity in Rural Australia*. <https://www.ruralhealth.org.au/wp-content/uploads/2024/05/nrha-digital-health-connectivity-factsheet-apr-24.pdf>; regarding social security recipients see: Economic Justice Australia. (2025). *Social Security For Women Outside Our Cities: Service Delivery Barriers (Report 1 of 3)*. <https://www.ejaustralia.org.au/social-security-for-women-outside-our-cities-service-delivery-barriers-report-1-of-3/>.

³³⁶ O'Sullivan, M. (2021). Automated decision-making and human rights: the right to an effective remedy. In J. Boughey, & K. Miller (Eds.), *The Automated State: Implications, Challenges and Opportunities for Public Law* (1st ed., pp. 70-88). Federation Press.

³³⁷ It is estimated that there is a 10-fold health benefit for every dollar invested in adolescent health and that investment has a 'triple dividend' benefit for health, society, and the economy as well as current and future generations. Australian Government. National Preventive Health Strategy 2021-2030. (2021). Australian Association for Adolescent Health. (2023). *Increase investment in youth health*. https://www.aaah.org.au/public/117/files/Submissions/SummaryBrief_InvestingInAdolescentHealth.pdf. Timonin, S., Leon, D. A., Banks, E., Adair, T., Canudas-Romo, V. (2024). Faltering mortality improvements at young-middle ages in high-income English-speaking countries. *International Journal of Epidemiology*, 53(5). <https://doi.org/10.1093/ije/dyae128>.

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³³⁹ Musolino, C., Freeman, T., Flavel, J., Baum, F. (2024). Non-government advocacy for health equity: evidence from Australia. *Health Promot Int*, 39(6). daae148. doi:10.1093/heapro/daae148. See also: Lykissas, L. (2025). Now more than ever, Australia needs a Centre for Disease Control. Public Health Association Australia. *Intouch Public Health*. <https://intouchpublichealth.net.au/now-more-than-ever-australia-needs-a-centre-for-disease-control/>.

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³⁴⁸ Blood-borne viruses and sexually transmissible infections of particular concern include hepatitis B, hepatitis C, HIV, syphilis (including congenital syphilis), and gonorrhoea.

³⁴⁹ Priority populations include communities facing structural barriers to accessing sexual and other health services and/or consequential morbidities related to BBVs and STI. It should be noted that an individual could be associated with one or more priority population groups: Young people, aged 15–24, Aboriginal and Torres Strait Islander peoples, Gay, bisexual and other men who have sex with men, People from culturally and linguistically diverse backgrounds, including people born overseas and international students, particularly those from non-English-speaking backgrounds, Sex workers, Travellers and migrant workers, People who are trans and gender diverse, People experiencing housing insecurity, People who have had a STI within the previous 12 months. Australian Government. (2023). *HIV Taskforce Report 2023*. <https://www.health.gov.au/sites/default/files/2024-07/hiv-taskforce-report.pdf>. Carter, D. J., Vogl, A., Evans, R., Brown, J., Robertson, H., Kagan, D. (2024). *Hepatitis B and the Law in Australia: A Mapping Review of Contemporary Case Law*. Health+Law. <https://ssrn.com/abstract=4977213>. Carter, D. J., Jamshidi, N., Vogl, A., et al. (2024). *The Health Impacts of Law for People Living with HIV: A Systematic Review of Literature*. Health+Law. <https://ssrn.com/abstract=5016325>. King, J., McManus, H., Gray, R., McGregor, S. (2024). HIV, viral hepatitis and sexually transmissible infections in Australia: Annual surveillance report 2024. <https://www.kirby.unsw.edu.au/research/reports/asr2024>.

³⁵⁰ This includes the rights of people who use drugs whose rights (including the right to health and right to equality and non-discrimination) are violated due to stigma and criminalisation. See e.g. People who use drugs, HIV, and human rights, Jürgens, Ralf et al. *The Lancet*, Volume 376, Issue 9739, 475 – 485; Parliament of Victoria, Law Reform, Road and Community Safety Committee (2018) Inquiry into drug law reform < https://apo.org.au/sites/default/files/resource-files/2018-03/apo-nid138586_1.pdf>; https://apo.org.au/sites/default/files/resource-files/2018-03/apo-nid138586_1.pdf.

³⁵¹ International Labour Organisation Convention (No. 111) Concerning Discrimination in Respect of Employment and Occupation, opened for signature 25 June 1958, 362 UNTS 31 (entered into force 15 June 1960); International Covenant on Civil and Political Rights, opened for signature 16 December 1966, 999 UNTS 171 (entered into force 23 March 1976); International Covenant on Economic, Social and Cultural Rights, opened for signature 16 December 1966, 993 UNTS 3 (entered into force 3 January 1976); Convention on the Elimination of All Forms of Discrimination against Women, opened for signature, 18 December 1979, 1249 UNTS 13 (entered into force 3 September 1981); Convention on the Rights of the Child, opened for signature 20 November 1989, 1577 UNTS 3 (entered into force 2 September 1990) arts 2, 19, 32(1), 36; International Convention on the Elimination of All Forms of Racial Discrimination, opened for signature 21 December 1965, 660 UNTS 195 (entered into force 4 January 1969); Saunders, S. (2015). *Whispers from the Bush The Sexual Harassment of Australian Rural Women*. Federation Press.

³⁵² The ILO defines ‘workplace’ as “any premises or part of a premises which are made available to any person as a place of work.” Note that domestic premises may also be included. See ILO. (n.d.). *Workplaces*. <https://www.ilo.org/topics/labour-administration-and-inspection/resources-library/occupational-safety-and-health-guide-labour-inspectors-and-other/workplaces>

³⁵³ AHRC. (2020, March 5). Respect@Work: Sexual Harassment National Inquiry Report (2020). <https://humanrights.gov.au/our-work/sex-discrimination/publications/respectwork-sexual-harassment-national-inquiry-report-2020> Furthermore, women who are also under 30 years old, LGBTIQ+, Aboriginal or Torres Strait Islander, have a disability, are from a CALD background, are migrant workers and/or hold a temporary visa, or are in insecure work, and women in remote and rural areas are even more likely to experience sexual harassment in the workplace. See pages 27-28 in Flax, G., Gebicki, C. & Meagher, A. (2018). Everyone’s Business: Fourth National Survey on Sexual Harassment in Australian Workplaces. AHRC.; See page 92 in Baird, M., Cooper, R., Hill, E., Probyn, E., & Vroman, A. (2018). *Women and the Future of Work (Report 1 of the Australian Women’s Working Futures Project, 2018)*. University of Sydney. <https://ses.library.usyd.edu.au/handle/2123/21254>; LaMontagne, A., Louie, A., Shoveller, J. et al. (2009). Unwanted Sexual Advances at Work: Variations by Employment Arrangement in a Sample of Working Australians. *Australian and New Zealand Journal of Public Health* 33(2), 173-9. <https://doi.org/10.1111/j.1753-6405.2009.00366.x>; pages 14-15 in ACTU’s submission: Australian Council of Trade Unions. (2019). Submission by the Australian Council of Trade Unions to the Australian Human Rights Commission.

³⁵⁴ Strict NDAs typically include blanket confidentiality clauses that prohibit disclosing the sexual harassment to anyone, blanket non-disparagement clauses and contain no time limits. And although aspects of these agreements may be deemed unenforceable if challenged in court, in practice, victim-survivors end up abiding by the terms for fear of legal action. This often means that disclosures can’t be made to the police, to medical and psychological professionals, parliamentary inquiries, relevant services (such as Victims’ Services, Centrelink), workers’ compensation authorities, and family members. Victim-survivors are not only prevented from seeking appropriate care and support, but their stories are silenced, meaning that patterns of sexual harassment in workplaces are invisible. NDAs also often prevent the administration of justice, if victim-survivors are deterred from reporting conduct which might amount to a criminal act, such as sexual assault (which is often a part of sexual harassment).

³⁵⁵ The threat of legal action taken under Australia’s onerous defamation laws often prevents women who have experience sexual harassment (or assault) in the workplace from reporting the conduct to law enforcement, housing bodies, employers, and parliamentary bodies, and from being able to access appropriate medical and psychological support. They also prevent the systemic addressing of sexual harassment in the workplace.

³⁵⁶ Relevant disclosures include reports to police and parliamentary inquiries, medical and psychological professionals, employers, housing providers, education providers, workers’ compensation providers, and various services such as Victims’ Services.

³⁵⁷ For example, the ‘Pacific Australian Labour Mobility Scheme’, is a government-to-government program with some 39,000 workers from the Pacific and Timor-Leste nations, has resulted in worker and wage exploitation, prevention of contracts, threats of visa removal by employers, lack of access to health services, superannuation and taxes, and exposure to chemical toxicity, with insufficient protections; Adhikari, A., Anderson, L., & Harrington, M. (2023, December 21). *The PALM scheme: Labour rights for our Pacific partners*. The Australia Institute. <https://australiainstitute.org.au/report/the-palm-scheme/>; Cockayne, J., Kagan, S., & Ng, F. (2024, September 18). *Be our guests: Addressing urgent modern slavery risks for temporary migrant workers in rural and regional New South Wales*. Office of the NSW Anti-slavery Commissioner. https://dcj.nsw.gov.au/documents/legal-and-justice/anti-slavery-commissioner/plans-and-discussion-papers/Be_Our_Guests_-_Addressing_urgent_modern_slavery_risks_for_temporary_migrant_workers_in_rural_and_regional_New_South_Wales.pdf.

³⁵⁸ United Nations Special Rapporteur on contemporary forms of slavery, including its causes and consequences. (2024, November). *Professor Tomoya Obokata Country visit to Australia, 14– 27 November 2024*. United Nations. <https://www.ohchr.org/sites/default/files/documents/issues/slavery/sr/statements/2024-11-27-com-australia-sr-slavery-en.pdf>; Immigration Advice and Rights Centre. (2024, November). *Preventing Migrant Worker Exploitation in Australia: A Report for the United Nations Special Rapporteur on Contemporary Forms of Slavery*. <https://iarc.org.au/wp-content/uploads/2024/11/IARC-Report-for-the-UN-Special-Rapporteur-on-contemporary-forms-of-slavery-November-2024.pdf>. This recommendation is relevant for a variety of workers on temporary visas, including: student visa holders, working holiday makers, employer-sponsored visa holders, and workers participating in the Pacific Australian Labour Mobility (PALM) Scheme.

³⁵⁹ As recommended by the *Report of the Migrant Workers’ Taskforce*, 2019, and accepted by the Government in the same year. See: DEWR. (2019). *Report of the Migrant Workers’ Taskforce*. Australian Government. <https://www.dewr.gov.au/migrant-workers-taskforce/resources/report-migrant-workers-taskforce>.

³⁶⁰ The Strengthening Reporting Protections and Workplace Justice Visa Pilots were introduced on 1 July 2024 to ensure that temporary migrant workers experiencing workplace exploitation could safely pursue claims relating to their exploitation without their visa being cancelled or being required to leave Australia and abandon their claims. A key requirement for workers to receive the benefit of these pilot programs is certification of their workplace exploitation claim by a government agency or an ‘Accredited Third Party’. Presently, there are only three free non-union legal services that are Accredited Third Parties and able to provide employment law advice, in a country where union membership is sitting at 13.1% as of August 2024 (See: Australian Bureau of Statistics. (2024). *Trade union membership, August 2024: Catalogue No. 6335.0*. <https://www.abs.gov.au/statistics/labour/earnings-and-working-conditions/trade-union-membership/latest-release>) and is even lower amongst temporary migrant workers. Until the Australian Government expands the current list of Accredited Third Parties, temporary migrant workers will not benefit from these pilot programs to their fullest extent. Moreover, specialist community legal centres providing free, confidential immigration advice to migrant workers need increased funding to meet rising demand due to the pilots.

³⁶¹ Certain industries rely on temporary migrant workers which is often facilitated through unscrupulous labour hire companies. See *Report of the Migrant Workers' Taskforce Report*, recommendation 14. Labour hire licensing schemes exist in Queensland, Victoria and South Australia to regulate these businesses through reporting and compliance measures. The Australian Government should follow suit and establish a national labour hire regulatory scheme, ensuring all labour hire businesses in Australia are licensed, compliant and held to the same standards.

³⁶² A 2023 study by the Grattan Institute shows that migrant workers in Australia are 40% more likely to be underpaid than non-migrant workers. Workers in Australia, particularly workers from culturally and linguistically diverse backgrounds or on temporary visas, find current legal pathways to recover underpaid wages costly, time consuming, overwhelming or specifically unavailable to certain cohorts of Australian workers who are at greater risk of wage theft and exploitation. (*Report of the Migrant Workers' Taskforce*, 2019).

³⁶³ UN Human Rights Office of the High Commissioner. (2011). The UN Special Rapporteur in Trafficking in Persons, especially Women and Children, concludes her country visit to Australia. United Nations. <https://www.ohchr.org/en/statements-and-speeches/2011/11/un-special-rapporteur-trafficking-persons-especially-women-and-children?LangID=F&NewsID=11664>. See also submissions at: Office of the NSW Anti-Slavery Commissioner. (2025). Modern slavery risks faced by temporary migrant workers in rural and regional NSW. Parliament of New South Wales. <https://www.parliament.nsw.gov.au/committees/inquiries/Pages/inquiry-details.aspx?pk=3079#tab-submissions>.

³⁶⁴ Pacific Islands Forum Secretariat. (2022). *Comprehensive assessment of regional and sub-regional labour mobility arrangements in the Pacific*. https://forumsec.org/sites/default/files/2024-03/Labour_Mobility_Report_Dec2022_FINAL.pdf.

³⁶⁵ South Australia, Western Australia and Tasmania still criminalize many of the actions associated with the normal operation of sex work, resulting in a climate in which the human rights of sex workers can be easily exploited. South Australia still criminalizes the following actions or practices associated with sex work under the *Summary Offences Act 1953* (SA): living on the earnings of prostitution (s 26), being the occupier of a premises 'frequented by prostitutes' (s 21), and being found in a place 'frequented by prostitutes' without reasonable excuse (s 21). Western Australia still criminalizes the following actions or practices associated with sex work, including but not limited to, living off the earnings of sex work, and operating a brothel, whether as owner, tenant, manager or landlord (s 190 of the *Criminal Code Act Compilation Act 1913* (WA). Tasmania still criminalizes owning or managing 'commercial sexual services businesses', s 7 of the *Sex Industry Offences Act 2005* (Tas).

³⁶⁶ *Fair Work Act 2009* (Cth).

³⁶⁷ See Part 3-3, *Fair Work Act 2009* (Cth). Right strike is implied by the ILO Conventions, see, International Labour Organization. (n.d.). *ILO principles concerning the right to strike*. <https://www.ilo.org/publications/ilo-principles-concerning-right-strike-0>; see also, International Labour Organization. (1948). Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87). https://nomlex.ilo.org/dyn/nomlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_ILO_CODE:C087.

³⁶⁸ General protection and unlawful termination provisions in part 3-1, and part 6-4 of *Fair Work Act 2009* (Cth) respectively.

³⁶⁹ See [29] and [2770]: Parliament of Australia. *Fair Work Bill 2008 Explanatory Memorandum*. Australian Government. (2009). https://parlinfo.aph.gov.au/parlInfo/search/display/display.w3p;query=Id%3A%22legislation%2Fems%2F4016_ems_929eaf6c-f4aa-44dc-b9e1-e0a6786a7c7f%22.

³⁷⁰ ILO Convention (No. 111) concerning Discrimination in respect of Employment and Occupation; ILO Convention (No. 156) concerning Equal Opportunities and Equal Treatment for Men and Women Workers: Workers with Family Responsibilities; the Termination of Employment Recommendation, 1982 (Recommendation No. R166).

³⁷¹ See e.g. *Construction Forestry Mining and Energy Union v Endeavour Coal Pty Ltd* [2015] FCAFC 76, in which an employer successfully disaggregated the inconvenience caused by the exercise of a workplace right from the right itself, as a reason for taking adverse action against an employee.

³⁷² See Davidson, H., & Knaus, C. (2025, January 20). Thousands of imports enter Australia from firms blacklisted by US over alleged Uyghur forced labour links. *The Guardian*. <https://www.theguardian.com/world/2025/jan/20/thousands-of-imports-enter-australia-from-companies-blacklisted-by-us-over-claimed-uyghur-forced-labour-links-ntwnfb>; NSW Anti-Slavery Commissioner. (2024). *Be Our Guests: Addressing urgent modern slavery risks for temporary migrant workers in rural and regional New South Wales: Report under section 19(4) of the Modern Slavery Act 2018 (NSW)*. https://dcj.nsw.gov.au/documents/legal-and-justice/anti-slavery-commissioner/plans-and-discussion-papers/Be_Our_Guests_-_Addressing_urgent_modern_slavery_risks_for_temporary_migrant_workers_in_rural_and_regional_New_South_Wales.pdf Bhakoo, V., Boersma, M., Dinshaw, F. et al. (2022). Broken Promises: Two years of corporate reporting under Australia's Modern Slavery Act. <https://www.hrlc.org.au/app/uploads/2025/04/2211-Broken-Promises-Modern-Slavery-Report.pdf> (

³⁷³ See Mejia-Canales, D. (2024). Stop the SLAPP: Protecting Free Speech in Australia. Human Rights Law Centre. <https://static1.squarespace.com/static/580025f66b8f5b2dabbe4291/t/674fea9d7430ab57afe128a2/1733290663301/HRLC+SLAPP+report.pdf>.

³⁷⁴ See Hannam, P. (2024, October 7). Where's the accountability?: Indigenous elders decry 'irreparable' coalmine damage to heritage site. *The Guardian*. <https://www.theguardian.com/australia-news/2024/oct/07/wheres-the-accountability-indigenous-elders-decry-irreparable-coalmine-damage-to-heritage-site>; Milne, P. (2023, September 22). Rio blast threatens Pilbara Indigenous heritage – again. *The Age*. <https://www.smh.com.au/business/companies/rio-blast-threatens-pilbara-indigenous-heritage-again-20230922-p5e6s7.html>; ANTAR. (2025). The destruction of Juukan Gorge. <https://www.antar.org.au/issues/cultural-heritage/the-destruction-of-juukan-gorge/>; Puutu Kuntj Kurrama People and Pinikura People, Submission to the Joint Standing Committee on Northern Australia Inquiry into the Destruction Of 46,000-Year-Old Caves at the Juukan Gorge in the Pilbara Region Of Western Australia, https://www.aph.gov.au/Parliamentary_Business/Committees/Joint/Former_Committees/Northern_Australia_46P/CavesatJuukanGorge/Submissions.

³⁷⁵ See Australian Centre for International Justice and Palestinian Human Rights Organisation Council. (2021, May). Australia's international obligations relating to trade with Israel: Joint NGO submission to the Department of Foreign Affairs Trade. <https://www.dfat.gov.au/sites/default/files/feasibility-study-israel-submissions-acij-and-phroc.pdf>; Publish What You Pay. (2021, March). Military or the People. Who will benefit from Myanmar's offshore gas projects? https://static1.squarespace.com/static/5dfc4510ad88600d53f93358/t/603dadae66cb1e4dc2cea3c4/1614654897372/Final+Brief_PWYP_Offshore+Gas.pdf.

³⁷⁶ See Climate Council of Australia. (2023). Introducing the Dirty Dozen : Australia's filthiest fossil fuel polluters. <https://www.climatecouncil.org.au/wp-content/uploads/2023/02/Climate-Council-Report-Introducing-the-Dirty-Dozen-Feb-2023-1.pdf>.

³⁷⁷ *Native Title Act 1993* (Cth).

³⁷⁸ Strategic Litigation Against Public Participati; Office of the High Commissioner for Human Rights. (2024, October). *Justice is not for sale, says Special Rapporteur*. United Nations. <https://www.ohchr.org/en/press-releases/2024/10/justice-not-sale-says-special-rapporteur>; Mejia-Canales, D. (2024, December 5). *Stop the SLAPP: Protecting Free Speech in Australia*. Human Rights Law Centre. <https://www.hrlc.org.au/app/uploads/2025/04/2412-Stop-The-SLAPP-report.pdf>.

³⁷⁹ See submissions in: Parliament of New South Wales. (2025). *Modern slavery risks faced by temporary migrant workers in rural and regional New South Wales*. <https://www.parliament.nsw.gov.au/committees/inquiries/Pages/inquiry-details.aspx?pk=3079>.

³⁸⁰ Australia's International Development and Humanitarian Policies are underpinned by a rights-based approach. This is reflected in the recently developed International Disability Equity and Rights Strategy (drawing on the Convention on the Rights of Persons with Disabilities), and the International Gender Equity and Rights Strategy (reflecting the Convention on the Elimination of Discrimination Against Women), appointment of an Ambassador for First Nations People and development of a [Guidance Note on Locally-Led Development](#). A planned LGBTQIA+ Human Rights Strategy has not yet been released by DFAT, but is foreshadowed in the International Development Policy.

³⁸¹ Australia's Federal Budget for Financial Year 2025-26 allocated an estimated \$5.097 billion to ODA. This ODA allocation amounts to 0.18% of Australia's Gross National Income (GNI). This is Australia's lowest level of ODA/GNI since the 1961 establishment of the Development Assistance Committee (DAC) of the Organisation for Economic Co-operation and Development (OECD).

³⁸² SDG Target 17.2.

³⁸³ The 2021 DAC [Recommendation on Enabling Civil Society in Development Co-operation and Humanitarian Assistance](#) recognises the importance of civil society organisations to strengthening democracy and the crucial role of states to support civil society organisations, including financially, to safeguard civic space. DAC statistics (see: OECD. (2025). *Statistics based on DAC Members' reporting to the CRS, 2022-2023*. [https://one.oecd.org/document/DCD\(2025\)4/en/pdf](https://one.oecd.org/document/DCD(2025)4/en/pdf)) show that Australian ODA delivered to and through civil society organisations has declined, in real terms, between 2014 and 2023. In 2022 and in 2023: 12% of Australian bilateral ODA was delivered to and through civil society actors. This is behind other actors such as: Belgium (2023: 23%); Canada (2023: 15%); Denmark (2023: 27%); Finland (2023: 19%); Netherlands (2023: 22%); New Zealand (2023: 14%); Norway (2023: 28%); Sweden (2023: 33%); Switzerland (2023: 27%); and United States (2023: 19%).

³⁸⁴ Freedom House, in its 2025 annual report (Freedom House. (2025). *The Uphill Battle to Safeguard Rights*.

<https://freedomhouse.org/report/freedom-world/2025/uphill-battle-to-safeguard-rights>), assesses that global freedom has declined for the 19th consecutive year. This is an assessment that political rights and civil liberties have deteriorated in more countries globally than they have expanded. The report notes that support for civil society, including democracy advocates and human rights defenders, will be essential to preserve freedom and democracy.

³⁸⁵ In 2021, the Observatory on the Universality of Rights (see The Observatory on the Universality of Rights. (2021). *Rights at risk*. https://www.oursplatform.org/wp-content/uploads/1.-RightAtRisk_TimeForAction_June2021-1.pdf) https://www.oursplatform.org/wp-content/uploads/1.-RightAtRisk_TimeForAction_June2021-1.pdf identified that anti-rights actors were growing financial and political power, with a rise in attacks on the rights of migrants, ethnically diverse persons, religious minorities, LGBTQIA+ people, women and impoverished communities.

³⁸⁶ The Aid Worker Security Database (see AWSD. (n.d.) *Aid worker security database* [Dataset]. <https://www.aidworkersecurity.org/>) reports that 384 humanitarian workers were killed in 2024, 147 per cent of the rolling three-year average.

³⁸⁷ In September 2023, Australia, announced the formation of a Ministerial Group for the Protection of Humanitarian Personnel with Jordan, Switzerland, Indonesia, Sierra Leone, the United Kingdom, Japan, Brazil and Colombia (see: Minister for Foreign Affairs. (2024). *Joint statement towards a new declaration for the Protection of Humanitarian Personnel*. <https://www.foreignminister.gov.au/minister/penny-wong/media-release/joint-statement-towards-new-declaration-protection-humanitarian-personnel>). The group aims to champion IHL and drive action to protect humanitarian personnel. This initiative builds on the adoption of UN Security Council Resolution 2730 (May 2024), which aimed to strengthen international commitment to the protection of humanitarian workers.

³⁸⁸ Where humanitarian assistance is impacted by Australian legislation, this may contravene International Humanitarian Law (e.g. Fourth Geneva Convention, Art. 23; Additional Protocol I, Art. 70) by impeding the rapid passage of humanitarian relief.

³⁸⁹ Carve-outs from sanctions and counter-terrorism legislation to facilitate humanitarian action have been adopted by the UN and other states. UN Security Council Resolution 2664 sets out a broad exemption for Member States from UN sanctions, for the purpose of supporting humanitarian action or action that supports basic human needs. Other state jurisdictions have also implemented a variety of different legal carve-outs to their own terrorism and sanctions law to facilitate humanitarian action, including: Canada, the European Union, United Kingdom and the United States (see: Lester, M., & Kane, M. (n.d.) *Charities & NGOs*. Global Sanctions. <https://globalsanctions.com/guidance/charities-ngos/>).