

AUSTRALIA 2015 HUMAN RIGHTS REPORT

EXECUTIVE SUMMARY

Australia is a constitutional democracy with a freely elected federal parliamentary government. In free and fair federal parliamentary elections held in September 2013, the Liberal Party and National Party coalition won a majority in the 150-seat House of Representatives and formed a government with Tony Abbott as prime minister. In September a leadership challenge within the Liberal Party resulted in a change of the prime minister from Tony Abbott to Malcolm Turnbull. Civilian authorities maintained effective control over the security forces.

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

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

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

a. Arbitrary or Unlawful Deprivation of Life

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

b. Disappearance

There were no reports of politically motivated disappearances.

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

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

Prison and Detention Center Conditions

Prison and detention center conditions generally met international standards.

Physical Conditions: In June the Australian Institute of Criminology reported 53 deaths in prison between July 1, 2012 and June 30, 2013. Of the 53 deaths, 32 were from natural causes, nine from hanging, five from external/multiple trauma, one from head injury, one from drugs, and one from other/multiple causes. The report excluded four cases due to missing data.

According to the Productivity Commission's *Report on Government Services 2014*, in 2012-13 prison utilization was 96 percent of prison design capacity. In August the Western Australian Inspector of Custodial Services reported Bunbury Regional Prison was "operating well" although there had been cases of overcrowding that were "inappropriate and inhumane."

As of July 31, there were 2,015 persons in immigration detention facilities in the country, including 173 on Christmas Island. As part of the government's Operation Sovereign Borders (OSB), a multi-agency initiative launched in 2013 aimed at preventing the arrival of asylum seekers by boat, the governments of Papua New Guinea and Nauru operated immigration detention centers on behalf of the Australian government, at which intercepted asylum seekers had their applications processed by the Nauruan government. As of July 31, there were 942 asylum seekers on Nauru and 637 on Papua New Guinea's Manus Island. In February an Immigration Department-commissioned inquiry reported on allegations relating to the detention center on Nauru. The immigration minister said, "It outlines some very disturbing matters including drug dealing, sexual assault, and rape." He said many of the cases were under investigation by the Nauruan Police, the Immigration Department, service providers at the detention center, and the Australian Federal Police (AFP). The minister said the department accepted and responded to the inquiry's 19 recommendations. In May the minister said, "The department and the government are committed to supporting the Nauru government in providing a safe environment for all asylum seekers and refugees in Nauru, and particularly women and children." He added that the department had established a Child Protection Panel to provide independent advice on child protection in immigration detention and that four additional AFP officers travelled to Nauru to advise local police.

In October, Australian media reported that authorities transferred a female detainee from Nauru to Sydney for medical treatment. She was reportedly one of two Somali women who alleged they were raped at the Nauru detention center. Media

claimed she came to Sydney for an abortion, a procedure that is illegal in Nauru. Authorities returned her to Nauru on October 16 after she decided not to have an abortion, according to the government. The immigration minister told media on October 28, however, that the woman would return to Australia for treatment. In July media reported an Afghan man died of a suspected heart attack at an immigration detention center in Western Australia. On November 8, an Iranian man was found dead on Christmas Island after escaping from the Australian-run immigration detention center. The immigration department said the coroner was investigating the matter.

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

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

d. Arbitrary Arrest or Detention

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

Role of the Police and Security Apparatus

The armed forces, under the minister for defense, are responsible for external security. The AFP--under the minister for justice--and state and territorial police forces are responsible for internal security. The AFP enforces national laws, and state and territorial police forces enforce state and territorial laws. The Department of Immigration and Border Protection and the Australian Border Force are responsible for migration and border enforcement. Civilian authorities maintained effective control over the armed forces and police, and the government had effective mechanisms to investigate and punish abuse and corruption. There were no reports of impunity involving the security forces during the year.

Arrest Procedures and Treatment of Detainees

Police officers may seek an arrest warrant from a magistrate when a suspect cannot be located or fails to appear, but they also may arrest a person without a warrant if

there are reasonable grounds to believe the person committed an offense. Police must inform arrested persons immediately of their legal rights and the grounds for their arrest, and arrested persons must be brought before a magistrate for a bail hearing at the next session of the court. The law permits police to hold individuals in preventive detention without charge for up to 48 hours under federal law and up to 14 days under state and territory laws if a senior police official finds it is “reasonably necessary to prevent a terrorist act or preserve evidence of such an act.” Police may detain individuals for an additional 24 hours under court order. Authorities detained 15 persons during September 2014 counterterrorism raids in Sydney and used preventive detention orders for the first time to hold three suspects for approximately 36 hours. Following an April counterterrorism raid in Melbourne, police charged a man and held him in custody under a preventive detention order. Authorities released him in August.

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

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

The law permits a judge to authorize “control orders” on individuals suspected of involvement with terrorism-related activities. These orders may include a range of measures, such as monitoring of suspects and house arrest, and may be in effect for up to one year without filing criminal charges. If a control order remains warranted after one year, a new court order must be sought.

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

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

Some individuals in the state of South Australia found not guilty of crimes by reason of mental impairment were imprisoned, rather than confined in mental health facilities in compliance with court orders. South Australia's public advocate criticized in the media the state government for not providing adequate facilities and care for forensic mental health patients, resulting in mental health patients being held in prisons. The South Australia principal community visitor, who is part of an independent statutory organization responsible for visiting and inspecting mental health facilities, stated that some forensic patients were held for years in correctional facilities in the absence of guilty findings. In one case in South Australia, an individual who was tried and found not guilty by reason of mental impairment was imprisoned for more than six years in a maximum security prison, with the majority of the time spent in isolation. In this instance, there was insufficient access to appropriate mental health care and extensive use of solitary confinement.

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

e. Denial of Fair Public Trial

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

Trial Procedures

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

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

Political Prisoners and Detainees

There were no reports of political prisoners or detainees.

Civil Judicial Procedures and Remedies

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

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

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

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

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

Internet Freedom

The government did not restrict or disrupt access to the internet or censor online content, and there were no credible reports the government monitored private online communications without appropriate legal authority. The internet was

widely available to and used by citizens. In February 2014 the Australia Bureau of Statistics (ABS) reported that 83 percent of households had access to the internet at home. In addition, 96 percent of households with children younger than 15 years had access to the internet at home.

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

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

Academic Freedom and Cultural Events

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

b. Freedom of Peaceful Assembly and Association

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

c. Freedom of Religion

See the Department of State’s *International Religious Freedom Report* at www.state.gov/religiousfreedomreport/.

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

The law provides for freedom of internal movement, foreign travel, emigration, and repatriation, and the government generally respected these rights. The government cooperated with the Office of the United Nations High Commissioner for Refugees (UNHCR) and other humanitarian organizations in providing protection and assistance to internally displaced persons, refugees, returning refugees, asylum seekers, stateless persons, or other persons of concern.

Protection of Refugees

The government maintains a humanitarian refugee program that includes several types of visas available to refugees for resettlement in the country. UNHCR identifies and refers the majority of applicants considered under the program. For the fiscal year that began on July 1, the intake remained at 13,750. In 2015-16 at least 1,000 places were reserved for women at risk and at least 1,500 for Syrians. On September 10, the government announced it would accept an additional 12,000 refugees from Syria and Iraq for permanent resettlement, in addition to the annual refugee intake of 13,750.

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

The number of asylum seekers arriving by sea significantly increased between 2008 and 2013, putting pressure on detention center capacity, processing times, and the capacity of the humanitarian refugee program. In the 2012-13 fiscal year, the government recorded 25,750 such arrivals. According to the government, 28,890 persons resided in the community while authorities assessed their visa applications, as of July 31. The country retained third-party processing of asylum seekers in Nauru or in Papua New Guinea for asylum seekers that arrived after July 19, 2013. Authorities continued their policy of not settling those arrivals in the country and forced intercepted boats carrying smuggled persons back into the territorial waters of their country of embarkation when safe to do so. Since OSB's inception, there were 2,125 transfers to Nauru and Papua New Guinea's Manus Island as of June 30. In August the immigration minister reported that authorities had turned back 20 boats transporting asylum seekers since OSB commenced operation.

The law authorizes the immigration minister to designate a country as a regional offshore processing center, if the minister determines it is in the national interest to do so, and requires the minister to notify parliament, which may then disapprove the proposed designation within five working days of notification. The law states

that such a designation “need not be limited by reference to the international obligations or domestic law of that country.” Under the government’s policy on asylum processing for unauthorized maritime arrivals, asylum seekers transferred to third countries for regional processing have their asylum claims assessed by the country in which the claim is processed.

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

In July 2014 a Customs Department vessel detained for four weeks a group of 157 Tamil asylum seekers from a boat smuggling persons that originated in India at sea while the government discussed their status with Indian government officials. Authorities eventually transferred the asylum seekers to an onshore processing facility in Western Australia. After the asylum seekers refused to meet with Indian consular officials to determine their nationality and claims, authorities sent them to the offshore processing facility in Nauru. In January the High Court ruled this was legal under the Commonwealth Maritime Powers Act. On March 20, authorities intercepted a vessel carrying 46 Vietnamese and transferred its occupants to an Australian ship. After assessment, authorities returned them to Vietnam on April 18.

In December 2014 parliament passed the Migration and Maritime Powers Legislation Amendment (Resolving the Asylum Legacy Caseload) Bill 2014, which the government stated “fundamentally changes Australia’s approach to managing asylum seekers” and was partly aimed at addressing the “backlog” of approximately 30,000 applications for asylum. The legislation provided additional

clarity and consistency in the powers to detain and move vessels and persons, including in relation to the Maritime Powers Act; introduced three-year temporary protection visas (TPV) for those who arrived between August 13, 2012 and December 31, 2013; and introduced a “fast-track” assessment process for those who arrived between August 13, 2012 and December 31, 2013. It also established a Safe Haven Enterprise Visa (SHEV) that enabled TPV holders to apply for a five-year visa to work in non-metropolitan areas. After holding a SHEV for three and a half years, an applicant would be eligible to apply for other onshore visas, such as a permanent skilled visa.

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

In August 2014 there were 194 people who had been in immigration detention for two or more years compared with 399 in 2013.

The number of children (younger than 18 years) in immigration detention in country fell from 1,392 in 2013 to 118 in July. There were 87 children on Nauru and none on Manus Island. In August 2014 the government announced arrangements to enable more minors to reside in the community while authorities processed their applications.

In March the UN special rapporteur on torture and other cruel, inhuman, or degrading treatment or punishment criticized the government’s asylum seeker policies based on allegations made in 2014 of indefinite detention of asylum seekers, poor detention conditions, alleged detention of children, and escalating violence and tension at the Manus Island detention center. The immigration minister rejected the claim of the rapporteur that the treatment of asylum seekers in detention breached international conventions. He said, “Australia is meeting all its international obligations and with other regional nations provides a range of services to people who have attempted to enter Australia illegally.” The prime minister said, “The most humanitarian, the most decent, the most compassionate thing you can do is stop these boats because hundreds, we think about 1,200 in fact, drowned at sea during the flourishing of the people smuggling trade under the former government.”

In September the UN special rapporteur on the human rights of migrants postponed a visit, at the invitation of the Australian government, to immigration detention

centers in the country and on Nauru and Papua New Guinea. He said, “The 2015 Border Force Act, which sanctions detention center service providers who disclose ‘protected information’ with a two-year court sentence, would have an impact on my visit as it serves to discourage people from fully disclosing information relevant to my mandate.” In response the government stated that access to offshore processing centers was the responsibility of host countries and the government had “accommodated to the fullest extent possible the requests of the office of the special rapporteur as it has with past visits.”

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

Section 3. Freedom to Participate in the Political Process

The constitution and law provide citizens the ability to change their government through free and fair periodic elections based on universal and equal suffrage, and mandatory voting, and citizens exercised this ability.

Elections and Political Participation

Recent Elections: The country held free and fair federal parliamentary elections in September 2013. The Liberal-National Party Coalition defeated the Labor government, and Tony Abbott replaced Kevin Rudd as prime minister. The coalition won 90 seats in the 150-seat House of Representatives, the Labor Party 55, and others five. In September a leadership challenge within the Liberal Party resulted in a change of the prime minister from Tony Abbott to Malcolm Turnbull. Prime Minister Turnbull reshuffled ministerial portfolios and named a new cabinet following the leadership change.

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

Indigenous persons and other minorities generally were underrepresented among the political leadership relative to their share of the population. In 2010 voters elected an indigenous person to the federal House of Representatives for the first time; voters elected the first indigenous woman to the Senate in 2013. With an

indigenous woman sworn into the Senate in June, there were three indigenous persons serving in the federal parliament. In September the prime minister named an indigenous member of parliament as the assistant minister for health, making him the first indigenous person on the parliamentary front bench. There were two indigenous persons in the Western Australia state parliament and six in the Northern Territory legislative assembly, which included the Northern Territory's chief minister and the first indigenous state-level head of government. The Tasmania and New South Wales state parliaments and the Australian Capital Territory legislative assembly each had one indigenous member.

Section 4. Corruption and Lack of Transparency in Government

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

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

Northern Territory Police Commissioner John McRoberts resigned in January following allegations he interfered in a criminal investigation of a travel agent who had allegedly committed fraud in handling a government travel program. The Northern Territory Public Interest Disclosure Commission recommended the AFP investigate McRoberts' actions as a criminal matter, and the AFP was investigating as of November.

Financial Disclosure: The law requires all federal, state, and territory elected officials to report their financial interests. Failure to do so could result in a finding of contempt of parliament and a possible fine or jail sentence. Federal officeholders must report their financial interests to a Register of Pecuniary Interests, and the report made public within 28 days of the individual's assumption of office. In August federal house speaker Bronwyn Bishop resigned following controversy over taxpayer-funded travel to attend political party fundraising events.

Public Access to Information: Federal, state, and territorial governments have freedom-of-information (FOI) laws that provide the public access to government

information. The federal government does not charge application fees, but some state and territorial governments charge application and processing fees.

Government information may be exempted from disclosure to protect essential public interests or the private or business affairs of others. An applicant, including foreign media, may appeal a government decision to deny a request for information to the quasi-legal AAT. An adverse AAT decision may be appealed to the Federal Court. FOI laws, including appeal mechanisms, generally functioned effectively. A FOI commissioner is responsible for promoting and protecting information rights.

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

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

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

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

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

Federal laws prohibit discrimination based on race, sex, religion, political opinion, national origin or citizenship, social origin, disability, sexual orientation and/or gender identity, age, language, HIV-positive status, or other communicable diseases. An independent judiciary and a network of federal, state, and territorial equal opportunity offices effectively enforced antidiscrimination laws.

Women

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

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

According to the 2012 ABS Personal Safety Survey (the latest available), an estimated 41 percent of women 18 years and older had experienced some form of violence after attaining 15 years, and 19 percent had experienced sexual violence after attaining 15 years. The ABS reported that during 2014 police recorded 20,677 cases of sexual assault, of which 80 percent of the victims were women. Two-thirds of sexual assaults occurred in a residential location.

As of mid-September, 63 women and children died as a result of domestic violence. In its first major policy initiative, the new government under Prime Minister Turnbull on September 24 announced a policy package of A\$100 million (\$71 million) to address the threat of domestic violence, particularly against women. Federal and state governments funded programs to combat domestic violence and provide support for victims, including funding for numerous women's shelters. Police received training in responding to domestic violence. Federal, state, and territorial governments collaborated on the National Plan to Reduce Violence Against Women and their Children 2010-22, the first effort to coordinate action at all levels of government to reduce violence against women.

Following the highly publicized murder of an 11-year-old boy by his father, the state government of Victoria announced a Royal Commission into Family Violence in February.

Female Genital Mutilation/Cutting (FGM/C): FGM/C is a criminal act in all states and territories of the country, and these laws apply extraterritorially to protect citizens or residents from being subjected to FGM/C overseas. On November 13, media reported that a jury had found a mother guilty of FGM/C of her two daughters during ceremonies in Wollongong and Sydney between 2009 and 2012. Another woman was also found guilty and a sheikh was found guilty after the fact. Sentencing was scheduled for February 5, 2016. It was the country's first FGM/C

trial. In 2013 the government held a national summit on FGM/C and subsequently announced a National Compact on Female Genital Mutilation. In 2013 the government announced it would provide A\$1 million (\$710,000) for 15 new projects aimed at ending FGM/C among Australians whether they lived domestically or abroad.

Sexual Harassment: The law prohibits sexual harassment. Complaints of sexual harassment can lead to criminal proceedings or disciplinary action against the defendant and compensation claims by the plaintiff. Complaints of sexual harassment as well as sex discrimination may be submitted to the HRC. The HRC received 222 complaints of sexual harassment from July 2013 to June 2014; separate statistics on resolution of harassment complaints were not available.

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

Discrimination: The law provided for the same legal status and rights for women as for men, including under laws related to family, labor, property, nationality, and inheritance, as well as employment, credit, pay, owning and/or managing businesses, education, and housing. Employment discrimination against women occurred, and there was a much-publicized “gender pay gap” (see section 7.d.). The HRC received 474 complaints under the Sex Discrimination Act from July 2013 to June 2014, including 382 from women. Of the 451 finalized complaints, 251 were resolved through conciliation, 88 were discontinued or withdrawn, 82 were terminated, and 30 were administratively closed. Of the 499 complaints received by area (some complaints had multiple areas), 80 percent related to employment and 15 percent to goods, services, and facilities.

There were highly organized and effective public and private women’s rights organizations at the federal, state, and local levels. The federal sex discrimination commissioner of the HRC undertakes research, formulates policy, and conducts

educational work designed to eliminate gender discrimination. The Office for Women, under the Department of the Prime Minister and Cabinet, focuses on reducing violence against women, promoting women's economic security, and enhancing the status of women.

Children

Birth Registration: Citizenship is not derived by birth in the country. Children are citizens if at least one parent is a citizen or permanent resident at the time of the child's birth. Children born in the country to parents who are not citizens or permanent residents acquire citizenship on their 10th birthday if they lived most of their life in the country. Births generally were registered promptly.

Child Abuse: State and territorial child protection agencies investigate and initiate prosecutions of persons for child neglect or abuse. All states and territories have laws or guidelines that require members of certain designated professions to report suspected child abuse or neglect. The federal government's role in the prevention of child abuse includes funding for research, carrying out education campaigns, developing action plans against commercial exploitation of children, and funding community-based parenting programs. The federal government's Royal Commission into Institutional Responses to Child Sexual Abuse released an interim report in June 2014 that included the personal stories of 150 abused people, and on August 17, the commission released recommendations on what institutions and governments should do to protect children better against sexual abuse. It continued to conduct hearings during the year. In January the National Australia Day Council, a government-owned social enterprise, named a campaigner against family violence the "2015 Australian of the Year."

According to the Australian Institute of Health and Welfare, a national agency that maintains health statistics and information, there were 40,844 children in substantiated abuse or neglect cases during the 2013-14 fiscal year. This represented 7.8 per 1,000 children younger than 18 years, the same as in 2012-13. The rate of Aboriginal and Torres Strait Islander children on care and protection orders was nine times greater than the nonindigenous rate.

Early and Forced Marriage: The legal minimum age of marriage is 18 for both boys and girls. A person between 16 and 18 years may apply to a judge or magistrate in a state or territory for an order authorizing marriage to a person who has attained 18 years, but the marriage of the minor still requires parental or guardian consent. Two persons younger than 18 years may not marry each other.

While no statistics were available, reports of marriages involving a person younger than 18 years were rare.

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

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

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

All states and territories criminalize the possession, production, and distribution of child pornography. In New South Wales, however, the law prohibiting child abuse material, including child pornography applies only to children younger than 16 years, and in South Australia the law prohibiting child exploitation material, including child pornography, only applies to children younger than 17 years. Maximum penalties for these offenses range from four to 21 years' imprisonment. Federal laws criminalize using a "carriage service" (for example, the internet) for the purpose of possessing, producing, and supplying child pornography. The maximum penalty for these offenses is 10 years' imprisonment, a fine of A\$275,000 (\$240,400), or both. Federal law allows suspected pedophiles to be tried in the country regardless of where the crime was committed. The AFP worked with its international partners to identify and charge persons involved in online exploitation of children.

The government largely continued federal emergency intervention measures initiated in 2007 to combat child sexual abuse in Aboriginal communities in the Northern Territory. These measures included emergency bans on sales of alcohol and pornography, restrictions on the payment of welfare benefits in cash, linkage

of support payments to school attendance, and medical examinations for all indigenous children younger than 16 years in the Northern Territory. In 2012 parliament extended most of these interventions through 2022.

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

International Child Abductions: The country is a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. For information see the Department of State's report on compliance at travel.state.gov/content/childabduction/en/legal/compliance.html, as well as country-specific information at travel.state.gov/content/childabduction/en/australia.html.

Anti-Semitism

According to the 2011 census, the country's Jewish community numbered 97,300 persons. During the 12-month period ending in September 2014, the nongovernmental Executive Council of Australian Jewry reported 312 anti-Semitic incidents logged by the council, Jewish community umbrella groups in each state and the Australian Capital Territory, and community security groups. These incidents included vandalism, harassment, and physical and verbal assaults, such as pelting Jewish persons walking to and from synagogues with eggs.

Trafficking in Persons

See the Department of State's *Trafficking in Persons Report* at www.state.gov/j/tip/rls/tiprpt/.

Persons with Disabilities

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

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

Schools are required to comply with the Disability Discrimination Act, and children with disabilities generally attended school. The federal government's Better Start for Children with Disability initiative provided up to A\$12,000 (\$10,490) per person for early intervention services and treatment for eligible children with disabilities. The government also cooperated with state and territorial governments that ran programs to assist students with disabilities. The 2015 budget increased federal funding for students with a disability to a record A\$1.3 billion (\$923 million) for 2015-16 and more than A\$5 billion (\$3.55 billion) over 2014-17. The government announced a National Consistent Collection of Data on School Students with Disability so that all students with disability would be funded on the same basis.

The HRC's annual report stated that 830 complaints, citing 973 alleged grounds of discrimination, were filed under the Disability Discrimination Act from July 2013 to June 2014. Of these, 33 percent related to employment, and 39 percent involved the provision of goods and services (also see Section 7.d.). The HRC resolved 796 complaints during the period, including 404 through conciliation.

In 2013 the government launched the National Disability Insurance Scheme (NDIS), a national disability insurance program and allocated A\$14.3 billion (\$12.5 billion) more than seven years to the program. As of June there were eight NDIS trial sites and almost 20,000 insured persons.

National/Racial/Ethnic Minorities

According to its annual report, the HRC received 500 complaints under the Racial Discrimination Act from July 2013 to June 2014, citing 956 alleged grounds of discrimination. Of these, 37 percent involved employment, 29 percent involved provision of goods and services, and 24 percent alleged "racial hatred." The HRC reported resolution of 443 complaints, including 209 through conciliation (see section 7.d.).

Indigenous People

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

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

The Indigenous Land Corporation has a special account of A\$1 billion (\$710 million) that provides a continuing source of funds for indigenous persons to acquire or manage land for the benefit of indigenous persons. It receives a minimum annual payment of A\$45 million (\$32 million) from the federal government. It is separate from the National Native Title Tribunal and is not for payment of compensation to indigenous persons for loss of land or to titleholders for return of land to indigenous persons.

As part of the intervention to address child sexual abuse in Northern Territory indigenous communities (see section 6, Children), in 2007 the government took control of 64 indigenous communities through five-year land leases. The federal government's Stronger Futures in the Northern Territory plan begun in 2012 repealed the emergency response and provided for negotiation of voluntary long-term leases. The Indigenous Advancement Strategy administered by the Department of Prime Minister and Cabinet, which began in July 2014, allocated indigenous-specific federal funding of A\$4.9 billion (\$3.48 billion) for a period of four years. Additionally, authorities allocated A\$3.7 billion (\$2.63 billion) through National Partnership Agreements, Special Accounts, and Special Appropriations. Funding was also available through indigenous-specific and mainstream programs delivered by other agencies.

In 2013 parliament unanimously passed an act of recognition intended to build momentum for a future referendum for constitutional recognition of indigenous people. The new government supported constitutional recognition of indigenous

people and was working toward a referendum to achieve this aim. The portfolio of indigenous affairs had cabinet-level status, and indigenous policy coordination shifted to the Department of Prime Minister and Cabinet. The prime minister maintained his commitment to spend time each year living in an indigenous community and spent a week in several remote indigenous communities in northern Queensland in September.

Since 2008 the prime minister has reported to parliament the government's progress on eliminating indigenous inequalities at the beginning of each year. In February the prime minister said, "We are not on track to achieve most of the targets," notwithstanding some improvements in education, health and mortality outcomes.

According to the ABS, as of March the rate of imprisonment for Aboriginal and Torres Strait Islander individuals was 12 times higher than the overall imprisonment rate, and Aboriginal and Torres Strait Islander prisoners represented 28 percent of the full-time adult prisoner population. According to the Australian Institute of Health and Welfare, life expectancy for indigenous men was an estimated 69.1 years, compared with 79.7 years for nonindigenous men; life expectancy for indigenous women was an estimated 73.7 years, compared with 83.1 years for nonindigenous women; and the indigenous unemployment rate was 16 percent, compared with approximately 5 percent for the nonindigenous population.

The Productivity Commission's *2012 Indigenous Expenditure Report* estimated that total direct indigenous expenditure in 2010-11 was A\$25.4 billion (\$18 billion). This resulted in expenditures of A\$44,128 (\$31,330) per indigenous citizen, compared with A\$19,589 (\$13,900) for other citizens. The report found the difference was due to "greater intensity of service use" and "additional costs of providing services."

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

In November 2014 the Western Australia government announced a plan to stop providing government services to between 100 and 150 remote indigenous communities. This led to protests in several cities in other states and commitment by the state government to reconsider its plan.

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

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

The HRC received 35 complaints of discrimination based on sexual orientation from July 2013 through June 2014. Information on resolution of the complaints was not available.

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

In September 2014 Victoria and New South Wales passed laws to expunge convictions related to consensual sex between men.

Other Societal Violence or Discrimination

In February media reported that vandals sprayed graffiti on the walls of a Perth mosque.

In June 2014 construction approval for a mosque in the regional Victorian town of Bendigo caused multiple demonstrations targeting the local council. Opposing political activist groups also demonstrated at several Melbourne rallies during the year, requiring a significant police presence.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining

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

A union may represent an employee only if the employee is eligible to become a member of that union. Union officials have the right to enter workplaces if they hold right-of-entry permits granted by the Fair Work Commission (FWC). Written notice is generally required to enter a workplace and should be provided no less than 24 hours and no more than 14 days before the proposed visit. Eligibility to enter premises is dependent on whether a union covers the work of a particular employee.

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

The law restricts strikes to the period when unions are negotiating a new enterprise agreement and specifies that strikes must concern matters under negotiation. This is known as “protected action.” Protected action provides employers, employees, and unions with legal immunity from claims of losses incurred by industrial action. The deadline to file an unfair dismissal claim is 21 days, and the time to file a general protections claim is 21 days. Industrial action must be authorized by a secret ballot of employees; unions continued to raise concerns this requirement was unduly time consuming and expensive to implement. The law subjects strikers to penalties for taking industrial action during the life of an agreement and prohibits secondary action (e.g., a sympathy strike). The law permits the government to stop strikes judged to have “significant economic harm” to the employer or third parties. Some provinces have further restrictions. For example, in New South

Wales, registration of a union may be canceled if the government makes a proclamation or calls a state of emergency concerning an essential service and the “industrial organization whose members are engaged in providing the essential service has, by its executive, members, or otherwise, engaged in activities which are contrary to the public interest.”

The government effectively enforced applicable laws, including federal, state, and territorial laws, regulations, and statutory instruments. Under the Fair Work Act, penalties for violations of freedom of association and collective bargaining protections include fines of up to A\$10,800 (\$7,670) for an individual and A\$54,000 (\$38,340) for a corporation and were generally sufficient to deter violations. The FWC is the national independent industrial relations management institution. Its functions include facilitating dispute resolution. If there is a dispute, the FWC convenes a conference between parties to facilitate a resolution. If the conference is unsuccessful, the parties may elect the FWC to arbitrate the dispute, or the applicant may pursue a ruling by a federal court. An applicant may also pursue a court ruling if one or both parties do not agree to participate in the FWC conference. There were no reports such processes were subject to lengthy delays or appeals.

Freedom of association and collective bargaining were generally respected. The ITUC reported some instances of employers refusing to bargain with the representative union as well as of an employer failing to meet its obligations to negotiate in good faith. In March, for instance, the FWC found that a company’s refusal to meet with a union to continue negotiations was a breach of the company’s good-faith obligations and ordered the company to meet with the union and provide a “genuine proposal.”

b. Prohibition of Forced or Compulsory Labor

The law prohibits all forms of forced or compulsory labor.

The government effectively enforced applicable laws. The law provides for sufficiently stringent penalties against forced labor commensurate with those prescribed for other serious crimes. Federal law includes specific prohibitions of forced labor and prescribed a maximum penalty of nine years’ imprisonment for the offense. The law prohibits exploiting migrant employees through forced labor, sexual servitude, or slavery, and prescribes a maximum penalty of five years’ imprisonment and various fines. In May, following a media report of labor exploitation in the agricultural sector, the assistant immigration minister

announced that the department was investigating the employment of 417 visa holders by on-hire labor firms. The investigation continued as of December.

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

Also see the Department of State's *Trafficking in Persons Report* at www.state.gov/j/tip/rls/tiprpt/.

c. Prohibition of Child Labor and Minimum Age for Employment

There is no federally mandated minimum age of employment. The Australian Capital Territory, Victoria, and Western Australia established 15 years as the minimum age for work. Queensland established the minimum age as 13 years, and New South Wales, the Northern Territory, South Australia, and Tasmania have no established minimum age for work. With the exception of Victoria, all states and territories have established 18 years as the minimum age for hazardous work. There are laws and regulations pertaining to hazardous work across sectors. For example, under the 1994 Western Australia Mines Safety and Inspection Act an underground employee must not be younger than 18 years unless he or she is an apprentice or a cadet who is working underground to gain required experience in the course of training for a profession or trade; a person handling, charging or firing explosives must not be younger than 18 years; a person must be at least age 21 years to obtain a winding engine driver's certificate.

Federal, state, and territorial governments effectively monitored and enforced laws, which varied among jurisdictions, governing the minimum age for leaving school and engaging in specified occupations. The Australian Council of Trade Unions also monitored adherence to these laws. Penalties for violations of related laws included fines, and were sufficient to deter violations. For example, in Western Australia penalties can be imposed on the employer and parent if they allow a child to: perform work that is not allowed or work outside the allowed hours for their age (maximum fine of A\$24,000 (\$17,040), or a maximum of A\$120,000 (\$85,200) for an incorporated employer); perform in an indecent or pornographic manner (maximum of 10 years' imprisonment); continue to work after the Department for Child Protection and Family Support has issued a notice for the employment to cease because the work is harmful to the child (maximum imprisonment of three years and a maximum fine of A\$36,000 (\$25,560), or A\$180,000 (\$127,800) for an incorporated employer). The Office of the Fair

Work Ombudsman (FWO) actively sought to educate young workers about their rights and responsibilities.

State-imposed compulsory educational requirements, enforced by state educational authorities, effectively prevented most children from joining the workforce full time until they reached seven years. Although some violations of these laws occurred, there was no indication of a child labor problem in any specific sector. There were some reports of commercial sexual exploitation of children (see section 6, Children).

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

d. Discrimination with Respect to Employment or Occupation

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

The law requires organizations with 100 or more employees to establish a workplace program to remove barriers to women entering and advancing in their organization. The law also prohibits discrimination against employees on the basis of family responsibilities, including breastfeeding, and requires equal pay for equal work. In 2014 the government instituted changes to the Disability Support Pension to encourage persons with disabilities to enter the workforce when they have a capacity to do so, including compulsory workforce activities for individuals younger than five years who can work for more than eight hours per week.

The government effectively enforced laws prohibiting employment discrimination, and penalties are sufficient to deter violations. Under the law the maximum penalty for contravention of the unlawful discrimination protections is A\$54,000 (\$38,340) per contravention for a corporation and A\$10,800 (\$7,670) per contravention for an individual.

Employment discrimination against women occurred, particularly with regard to pay. According to the government's Workplace Gender Equality Agency, the full-time gender pay gap was 17.9 percent in May.

Persons with disabilities also faced employment discrimination. In August a court awarded A\$170,000 (\$120,700) compensation to a woman diagnosed with Crohn's Disease after finding Corrective Services New South Wales failed to make "reasonable adjustments" to her work duties. During the year the government established the Business Services Wage Assessment Tool (BSWAT) Payment Scheme in response to a 2012 finding by the Federal Court that the BSWAT itself indirectly discriminated against employees with an intellectual disability. The government established the scheme to provide additional payment to eligible employees in certain circumstances for their previous work.

e. Acceptable Conditions of Work

Effective July 1, the FWC increased the national minimum wage for adults working full time (38 hours per week) by 2.5 percent, to A\$656.90 (\$466.40), based on a minimum hourly rate of A\$17.29 (\$12.28). There was no official poverty-level income figure, but the minimum wage, combined with welfare payments, was intended to provide a decent standard of living for a worker and family. Above-minimum-wage classifications apply to certain trades and professions.

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

Federal or state occupational health and safety laws apply to every workplace, including in the informal sector. New South Wales, the Northern Territory, Queensland, South Australia, the Australian Capital Territory, and the federal government have "harmonized" occupational health and safety laws with an aim to make it easier for workers and businesses to understand requirements across different states and territories. Workers can remove themselves from situations that endangered health or safety without jeopardy to their employment, and authorities effectively protected employees in this situation. The law includes an

antibullying provision that enables workers who are bullied at work to apply to the FWC for an order to stop the bullying. The law also enables workers who are pregnant to transfer to a safe job regardless of their time in employment.

The government effectively enforced laws related to minimum wage, hours of work, and occupational safety and health. The FWO provides employers and employees advice on their rights and has authority to investigate employers alleged to have exploited employees unlawfully. The ombudsperson also has authority to prosecute employers who do not meet their obligations to workers. FWO inspectors may enter work sites if they reasonably believe it is necessary to ensure compliance with the Fair Work Act. The number of FWO inspectors, 300, was sufficient to enforce compliance. Employers can be ordered to compensate employees and are sometimes assessed fines. Between July 2013 and June 2014, the FWO recovered more than A\$23 million (\$16.3 million) on behalf of 15,483 employees. In June FWO stated that workers in restaurants, cafes, and catering companies were underpaid A\$1.2 million (\$852,000) following spot checks of 1,066 employers. Only 42 percent were fully compliant with their workplace obligations; the majority of violations related to wage entitlements.

Workers exercised their right to a safe workplace and had recourse to state health and safety commissions, which investigate complaints and order remedial action. Each state and territory effectively enforced its occupational health and safety laws through dedicated bodies that have powers to obtain and initiate prosecutions, and unions used right-of-entry permits to investigate concerns. In New South Wales, for example, an individual can be sentenced a maximum of five years' imprisonment and/or receive a maximum fine of A\$300,000 (\$213,200), and a business can be fined up to A\$3 million (\$2.13 million) for exposing an individual to serious injury or illness. On March 25, following a New South Wales investigation, a company was convicted and fined \$A250,000 (\$177,500) following the February 2013 death of a worker run over by a front-end loader inside a grain-storage bunker.

Although a formal minimum wage exists, most workers received higher wages through enterprise agreements or individual contracts. As of July the ABS reported approximately 3.64 million persons (31 percent of the workforce) were employed as part-time workers, of whom 69 percent were women. Temporary workers include both part-time and casual employees. Part-time employees have set hours and the same entitlements as full-time employees. Casual employees are employed on a daily or hourly wage basis. They do not receive paid annual or sick leave, but the law mandates they receive additional pay to compensate for this,

which employers generally respected. Migrant worker visas require that employers respect employer contributions to retirement funds and provide bonds to cover health insurance, worker's compensation insurance, unemployment insurance, and other benefits.

There were reports some individuals under "457" employer-sponsored, skilled-worker visas were paid less than the market rate and used as less expensive substitutes for citizen workers. In March the government stated it would increase monitoring of "457" sponsors, increase flexibility for the English language requirement, and increase information sharing among government agencies, particularly the Australian Tax Office. As part of these efforts, for example, authorities ordered a Darwin company to pay a total of A\$335,017 (\$237,860) in fines and reimbursements in relation to the breaching of sponsorship obligations and underpayment of Filipino workers. Employers must undertake "labor market testing" before attempting to sponsor "457" visas; government policy prohibits positions from being nominated under the "457" program when the market rate annual salary is less than A\$53,900 (\$38,270).

According to Safe Work Australia, the government agency responsible to develop and coordinate national workplace health and safety policy, 97 workers died while working, as of August 12. Of these, 31 fatalities were in the transport, postal, and warehousing sector; 24 in the agriculture, forestry, and fishing sector; and 11 in construction.