

Australia 2024 Human Rights Report

Executive Summary

There were no significant changes in the human rights situation in Australia during the year.

There were no reports of significant human rights abuses.

The government took credible steps to identify and punish officials who committed human rights abuses.

Section 1. Life

a. Extrajudicial Killings

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

b. Coercion in Population Control

There were no reports of coerced abortion or involuntary sterilization on the part of government authorities.

Section 2. Liberty

a. Freedom of the Press

Although the constitution did not explicitly provide for freedom of speech, including for members of the press and other media, the High Court held that the constitution implied a limited right to freedom of political expression, and the government generally respected this right. An independent media, an effective judiciary, and a functioning democratic political system combined to promote freedom of expression, including for members of the press and other media.

In January the federal parliament criminalized the Nazi salute and hate symbols associated with designated terror groups, including Hamas and Hizballah. Penalties included up to 12 months in prison.

b. Worker Rights

Freedom of Association and Collective Bargaining

The law provided for the right of workers to form and join unions and associate freely domestically and internationally, to bargain collectively, and to conduct strikes under certain conditions. The law prohibited antiunion discrimination and provided for reinstatement of workers fired for union activity.

The law required that employers act in “good faith” when most employees wanted a collective agreement, although it placed some restrictions on the scope of collective bargaining. A bargaining agent could represent either side in the process. The law restricted strikes to the period when unions were negotiating a new enterprise agreement and specified that strikes needed to concern matters under negotiation. The law provided for “protected action” and granted employers, employees, and unions legal immunity from claims of losses incurred by industrial action. Industrial action could be authorized by a secret ballot of employees; unions raised concerns this requirement was unduly time consuming and expensive to implement. The law imposed penalties on strikers for taking industrial action during the life of a collective bargaining agreement and prohibited sympathy strikes.

The law permitted the government to stop strikes judged to have caused “significant economic harm” to the employer or third parties. Some jurisdictions had further restrictions.

The government effectively enforced applicable laws protecting freedom of association, collective bargaining, and the right to strike for workers.

Penalties for violations of freedom of association and collective bargaining protections for individuals and for corporations were commensurate with those for other laws involving denials of civil rights, such as discrimination, and were regularly enforced. The Fair Work Commission was the national

independent industrial relations management institution. Its functions included facilitating dispute resolution.

Forced or Compulsory Labor

See the Department of State's annual *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

Acceptable Work Conditions

Wage and Hour Laws

For a single adult living alone, the national minimum wage exceeded the poverty line defined as 50 percent of median income. Most workers received higher compensation than the minimum wage through enterprise agreements or individual contracts.

By law maximum weekly hours were 38 plus “reasonable” additional hours, which, by law, had to consider factors such as an employee’s health, family responsibilities, ability to claim overtime, pattern of hours in the industry, and amount of notice given. An employee could refuse to work overtime if the request was “unreasonable.”

Temporary workers included both part-time and casual employees. Part-time employees had set hours and the same entitlements as full-time employees. Casual employees were employed on a daily or hourly wage basis. They did not receive paid annual or sick leave, but the law mandated

additional pay to compensate for this, which employers generally respected. Migrant worker visas required employers to make contributions to retirement funds and provide bonds to cover health insurance, worker's compensation insurance, unemployment insurance, and other benefits.

New laws went into effect on August 26 limiting casual contract employment and introducing a right to reject work-related communications or tasks outside regular working hours.

The Australian Human Rights Commission partnered with the Cleaning Accountability Framework to support decent work conditions and responsible business practices in the cleaning industry.

Occupational Safety and Health

Federal or state occupational safety and health (OSH) laws applied to every workplace, including in the informal economy. By law both employers and workers were responsible for identifying health and safety hazards in the workplace. Workers exercised their right to a safe workplace and had recourse to state health and safety commissions, which investigated complaints and ordered remedial action. Workers could remove themselves from situations that endangered health or safety without jeopardy to their employment, and authorities effectively protected employees in this situation. The law also enabled workers who were pregnant to transfer to a safe job regardless of their time in employment.

There were reports of employers exploiting immigrant and foreign workers. The Office of the Fair Work Ombudsman operated a system allowing migrant workers to report workplace concerns anonymously in any of 16 languages. In February an employer paid approximately 369,000 Australian dollars (\$240,000) in back pay to a group of 30 migrant workers - and a fine of more than 558,000 Australian dollars (\$366,000) - after the fair work ombudsman pursued the workers' claim of underpayment.

Wage, Hour, and OSH Enforcement

The government effectively enforced minimum wage, hours of work, and OSH laws. Each state and territory effectively enforced its OSH laws through dedicated bodies with powers to obtain and initiate prosecutions. Unions used right-of-entry permits to investigate concerns. Penalties for violations were commensurate with those for similar crimes and were regularly applied against violators.

The Office of the Fair Work Ombudsman provided employers and employees advice on their rights and had the authority to investigate employers alleged to have exploited employees unlawfully. The ombudsman also had authority to prosecute employers who did not meet their obligations to workers. Ombudsman inspectors had authority to make unannounced inspections and initiate sanctions. The number of ombudsman inspectors was sufficient to enforce compliance. Inspectors could order employers to compensate employees and assess fines. The Fair Work Commission also

enforced labor regulations.

There were some reports of violations in sectors employing primarily migrant workers. The World Bank estimated the country's informal sector at approximately 10 percent of GDP. The Office of the Fair Work Ombudsman focused on sectors with the greatest risk for workers, including agriculture, building and construction, healthcare, restaurants and large corporations, and universities.

c. Disappearance and Abduction

Disappearance

There were no reports of enforced disappearances by or on behalf of government authorities.

Prolonged Detention without Charges

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

d. Violations in Religious Freedom

See the Department of State's *International Religious Freedom Report* at <https://www.state.gov/religiousfreedomreport/>.

e. Trafficking in Persons

See the Department of State's annual *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

Section 3. Security of the Person

a. Torture and Cruel, Inhuman, or Degrading Treatment or Punishment

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

b. Protection of Children

Child Labor

Not all the worst forms of child labor were prohibited. Not all state and territorial jurisdictions prohibited the use, procuring, or offering of a child younger than age 18 for certain illicit activities. There was no federally mandated minimum age of employment. In Victoria the minimum age of employment was 15 (with exceptions for family businesses and the entertainment industry). Children were not permitted to work during school hours. The minimum age for hazardous work in all states and territories was

18.

Federal, state, and territorial governments effectively monitored and enforced the laws. Penalties for violations were commensurate with those for analogous serious crimes, such as kidnapping, and were regularly applied.

The Office of the Fair Work Ombudsman actively sought to educate young workers regarding their rights and responsibilities. Compulsory educational requirements effectively prevented most children from joining the workforce full-time until age 17. 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 the Department of Labor's *Findings on the Worst Forms of Child Labor* at <https://www.dol.gov/agencies/ilab/resources/reports/child-labor/findings> for information on the territories of Christmas Island, Cocos (Keeling) Island, and Norfolk Island.

Child Marriage

The legal minimum age for marriage was 18. Persons ages 16 to 18 could apply to a judge or magistrate for an order authorizing marriage to a person age 18 or older; the marriage of the child also required parental or guardian consent. Persons younger than age 18 could not marry each other; reports

of marriages involving a person younger than age 18 were rare. Forced marriage was a criminal offense; the definition of forced marriage included all marriages involving children younger than age 16. The government investigated reports of forced marriage.

c. Protection to Refugees

The government cooperated with the Office of the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations in providing protection and assistance to refugees, returning refugees, or asylum seekers, as well as other persons of concern. UNHCR and others noted concerns, including regarding access to durable solutions.

Provision of First Asylum

The law provided for granting asylum or refugee status. The government maintained a humanitarian refugee program that included several types of visas available to refugees and other humanitarian entrants for resettlement in the country. The Department of Home Affairs oversaw refugee resettlement via the Refugee and Humanitarian Program, which distinguished between “offshore” and “onshore” applications. Individuals residing offshore (outside the country) could apply for a humanitarian visa if they were subject to persecution in their home country; met the “compelling reasons” criterion; and satisfied health, character, and national security requirements. Individuals who arrived in the country legally and

later sought protection could apply for a Temporary Protection visa or a Permanent Protection visa.

Persons who sought to enter the country without proper authorization were classified as illegal migrants and detained in the country or, for unauthorized maritime arrivals, in a third country for offshore processing. Individuals who arrived illegally were permitted to apply for a Temporary Protection visa or a Safe Haven Enterprise visa at the discretion and invitation of the responsible government minister.

UNHCR identified and referred some applicants who were residing offshore to the Department of Home Affairs to be considered under the offshore component of the humanitarian program. While the law contained family reunification provisions, such requests from unauthorized maritime arrivals were given the lowest visa processing priority.

The law allowed the home affairs minister to designate and enter into an agreement with a third country as a regional processing country for migrants attempting to enter the country as unauthorized maritime arrivals. By law any unauthorized maritime arrival entering the country's waters was liable for transfer to a designated regional processing country for processing of their protection claims and resettlement.

In August the government confirmed it reopened the regional processing center on Nauru to manage an influx of unauthorized maritime arrivals. The

Human Rights Law Centre in July reported that there were “close to 100” individuals held there; Australian authorities had removed all detainees from the center in 2023.

Resettlement

The government accepted refugees for resettlement from third countries and funded refugee resettlement services. Resettlement of unauthorized maritime arrivals progressed through additional arrangements with the United States and New Zealand.

d. Acts of Antisemitism and Antisemitic Incitement

According to the 2021 census, the country’s Jewish community numbered almost 100,000.

In July the government appointed a special envoy (a new position) to confront the rise in antisemitism across the country since the October 2023 attack by Hamas on Israel.

According to the country’s envoy for antisemitism, there were approximately 1,800 violent incidents against Jews since November 2023, an increase of over 300 percent above the pre-October 2023 rate.

In February multiple parties conspired to harass almost 600 Jewish Australian participants in a WhatsApp group chat by doxing them, leading to death threats, harassment, isolation, and lost employment.

Although most pro-Palestinian protests at universities were peaceful, Jewish university students said they felt intimidated and harassed. The prime minister condemned pro-Palestinian protestors who confronted members of the Jewish community at a university in Melbourne, stating the community was “suffering from the rise of antisemitism.”

A Senate inquiry declined to launch a royal commission to investigate widespread alleged incidents of antisemitism following protests on several university campuses. Parliament instead appointed an ombudsman to coordinate with the antisemitism envoy and universities to establish a plan to prevent manifestations of antisemitism on campuses. The government also referred the matter to the Parliamentary Joint Committee on Human Rights for inquiry and report.

Melbourne, with the largest Jewish community in the country, saw an increase in incidents of antisemitism, including vandalism. The Victoria government’s response to increased antisemitic incidents was to attempt to bring faith groups together through interfaith dialogues.