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Committee on Economic, Social and Cultural Rights

Sixth periodic report submitted by Australia under articles 16 and 17 of the Covenant, due in 2022*, **, ***

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- * The present document is being issued without formal editing.
 - ** The present document was submitted pursuant to the simplified reporting procedure. It contains the responses of the State party to the Committee's list of issues prior to reporting (E/C.12/AUS/QPR/6).
 - *** The annex to the present document may be accessed from the web page of the Committee.



Australia's commitment to human rights

1. The Australian Government believes all people are entitled to respect, equality, dignity and the opportunity to participate in the social, cultural and economic life of our nation. Australia is committed to ensuring its human rights framework protects these human rights, and considers that its existing mechanisms sufficiently and appropriately provide for this purpose. Australia has a strong framework for protecting and advancing human rights through the Australian Constitution, legislation, administrative measures, policy and practice, and institutions such as its independent courts and the common law.
2. International obligations, including under the International Covenant on Economic, Social and Cultural Rights (ICESCR), are incorporated into domestic law where existing domestic frameworks are not already consistent with, or are not sufficient to implement, Australia's international obligations.
3. Queensland, Victoria and the Australian Capital Territory have standalone human rights legislation. All jurisdictions also have independent, statutory ombudsmen to support accountable, lawful, fair and transparent public administration.

ICESCR and domestic courts

4. The Australian Government does not maintain data on domestic court decisions that invoke the provisions of the ICESCR. However, a search of legal databases indicates that between 1 March 2017 and 1 May 2023 the ICESCR was cited in at least 84 decisions by federal, state and territory courts, tribunals and commissions.¹

Parliamentary Joint Committee on Human Rights

5. The Parliamentary Joint Committee on Human Rights examines all Australian Government bills and legislative instruments for compatibility with human rights and reports to both Houses of Parliament on its findings. From August 2012 to August 2022, the committee examined 2,254 bills and commented on 602 (27%) of these.
6. The committee has been strengthened through changes to its reporting and meeting practices. In response to the COVID-19 pandemic, the committee moved from meeting in-person only during joint parliamentary sittings to meeting and tabling its reports in and out of parliamentary sittings. The committee now considers instruments more quickly and its advice is more readily available for parliamentarians to consider.
7. On 15 March 2023, the Attorney-General asked the committee to review Australia's human rights framework and report by 31 March 2024. The committee has invited submissions on whether the Australian Parliament should enact a federal Human Rights Act and, if so, what elements it should include, including reference to the proposed model set out in the Australian Human Rights Commission's A Human Rights Act for Australia Position Paper. The committee has also invited submissions on the effectiveness of existing mechanisms and its own remit as part of its inquiry.

Australian Human Rights Commission

8. The Australian Human Rights Commission (AHRC) is Australia's National Human Rights Institution and is fundamental to delivering Australia's domestic and international human rights agenda.
9. The AHRC has statutory functions to protect and promote human rights in Australia. Under the Australian Human Rights Commission Act 1986 (AHRC Act), 'human rights' are defined by referring to rights and freedoms recognised in the International Covenant on Civil

¹ These decisions made reference to ICESCR as distinguishable from being cases where the rights under ICESCR were adjudicated upon directly.

and Political Rights (ICCPR), and other international human rights instruments. While the statutory definition does not include the ICESCR, the AHRC Act requires both the Aboriginal and Torres Strait Islander Social Justice Commissioner and the National Children's Commissioner to consider the ICESCR when performing their functions.

10. The AHRC's functions include investigating and conciliating complaints of unlawful discrimination and human rights violations, conducting national inquiries and reporting on issues of human rights concern, providing advice and submissions to parliaments and governments, and undertaking and coordinating human rights research. Further, the recently enacted Anti-Discrimination and Human Rights Legislation Amendment (Respect at Work) Act 2022 (Respect at Work Act) empowers the AHRC to inquire and report on issues of systemic unlawful discrimination or suspected systemic unlawful discrimination across all four federal discrimination acts.

11. In addition to the AHRC's existing funding for 2022–23, the Australian Government provided an extra \$49.8 million, comprising:

- (a) \$31.8 million towards ongoing base funding, including an additional \$3.6 million over 3 years for handling complaints;
- (b) \$10.5 million over 4 years to support implementing recommendations of the Respect@Work: Sexual Harassment National Inquiry Report (Respect@Work report);
- (c) \$7.5 million over 4 years from 2022–23 (followed by \$1.4 million per year) to develop and deliver a national anti-racism framework and initiatives.

Access to judicial remedies and free legal aid

12. As well as the AHRC's complaints mechanism, Australians have access to legal assistance where their rights may have been infringed.

13. On 1 July 2020, the Australian Government entered into the National Legal Assistance Partnership 2020–25 with states and territories. The partnership contributes to legal assistance services that aim to keep the justice system within reach for all people, including those in vulnerable situations facing disadvantage. These services focus on people who fall within one or more of the national priority client groups, including First Nations people, children and young people, people with disability or mental illness, culturally and linguistically diverse people, and people in custody. The partnership also sets out service priorities, including human rights and anti-discrimination matters.

14. Under the partnership, the Australian Government is providing more than \$2.4 billion over 5 years to states and territories for legal assistance services delivered by legal aid commissions, Aboriginal and Torres Strait Islander Legal Services and community legal centres.

15. An independent review of the partnership in 2023 will include a holistic assessment of legal need and the amount and allocation of Commonwealth legal assistance funding. The review will inform decisions on successor arrangements to the partnership, which expires in 2025.

Climate change commitments and the transition to renewable energy

16. In June 2022, the Australian Government submitted an updated Nationally Determined Contribution under the Paris Agreement. This strengthens Australia's 2030 emission reduction target to 43% below 2005 levels and reaffirms the commitment to net zero emissions by 2050. In September 2022, the government passed the Climate Change Act 2022, enshrining these targets in legislation.

17. Australia is committed to achieving the Paris Agreement's temperature goals, including to limit the increase in global temperatures to 1.5 degrees above pre-industrial levels. Australia is accelerating the phase-down of unabated coal power, in line with its own net zero target and the phase-out of inefficient fossil fuel subsidies, as called for in the

Glasgow Climate Pact, the Sharm El Sheikh Implementation Plan, and the 2022 G20 Leaders Communiqué.

18. In December 2022, the Australian Government delivered its first Annual Climate Change Statement on progress towards emission reduction targets and effectiveness of government policies. Reporting annually will increase the transparency of Australia's climate challenges and opportunities.

19. Australia has set an 82% national renewable energy target by 2030. Policies to achieve this include delivering \$20 billion in low-cost finance to upgrade, expand and modernise Australia's electricity grid.

20. To support the transformation to net zero, the Australian Government is investing in renewable hydrogen to enable decarbonisation of hard-to-abate sectors, including future manufacturing of green metals and other products the world needs. A total of \$2 billion for the Hydrogen Headstart program will support around 1 gigawatt of electrolyser capacity through 2 to 3 large-scale green hydrogen projects. Australia is also legislating its Guarantee of Origin Scheme to track and verify emissions from clean energy products and establish an enduring mechanism to certify renewable electricity.

21. In addition, the government legislated reforms to the Safeguard Mechanism to reduce emissions from around 215 of Australia's biggest industrial emitters accounting for approximately 28% of Australia's emissions. Further, the Powering the Regions Fund supports establishing new clean energy industries while supporting existing industries to decarbonise.

22. Australia contributed \$200 million to the Green Climate Fund in the initial resource mobilisation period (2015–2018) and was heavily involved in the fund's operation, serving as Co-Chair of its board 3 times.

23. State and territory governments have also introduced ambitious climate change and energy agendas that complement the Commonwealth's policies and commitments.

24. In 2020, the Australian Capital Territory Government achieved its target of sourcing 100% of its electricity from renewable sources, reducing greenhouse gas emissions by 40% from 1990 levels. Also in 2020, the Northern Territory Government set an objective for net zero emissions by 2050, and a target of 50% renewable energy electricity consumption by 2030. The Northern Territory is developing the Darwin-Katherine electricity system and the Alice Springs Future Grid project to meet this target.

25. The South Australian Government has state-wide targets of reducing net greenhouse gas emissions by more than 50% by 2030, achieving net zero emission by 2050 and achieving 100% net renewable energy generation by 2030. The Victorian Government has an emission reduction target of 75–80% by 2035 and net zero by 2045. Victoria is ensuring the energy sector's timely transition from fossil fuels to renewables through targets of 65% renewable generation by 2030 and 95% by 2035.

Resilience and adaptation

26. In August 2022, Australian Energy Ministers agreed to work with First Nations peoples to co-design a First Nations Clean Energy Strategy as a priority action under the National Energy Transformation Partnership. The strategy will ensure First Nations peoples have a greater say in the priorities for the partnership, and participate in the design, development and implementation of clean energy policies and programs in the transition to net zero.

27. Australia's Indigenous Rangers Program supports Indigenous people to combine traditional knowledge with conservation training to protect and manage their land, sea and culture through such activities as bushfire mitigation, protection of threatened species, and biosecurity compliance. Australia is doubling the number of Indigenous rangers, empowering First Nations leadership on adaptation action.

28. Australia is establishing a Torres Strait Climate Centre of Excellence to enable First Nations-led adaptation action, and supporting private investment in natural capital and nature-based solutions for climate adaptation and resilience.

29. Indigenous Protected Areas of land and sea are managed by Indigenous groups for biodiversity conservation through voluntary agreements with the Australian Government. The government is investing \$231.5 million over 5 years from 1 July 2023 to further improve the Indigenous Protected Areas program, which currently covers 82 dedicated areas over 87 million hectares of land.

Framework covering business entities

30. Businesses must comply with all Australian laws, including those upholding international human rights obligations. Australia co-sponsored the resolution that adopted the United Nations Guiding Principles on Business and Human Rights, and encourages businesses to apply the guiding principles in their operations in Australia and abroad. Australia recalls the Committee on Economic, Social and Cultural Rights' concluding observations on this issue in 2017.²

31. The Australian Government encourages and provides information to Australian businesses to act against possible exploitation and support efforts to combat human trafficking and slavery. Significantly, the Modern Slavery Act 2018 (Modern Slavery Act) came into force on 1 January 2019. More information on Australia's modern slavery framework appears later in this report.

Access to remedies by non-nationals

32. Australia has a well-resourced and active National Contact Point for Responsible Business Conduct, within the Australian Government Department of the Treasury.

33. Individuals and organisations can use this non-judicial grievance mechanism to seek resolutions to their complaints alleging Australian companies operating abroad have breached the Organisation for Economic Co-operation and Development (OECD) Guidelines for Multinational Enterprises.

34. In 2014, for example, the National Contact Point received a complaint from 2 organisations representing community members in Cambodia whose rights were allegedly violated by a sugar plantation and refinery financed by an Australian bank. In 2020, the National Contact Point facilitated a mediated agreement between the parties, which resulted in the bank compensating the affected community members. Since 2017, the National Contact Point has accepted 7 complaints from non-nationals alleging Australian companies have breached the human rights chapter of the OECD guidelines while operating abroad.

35. More than 200 Australian businesses are now participants in the United Nations Global Compact Network Australia and an increasing number of Australian businesses are incorporating the Guiding Principles on Business and Human Rights and the OECD guidelines into their corporate policies and practices.

Restrictive measures in response to COVID-19

36. In March 2020, the Australian Government issued a 'do not travel' advisory to all Australians due to the COVID-19 pandemic, exercising its powers under the Biosecurity Act 2015.

37. In late 2021, the Australian Auditor-General undertook an independent audit, which found that management of Australia's international travel restrictions during the pandemic was largely effective.

² E/C.12/AUS/CO/5.

38. On 8 April 2020, the Senate established a Select Committee on COVID-19 to inquire into the Australian Government's response to the COVID-19 pandemic. The resulting report, tabled in April 2022, recommended the government establish a Royal Commission into Australia's response to COVID-19. The government has committed to holding an inquiry into Australia's COVID-19 response.

39. Those who feel their human rights were disproportionately restricted by the government's response to COVID-19 can lodge a complaint with the AHRC.

40. In 2021–22, the AHRC received 9,746 pandemic-related enquiries regarding vaccinations, mask wearing requirements, lockdown and state/territory border restrictions, quarantine, travel bans and passenger arrival caps. The same year, the AHRC received 1,473 pandemic-related complaints and finalised 1,312 pandemic-related complaints.

41. The Commonwealth Ombudsman takes complaints on matters of government administration, including social security. In 2021–22, Ombudsman received 570 complaints about Australian Government COVID-19 social security payments to individuals and finalised 478 of those complaints.

Universal and equal access to testing, treatment and vaccination

42. Australia provides free COVID-19 vaccine access to everyone in the country, regardless of Medicare or visa status.

43. Across the country, mobile vaccination and testing teams provided COVID-19 vaccination and testing services to regional areas, aged care populations, people living with disability, First Nations populations and detention facilities.

44. The government introduced measures to facilitate universal and equal access to COVID-19 testing, treatment and vaccination for people with disability, including by providing targeted vaccination programs and Rapid Antigen Tests to concession card holders, and prioritising participants in the National Disability Insurance Scheme (NDIS). Nationally, there were exemptions to face covering and vaccination requirements for people with disability, so those with valid medical exemptions could continue accessing public services.

45. Services such as the Royal Flying Doctors Service and Local Health Networks delivered services to remote communities and vulnerable populations. The National Aboriginal Community Controlled Health Organisation and individual Aboriginal Community Controlled Health Services were funded to provide free, culturally safe testing, treatment and vaccination services to First Nations people, including in remote communities.

46. The Australian Government established the national Culturally and Linguistically Diverse Communities COVID-19 Health Advisory Group in December 2020 to ensure the National COVID-19 Vaccine Program was culturally safe and accessible for everyone. The Australian Government also invested \$21.1 million over 4 years (2020–2024) to support culturally and linguistically diverse communities during the COVID-19 vaccine rollout and ensure vaccine information is available to those communities at the grassroots level.

Constitutional recognition

47. The Australian Government is working closely with Aboriginal and Torres Strait Islander stakeholders and expert bodies on policy and decision-making to improve outcomes for First Nations peoples and communities.

48. A 10-year process of consultation and discussions about constitutional recognition of Australia's First Nations peoples culminated in 2017 with the Uluru Statement from the Heart, which called for constitutional recognition of First Nations people in the form of an Aboriginal and Torres Strait Islander 'Voice'.

49. Any changes to the Australian Constitution require a referendum that receives a national majority yes vote and a majority vote in at least 4 of the 6 Australian states.

50. The Australian Government is committed to implementing the Uluru Statement from the Heart in full and will hold a referendum on 14 October 2023. The referendum will seek to amend the Constitution to include an Aboriginal and Torres Strait Islander Voice. The Voice would be an independent, representative advisory body for Aboriginal and Torres Strait Islander people, recognising First Nations people in the Constitution in a practical and substantive way by giving them a say on matters that affect them.

51. States and territories also have agendas on this topic. For example, on 26 March 2023, South Australia became the first state to pass legislation to establish a First Nations' Voice to Parliament. The First Peoples' Assembly of Victoria is negotiating a Victoria-wide treaty. In May 2023, Queensland passed Path to Treaty legislation, to prepare for negotiating a treaty or treaties between Aboriginal and Torres Strait Islander peoples and the Queensland Government.

Native title amendments

52. The Australian Government has amended its native title legislation, in consultation with relevant stakeholders. Australia recalls the Committee on Economic, Social and Cultural Rights' previous concluding observation on this issue.³

53. The Native Title Legislation Amendment Act 2021 (Amendment Act) was developed in consultation with stakeholders, and all measures commenced by 25 September 2021. It was also informed by the 2015 Australian Law Reform Commission review of the Native Title Act 1993 (Native Title Act), and the 2015 report by the Council of Australian Governments into Indigenous land administration and use. It amended the Native Title Act and the Corporations (Aboriginal and Torres Strait Islander) Act 2006 to improve processes for native title claims resolution, agreement-making, decision-making and dispute resolution.

54. The Australian Government has agreed in principle to a review of the "future acts" regime under the Native Title Act, as part of the government response to the Joint Standing Committee on Northern Australia Inquiry into the destruction of the 46,000-year-old caves at Juukan Gorge.

Closing the Gap

55. The new National Agreement on Closing the Gap was established in July 2020, negotiated with First Nations people represented by the Coalition of Peaks and signed by Commonwealth, state and territory first ministers, the Lead Convenor of the Coalition of Peaks, and the President of the Australian Local Government Association.

56. The agreement is underpinned by priority reforms, supported by 17 socio-economic outcomes and 19 socio-economic targets to improve outcomes across indicators. Targets are specific and measurable goals that will be monitored to show progress across each outcome area.

57. As at June 2023, data available for 15 of the 19 targets indicated:

(a) 4 targets are on track (Target 3: Children enrolled in early childhood education, Target 8: Indigenous employment, Target 11: Indigenous youth detention, and Target 15A: Land mass covered under Indigenous legal right);

(b) 4 targets are not on track and worsening (Target 4: Early childhood development, Target 10: Indigenous adults held in incarceration, Target 12: Indigenous children aged up to 17 years held in out-of-home care, and Target 14: Indigenous suicide rate);

(c) 7 targets are improving but not on track (Target 1: Gap in life expectancy, Target 2: Healthy birthweight, Target 5: Indigenous children attaining year 12 or equivalent qualification, Target 6: Indigenous people aged 25–34 years completing a tertiary qualification, Target 7: Indigenous youth aged 15–24 in employment, education or training,

³ E/C.12/AUS/CO/5.

Target 9A: Indigenous people living in appropriately sized housing, and Target 15B: Sea country covered under Indigenous legal right).

58. While these assessments are based on a small number of data points and should be treated with caution, they nevertheless indicate there is considerable work to do.

59. The Commonwealth Closing the Gap Annual Report 2022 outlines progress against the commitments under the National Agreement on Closing the Gap in the previous year. The Commonwealth Closing the Gap Implementation Plan 2023, outlines the government's long-term, forward-looking priorities for Closing the Gap, including responding to issues highlighted in the annual report.

60. The Australian Government has agreed to intensify efforts over the next 12 to 18 months, focusing on justice, housing, education, social and emotional wellbeing, and economic empowerment.

61. The first of these priorities, the Closing the Gap Justice Policy Partnership, is to transform justice systems in partnership between all levels of government and First Nations organisations and communities. The Justice Policy Partnership Strategic Framework prioritises progress on delivering policy reforms in key areas including, raising the minimum age of criminal responsibility, prevention and early intervention, and alternative and therapeutic responses, with a focus on addressing the over-representation of First Nations adults and young people incarcerated.

Poverty

62. The Australian Government is committed to reducing poverty and disadvantage and protecting people who may be in vulnerable situations. The Productivity Commission report, *Rising Inequality? A stocktake of the evidence*, released in August 2018, noted that a range of indicators can be used to assess poverty and disadvantage, and this approach facilitates a more holistic picture of the incidence and extent of poverty from a range of perspectives that cannot be encapsulated in a single statistic.

63. The Australian Government's Measuring What Matters Statement is Australia's first national wellbeing framework and draws on data from the Australian Bureau of Statistics General Social Survey, which indicated that in 2020, 19% of households were unable to raise \$2,000 within a week for something important and 21% had experienced a cash flow problem in the previous 12 months.

Inequality ratios

64. The Australian Bureau of Statistics provides official statistics on a wide range of national economic, social, population and environmental matters, including the following datasets for 2009–10 to 2019–20.

65. Table 1 sets out the ratio between the total sum of income accrued by the top 10% of households (defined by their equivalised private household income) and the total income accrued of the lowest 40%, before taxes and transfers.

66. Table 2 sets out the ratio between total sum of income accrued by the top 10% of households (defined by their equivalised disposable household income) and the lowest 40% after taxes and transfers.

67. Table 3 sets out the ratio between the sum of assets owned by households in the highest decile (defined by their value of assets) and the sum of assets owned by the lowest 50% of households.⁴

⁴ The Relative Standard Error (%) for Tables 1, 2 and 3 was less than 7%.

Table 1
Equivalised private income

	2009–10	2011–12	2013–14	2015–16	2017–18	2019–20
	Ratio					
Equivalised private income – Ratio(a)	2.45	2.29	3.05	2.41	2.47	2.34

(a) This ratio is defined as the sum of equivalised household private income (person level) of the top decile divided by the sum of equivalised household private income (person level) of the lowest 4 deciles. The population of the deciles that are used in the ratio are created using equivalised household private income (person level).

Table 2
Equivalised disposable income

	2009–10	2011–12	2013–14	2015–16	2017–18	2019–20
	Ratio					
Equivalised disposable income – Ratio(a)	1.27	1.21	1.48	1.23	1.20	1.24

(a) This ratio is defined as the sum of equivalised household disposable income (person level) of the top decile divided by the sum of equivalised household disposable income (person level) of the lowest 4 deciles. The population of the deciles used in the ratio are created using equivalised household disposable income (person level).

Table 3
Value of assets

	2009–10	2011–12	2013–14	2015–16	2017–18	2019–20
	Ratio					
Total assets – Ratio(a)	4.21	3.29	3.80	3.35	3.67	3.43

(a) This ratio is defined as the sum of total assets of the top decile divided by the sum of total assets of lowest 5 deciles. The population of the deciles used in the ratio are created using total assets at the household level.

Public revenue generated through taxes

68. The Australian Bureau of Statistics publishes yearly data on revenue, across all levels of government. The main sources of Australian Government revenue are taxes on income and consumption, while state and local governments mainly source revenue from taxes on property, employer payrolls and stamp duties. The most recent release is for 2020–21.

69. Over the past 10 years, taxation revenue has accounted for 71.7% of total public revenue on average. In 2020–21:

- (a) Total taxation revenue was 72.7% (\$589.1 billion) of total public revenue;
- (b) Non-taxation revenue was 27.3% (\$221.8 billion) of total revenue.

Tax rates

70. Australia has a company tax rate of 30% for all companies with an aggregate turnover of \$50 million or greater. Eligible companies with an aggregate turnover less than \$50 million are subject to a tax rate of 25%. In 2020–21, company tax accounted for 12.3% (\$100.0 billion) of total public revenue.

71. Australia has a progressive personal income tax system, with a tax-free threshold of \$18,200. In addition to the basic tax rates, an additional 2% Medicare levy applies to all taxable income, with the levy reduced for low-income earners.

72. In 2019–20 (the most recent data available), the top 10% of personal income taxpayers contributed approximately 13.2% (\$99.6 billion) of total public revenue, while the bottom 50% of taxpayers paid approximately 3.7% (\$28.3 billion).⁵

73. Commonwealth personal income tax revenue has increased as a share of total public revenue over the past 10 years. In 2020–21, it accounted for 26.5% (\$215.2 billion) of total public revenue.

74. The value added tax in Australia is referred to as the goods and services tax (GST) and has remained at a flat rate of 10% since it started on 1 July 2000. The GST is a consumption tax with some exclusions for items like fresh food, health and education.

75. In 2020–21, GST accounted for 9% (\$73.3 billion) of total public revenue.

Public expenditure and allocations

76. All expense data has been sourced from the latest release of the 2020–21 Government Financial Statistics issued by the Australian Bureau of Statistics. The expense data in the following table includes total Australian Government and state government expenditure. Local government expenditure is excluded due to a lack of detailed data.

77. In the 8 years to 2018–19, consolidated government expenses as a per cent of gross domestic product (GDP) remained relatively steady (Table 6). However, government expenses increased in 2019–20 and 2020–21, largely due to increased spending in response to the COVID-19 pandemic. The average total expenses between 2011–12 and 2020–21 was 40.2% of GDP.

Table 4

Consolidated government expenses from 2011–12 to 2020–21 (per cent of GDP)

	2011–12	2012–13	2013–14	2014–15	2015–16	2016–17	2017–18	2018–19	2019–20	2020–21
Expenses	38.7%	38.5%	38.7%	39.5%	39.7%	39.2%	38.9%	38.7%	43.6%	46.9%

78. From 2011–12 to 2020–21, total spending for education, health, social protection, and housing and community amenities (social spending) has remained steady as a percentage of total expenses. On average during this period, social spending has accounted for 60.6% of total consolidated government expenses.

79. In 2020–21, social spending declined moderately to 58.3% of total spending. A large factor was the increase in other Australian Government spending, as part of the response to the pandemic. Social spending is expected to return to average in the coming years. Social spending in nominal terms has increased each year over the same period.

Fiscal policies in response to COVID-19

80. Australia's initial fiscal response to the COVID-19 pandemic was providing emergency assistance. Examples include:

- (a) The JobKeeper Payment subsidy paid to employers to keep their workers connected with their business;
- (b) Stimulus cash payments to support eligible individuals and households;
- (c) Cash flow support for small and medium-sized businesses, and not-for-profit employers;

⁵ In this context, a personal income taxpayer is someone who lodged a tax return and paid more than \$0 in personal income tax for the financial year.

(d) Financial support to individuals who could not work and earn income because they were directed to self-isolate or quarantine as a result of COVID-19;

(e) Loan guarantee schemes to assist small and medium-sized enterprises access capital.

81. The principles of this fiscal response were that it would be temporary, targeted and proportionate, and delivered using existing mechanisms where possible.

82. In December 2022, Australia's National Cabinet released its Strategic Framework for Transitioning COVID-19 Measures to guide the government's transition of programs and public health orders out of the emergency phase, putting the budget on a more sustainable footing.

Faith-based discrimination

83. Every Australian has the freedom to have or adopt a religion or belief, or to change a religion or belief, or not to have or adopt a religion or belief. This freedom is absolute.

84. Commonwealth anti-discrimination law currently does not protect against discrimination on the basis of a person's faith. Accordingly, the Australian Government is committed to legislating to prevent faith-based discrimination, including anti-vilification protections.

85. As part of this legislative reform, the government has also committed to reforming Commonwealth anti-discrimination laws to protect all students from discrimination on any grounds and protect teachers from discrimination at work, while maintaining the right of religious schools to prefer people of their faith when selecting staff.

86. On 4 November 2022, the government asked the Australian Law Reform Commission to consider what changes should be made to Commonwealth anti-discrimination laws, including section 38 of the Sex Discrimination Act 1984 (Sex Discrimination Act), to ensure these laws reflect the government's commitments in a manner consistent with Australia's international human rights obligations. The Australian Law Reform Commission report is due in December 2023.

87. All states and territories also have relevant discrimination legislation. The Australian Capital Territory, Tasmania, Victoria and the Northern Territory have adopted legislation that, with some limited exceptions, means religious education institutions are unable to discriminate against teachers because they are (among other things) of a particular sex, lesbian, gay, bisexual, transgender, intersex, queer or asexual (LGBTIQ+), divorced or in a de facto relationship, or pregnant. These laws are generally consistent with the reform proposals that are currently under consideration in Queensland and Western Australia. Discrimination legislation in New South Wales is currently undergoing a comprehensive, independent review.

88. Similarly, laws in the Australian Capital Territory, Northern Territory, Queensland, Tasmania and Victoria make it unlawful for religious educational institutions to discriminate against students because they are LGBTIQ+, unmarried or pregnant.

Sex discrimination

89. In March 2020, the AHRC released the Respect@Work report. It contained 55 recommendations directed at all levels of government and the private sector for policy and legislative reforms to prevent and address workplace sexual discrimination, including sexual harassment.

90. The Australian Government has progressed legislative reforms to implement the recommendations, including through the Sex Discrimination and Fair Work (Respect at Work) Amendment Act 2021 and the Respect at Work Act. These reforms strengthen the legal and regulatory frameworks relating to sexual harassment in Australia, and expand the role of the AHRC in preventing sexual harassment and discrimination.

91. Additionally, the Respect at Work Act allows representative bodies to bring representative claims of unlawful discrimination to court, thus enhancing individuals' access to justice. By removing procedural barriers to representative bodies to initiate court proceedings, this amendment promotes access to justice and effective remedies.

Access to justice

92. Resolving complaints of unlawful discrimination through conciliation is a key role of the AHRC, providing access to justice and reducing the burden on the courts.

93. Changes to improve the AHRC's complaints handling processes began in 2017, in response to recommendations from the AHRC and Parliamentary Joint Committee on Human Rights. The AHRC Act was amended to enhance certainty and make sure all parties to a complaint have procedural fairness by:

- (a) Ensuring unmeritorious complaints are discouraged or dismissed at each stage of the complaints handling process;
- (b) Reducing the regulatory and administrative burden;
- (c) Reforming reporting requirements;
- (d) Clarifying the AHRC's conciliation process and governance arrangements.

Disability strategy

94. The National Disability Strategy 2010–2020 achieved reforms to better support and include people with disability, including fully implementing the NDIS, improving educational outcomes, introducing new legislation, and establishing the Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability (Disability Royal Commission).

95. This original strategy was superseded by Australia's Disability Strategy 2021–2031 which, as a result of extensive consultation, has a stronger focus on implementation and accountability. Australia recalls the Committee on Economic, Social and Cultural Rights' previous concluding observation on this issue.⁶

96. Australia's Disability Strategy 2021–2031 is built around 7 outcome areas: employment and financial security; inclusive homes and communities; safety, rights and justice; personal and community support; education and learning; health and wellbeing and community attitudes.

97. Significant ongoing reporting and accountability mechanisms have been established under the strategy, including establishing an Advisory Council, and holding public forums to enable people with disability to drive the discussion on the strategy's implementation and support the achievement of its objectives.

98. The Disability Royal Commission was established in 2019 in response to community concerns about reports of violence against, and neglect, abuse and exploitation of, people with disability. It is investigating three key areas: preventing and better protecting people with disability from experiencing violence, abuse, neglect and exploitation; achieving best practice in reporting, investigating and responding to such violence; and promoting a more inclusive society that supports the independence of people with disability and their right to live free from violence. The final report will be delivered to the Governor-General by 29 September 2023.

⁶ E/C.12/AUS/CO/5.

National Disability Insurance Scheme (NDIS)

99. Since the last reporting period, the NDIS is now fully rolled out and available across Australia. The NDIS has been transformational in the lives of many Australians with disability, revolutionising the way they access the supports they need to participate fully in the community. A federal ministerial portfolio with responsibility for the NDIS was established in 2019.

100. In 2021–22, Australian governments contributed \$29.2 billion to the NDIS, and a further \$2.1 billion for specialist disability services outside the NDIS. In 2023–24, Australian governments contributed \$41.9 billion to the NDIS.

101. As at 31 March 2023, there were 592,059 participants in the scheme, including 44,689 participants identifying as Aboriginal and Torres Strait Islander and 54,201 participants identifying as culturally or linguistically diverse.

102. The Australian Government has responded to, or implemented, most recommendations made by the Parliamentary Joint Standing Committee on the NDIS in several reports.

103. In 2019, the National Disability Insurance Scheme Amendment (Streamlined Governance) Act 2019 introduced new requirements for appointments and consultation, building on the lessons learnt from the trial and transition period.

104. In 2021, the National Disability Insurance Scheme Amendment (Improving Supports for At Risk Participants) Act 2021 strengthened supports and protections for NDIS participants by enhancing the NDIS Commissioner's compliance and enforcement powers, clarifying provider registration provisions, and enabling effective information sharing. These amendments centred on recommendations from the 2020 review by the Hon Alan Robertson SC into issues surrounding the death of Ms Ann-Marie Smith.

105. In 2022, the National Disability Insurance Scheme Amendment (Participant Service Guarantee and Other Measures) Act 2022 provided for a Participant Service Guarantee, which enabled the National Disability Insurance Agency (NDIA) to implement significant improvements for participants, their families and carers by reducing red tape, increasing flexibility and clarifying timeframes for decision-making. These amendments centred on recommendations from the 2019 Review of the National Disability Insurance Scheme Act 2013 (NDIS Act) conducted by Mr David Tune AO PSM. They also incorporated some recommendations from a 2015 review of the NDIS Act, to improve the experience and outcomes of people with disability engaging with the NDIS.

106. The NDIS Quality and Safeguards Commission was established in 2018 to improve the quality and safety of NDIS supports and services, respond to complaints and incidents, regulate service providers and monitor compliance against conduct and practice standards. The Engagement Framework, released in 2022, outlines how the NDIA will engage and work with the disability community on significant changes and improvements to the NDIS, through co-design, consultation and information sharing.

107. On 18 October 2022, the Minister for the NDIS announced an independent review of the scheme's design, operations and sustainability. The final review report is due by October 2023.

108. The Australian Government also funds the Information, Linkages and Capacity Building Program. The program is for all people with disability, regardless of eligibility for the NDIS. The program aims to: create connections between people with disability and the communities they live in; build the knowledge, skills and confidence of people with disability; and improve their access to mainstream services.

Employment

109. The Disability Discrimination Act 1992 (Disability Discrimination Act) protects against discrimination on the basis of disability, including providing that people with

disability have the right to the same employment opportunities as those without a disability. State and territory legislation also protects against discrimination on the basis of disability.

110. In the 2023–24 Budget, the Australian Government committed \$52.7 million over 4 years to create ongoing employment opportunities for people with disability with high support needs; assist the supported employment sector to evolve to better meet community expectations; and provide advocacy support and information about work rights and options.

111. The Employment Assistance Fund gives financial help to eligible people with disability and mental health conditions and employers to buy work-related modifications, equipment, Auslan services, and workplace assistance and support services.

112. The National Disability Recruitment Coordinator is funded by the Australian Government to help larger employers access the skills and talents of people with disability.

113. The Australian Government's target of 7% Australian Public Service employees with disability by 2025 is set out in the Australian Public Service Disability Employment Strategy 2020–25. The proportion of Australian Public Service employees with disability has increased over time, with 4.9% of Australian Public Service employees identifying as living with disability as at December 2022, up from 3.5% in June 2011.

114. Employ My Ability is an associated disability employment plan under Australia's Disability Strategy 2021–2031, focusing on employment for people with disability.

115. For people who are unable to work for 15 or more hours per week for the next 2 years, due to physical, intellectual or psychiatric impairment, the Disability Support Pension, an income support payment, is available. The Disability Support Pension Impairment Tables set out how to assess a person's work-related impairment for the purposes of the Disability Support Pension. Following extensive consultation, the government recently updated the tables to improve consistency, clarify policy intent, and reflect relevant advances in medical technology, assessments and terminology.

Forced sterilisation

116. The Australian Government respects the rights of all persons to physical integrity and to make free and informed decisions about whether to have a sterilisation procedure, where they have capacity to independently make this decision.

117. A sterilisation procedure for non-therapeutic reasons may only occur in Australia with the adult person's consent, or with authorisation from a court, tribunal or authorised guardian (depending on the jurisdiction) if the person is unable to give informed consent. Authorisation of courts exercising family law and child welfare jurisdiction is required for any surgical or sterilisation procedure on children that is non-therapeutic, invasive and irreversible, where there is a significant risk of making the wrong decision, and where the consequences of a wrong decision would be particularly grave.

Measures taken to address ageism, discrimination and abuse

118. The Commonwealth Age Discrimination Act 2004 (Age Discrimination Act) protects Australians from age discrimination and makes it unlawful to discriminate against a person based on age in a range of areas of public life including employment, education, accommodation and provision of goods, services and facilities. All states and territories also have anti-discrimination legislation.

119. The Royal Commission into Aged Care Quality and Safety was established in October 2018 to improve the safety, health, wellbeing and quality of life of people receiving Australian funded aged care. Its final report was tabled in Parliament in March 2021, setting out 148 recommendations. The government responded by committing additional funding for aged care and amending the Aged Care Act 1997 and related legislative instruments to:

(a) Place stronger controls over the use of restrictive practices, such as chemical and physical restraints, to ensure they are only used in the least restrictive form, for the shortest amount of time as possible, and as a last resort;

(b) Introduce an enforceable Code of Conduct for Aged Care for aged care providers, as well as providing powers for the Aged Care Quality and Safety Commissioner to take enforcement action for breaches of the Code of Conduct;

(c) Publish Star Ratings to help older Australians compare residential aged care services and decide which service best fits their needs.

120. A new overarching aged care Act is being developed, to place older Australians at the heart of the aged care system and provide the framework for fundamental change.

National Plan to Respond to the Abuse of Older Australians

121. Since 2016, the Australian Government has invested \$81.39 million through the Attorney-General's Department as part of a whole-of-government effort to combat elder abuse.

122. The National Plan to Respond to the Abuse of Older Australians 2019–2023 provides the policy framework for action by all Australian governments to address the abuse of older Australians, including through stronger service responses and safeguards for older adults in vulnerable situations.

123. Initiatives under the plan include the National Elder Abuse Prevalence Study, the first large-scale effort to assess the nature and extent of elder abuse in those aged 65 and over living in the community. The plan also supported the creation of a national elder abuse phoneline, in collaboration with state and territory governments, and funding for the national peak body for elder abuse in Australia.

124. States and territories also have initiatives to address age-based discrimination and elder abuse. For example, Western Australia is an Affiliate of the World Health Organisation for Age-friendly Cities and Communities and contributes to the exchange of best practices for older people in Western Australia. It delivers a range of grants and initiatives, including the 'Creating Age-friendly Communities in Western Australia 2021' resource guide, which establishes a benchmark for creating age-friendly communities. In New South Wales, the Ageing and Disability Commission was established in 2019 as an independent statutory agency with functions including receiving and responding to reports or allegations of abuse, neglect and exploitation of an older person or adult with disability.

Australian Law Reform Commission recommendations

125. The Australian Law Reform Commission's 2017 report *Elder Abuse: A National Legal Response* contains recommendations for Australian governments, as well as law societies, the banking sector, and the Australian Guardianship and Administration Council. The introduction of the national plan was a key response to the report, and the release of the first National Elder Abuse Prevalence Study in 2021 is a further important action to deepen awareness and understanding across sectors about the nature and prevalence of elder abuse in Australia.

126. The Australian Government has implemented the Serious Incident Response Scheme in response to recommendations from the Royal Commission into Aged Care Quality and Safety and the elder abuse report. The scheme aims to reduce and prevent the neglect and abuse of older Australians receiving aged care services subsidised by government.

127. State and territory governments have also responded to the Australian Law Reform Commission's report. For example, in 2018, South Australia passed legislation to establish the Adult Safeguarding Unit, which responds to reports of abuse or mistreatment of older South Australians and ensures safeguarding arrangements are in place.

Employment

128. The Australian, state and territory governments are working together through the Standing Council of Attorneys-General on proposals for law reform to strengthen protections for older Australians.

129. Australia's former Age Discrimination Commissioner, the Hon Dr Kay Patterson AO, has undertaken several projects to respond to ageism and aged-based discrimination, including in the workplace. In July 2023, the Age Discrimination Commissioner launched the Changing perspectives: testing an ageism intervention report, which presented the findings of an evaluation of an awareness session among workers in aged care and community settings.

130. In 2021, the AHRC released its report, what's age got to do with it? on ageism across the Australian lifespan. Its 2016 report, Willing to Work: National Inquiry into Employment Discrimination against Older Australians and Australians with Disability, recommended a range of practical strategies and systematic monitoring of progress and outcomes.

131. The Age Discrimination Commissioner and the AHRC have undertaken several projects to promote the benefits of multigenerational workforces, including developing a training module for managers on the rights of older workers, and collaborating with the Australian HR Institute to investigate organisations' strategies to recruit and retain older workers over multiple years. Australia recalls the Committee on Economic, Social and Cultural Rights' previous concluding observation on this issue.⁷

132. In addition, the Age Discrimination Commissioner chaired the Collaborative Partnership on Mature Age Employment, established in 2018. This partnership brings together key industry and government stakeholders and has used its influence to increase workforce participation of older workers, promote the benefits of an age-diverse workforce, and contribute to reducing age discrimination.

133. State and territory governments also provide services to enhance employment opportunities for older workers. For example, Tasmania's Active Ageing Plan 2017–2022 aims to maximise opportunities for older workers to re-enter, reskill or remain in the workforce. New South Wales is funding the Older Women's Network under the Return to Work Pathways Program to support older women through mentoring and group sessions to build skills and confidence to gain employment and remain in the workforce.

Regional processing centres

134. Regional processing arrangements in Papua New Guinea (PNG) transitioned to the PNG Government's independent management on 1 January 2022. Until 31 December 2021, the Australian Government supported PNG to manage transitory persons (also known as transferees) through contracted specialist service providers.

135. No transferees under regional processing arrangements in PNG or Nauru are in detention.

136. Individuals residing in Nauru under regional processing arrangements live in community accommodation and have work rights. Regional processing centres previously used to accommodate individuals in Nauru were decommissioned in 2018 and 2019.

137. In accordance with the Memorandum of Understanding agreed between Australia and the Republic of Nauru, the Government of Nauru is responsible for regional processing arrangements in Nauru, including managing individuals under those arrangements.

138. Contracted service providers are required to deliver services consistent with Nauru legislative requirements and in a manner that preserves individual human rights, dignity and the wellbeing of transferees. They are required to:

- (a) Treat all transferees with respect and courtesy, and without harassment;

⁷ E/C.12/AUS/CO/5 para 24.

- (b) Be supportive and helpful to transferees who make a request in relation to access to services;
- (c) Conduct all duties sensitively, enabling transferees to maintain their dignity, and with due regard for their individual circumstances and backgrounds;
- (d) Behave in a tolerant, respectful and culturally sensitive manner towards transferees, avoiding perceptions of discrimination and bias;
- (e) Show understanding, respect and sensitivity for religious beliefs and conventions for individual transferees and their particular needs.

139. The Australian Government remains committed to an enduring regional processing capability in Nauru to receive and process any new unauthorised maritime arrivals. Australia is resolving the residual regional processing caseload through third country migration options, including resettlement in the United States and New Zealand, private sponsorship in Canada, or voluntary return home or to another country where they have a right of entry. A range of support is available to individuals to connect with third country migration options.

Access to health care

140. The Australian Government continues to support the Government of Nauru to implement regional processing arrangements, through contracted service providers, to ensure transferees have access to health services. Transferees have access to primary health care and mental health services delivered through the Regional Processing Centre Medical Centre and the Republic of Nauru Hospital available 7 days a week.

141. Clinical assessment and treatment are provided by a team of multi-disciplinary health practitioners including general practitioners, nurses and counselling specialists. Specialist health services include psychology, psychiatry, dentistry, obstetrics, radiography and pharmacy services. Health services are supplemented by visiting specialist health care practitioners when required. Where specialist medical treatment is not available in Nauru, mechanisms are in place for temporary transfers to a third country, including Australia, for assessment and treatment.

Repeal of the Medevac Laws

142. Medical transfer provisions inserted into the Migration Act 1958 (Migration Act) by the Home Affairs Legislation Amendment (Miscellaneous Measures) Act 2019 (Medevac laws) were repealed on 5 December 2019.

143. Medical transfers existed before the Medevac legislation, therefore the repeal did not remove the ability to medically transfer an individual from a regional processing country when required under s 198B of the Migration Act.

144. Where clinically indicated, transferees may be transferred to a third country for treatment. Medical transfers are based on individual circumstances, the existence of medical services in the regional processing country, and medical advice from the treating doctor and a Medical Officer of the Commonwealth. Transfers under these processes continue.

Transition of temporary protection visa holders onto permanent visas

145. The Australian Government has provided a permanent Resolution of Status visa pathway to more than 19,000 existing Temporary Protection visa and Safe Haven Enterprise visa holders who were previously found to engage Australia's protection obligations. This allows them to contribute more fully to Australia, gain secure employment, grow businesses, study more easily, sponsor eligible family members under the family stream of the Migration Program to Australia, and pursue a pathway to Australian citizenship.

146. Those granted a permanent Resolution of Status visa have the same rights and benefits as permanent humanitarian residents, with access to social security payments, the NDIS and higher education assistance.

147. This permanent visa pathway has been effective since 14 February 2023. To help with the application process, the government has committed \$9.4 million over 2 years for free visa application assistance through specialist community refugee and immigration legal service providers.

148. Australia provides protection consistent with its international obligations. The criteria for a protection visa, and the relevant tests, are set out in the statutory protection framework provisions of the Migration Act and Migration Regulations 1994.

149. Persons who do not engage Australia's protection obligations, who are not awaiting a merits or judicial review outcome, and who have exhausted all avenues to remain in Australia, are expected to depart Australia voluntarily and may be provided assistance to depart.

Measures to address inequality

150. Australia is addressing gender inequality including through new policies and legislation, and is committed to the G20 target to reduce the gap between male and female labour force participation rates by 25% by 2025. Australia first met the target in February 2020, with the gender participation gap reaching a record low of 7.3% points in November 2022.

151. The Australian Government has introduced gender-responsive budgeting and is building capability in gender analysis across the Commonwealth by improving the collection and use of high-quality and accessible intersectional gender-disaggregated data.

152. The Australian Government is developing the National Strategy to Achieve Gender Equality to guide whole-of-government action, setting out initiatives that focus on women's economic equality and independence; leadership, representation and rights; balancing family and care responsibilities; and health and wellbeing.

153. In September 2022, the Australian Government established an independent Women's Economic Equality Taskforce to advise the government on advancing women's economic equality, including in relation to key issues arising from the 2022 Jobs and Skills Summit.

154. The Workplace Gender Equality Agency improves gender equality in Australian workplaces by working with employers to help them comply with reporting requirements under the Workplace Gender Equality Act 2012.

155. The Fair Work Legislation Amendment (Secure Jobs, Better Pay) Act 2022 (Secure Jobs, Better Pay Act) made changes to the Fair Work Act 2009 (Fair Work Act), including measures to address gender inequality, such as:

(a) Adding an equal remuneration principle to help guide Australia's national workplace tribunal, the Fair Work Commission, in its consideration of equal remuneration and work value cases;

(b) Embedding the principles of job security and gender equality in the decision-making processes of the Fair Work Commission;

(c) Establishing new Expert Panels in the Fair Work Commission, focused on pay equity and the care and community sector, backed by a dedicated research unit;

(d) Prohibiting pay secrecy clauses in employment contracts;

(e) Making the right to request flexible working arrangements and right to request an extension of unpaid parental leave enforceable.

156. The Australian Government recognises that more affordable childcare allows more parents, especially women, to participate more fully in the workforce. The government is investing \$4.6 billion over 4 years from 2022–23 to increase the rates of the Child Care

Subsidy and raise the family income threshold that determines eligibility for the subsidy. As part of the investment, the government has committed \$33.7 million to increase subsidised early childhood education and care to a minimum of 36 hours per fortnight for families with First Nations children. The Australian Government has also amended the Paid Parental Leave scheme to make it more flexible and gender neutral. These amendments commenced in July 2023.

Women's representation in decision-making positions

157. The Australian Government is driving progress on women's leadership across public, private, community and political spheres.

158. The government supports 2016 targets for gender balance on Australian Government boards. These include women holding 50% of government board positions overall, as well as for men and women to both hold at least 40% per cent of positions on individual boards. The government exceeded the overall target in 2021–22, with women holding 51.4% of positions as at 30 June 2022.

159. The Australian Public Service is the largest employer within the broader Commonwealth public sector. The Australian Public Service Gender Equality Strategy 2021–26 is driving action for lasting change, such as sustaining gender balance at senior leadership levels and greater gender diversity in specific occupations. In June 2022, women comprised 60.7% of the service workforce, and 52% of the total senior leadership group.

160. In the private sector, as at February 2023, women made up 35.5% of board members of ASX 300 companies. The 2022 Chief Executive Women Senior Executive Census found that only 18 of the ASX 300 companies had a woman Chief Executive Officer.⁸ Across medium and large enterprises, women account for 41% of managerial positions.

161. The Australian Government Department of Defence's focus on gender equality and inclusion has been reinforced most recently through its strategy, *Pathway to Change: Evolving Defence Culture 2017–2022*, and the *National Action Plan on Women, Peace and Security 2021–2031*. The annual *Women in Australian Defence Force Report* demonstrates the government's commitment to achieving gender equality outcomes in the military.

162. Significant work to increase women's representation in the Australian Defence Force and Defence civilian workforce includes targeted mentoring, training, education, setting recruitment targets, increasing the representation of women in senior decision-making processes and in all peace and security efforts. The April 2023 *Defence Workforce Report* showed women's participation rates had increased to 47.5% for the civilian workforce and 20.4% for military members, up from 42.2% and 17.6% respectively in April 2018. Continued efforts are needed to ensure lasting equity for women, and a key focus is enhancing women's presence in senior leadership, committees, and non-traditional roles.

163. Australia is committed to United Nations Security Council Resolution 1325, which calls on States to integrate a gender perspective into all peacekeeping operations and peace processes. In 2018, Australia withdrew the part of its reservation to the *Convention on the Elimination of Discrimination Against Women* that relates to excluding women from combat duties.

National plans to combat domestic violence and sexual harassment

164. The *National Plan to Reduce Violence against Women and their Children 2010–2022* demonstrated the collective commitment by governments to address family, domestic and sexual violence, supported increased collaboration between organisations, government departments and services, established key infrastructure, strengthened service responses, and supported legal services for women, emergency accommodation and safe at home programs.

⁸ Chief Executive Women, *CEW Senior Executive Census*, 2022.

165. Since the first national plan, fewer Australians hold attitudes that support violence against women, and women report that they are increasingly feeling safer in private and in community settings.⁹

166. Nevertheless, more work needs to be done to end violence against women and children. As a result, in October 2022, the Australian governments launched the National Plan to End Violence against Women and Children 2022–2032. This plan was informed by findings of the AHRC’s Respect@Work report and Set the Standard: Report on the Independent Review into Commonwealth Parliamentary Workplaces 2021.

167. The Australian Government is investing over \$2 billion towards implementing the plan through the 2022–23 and 2023–24 Budgets. Initiatives include:

- (a) Employing 500 new frontline service and community workers to assist women and children experiencing violence;
- (b) Building crisis and transitional housing options for women and children leaving family and domestic violence and for older women at risk of homelessness;
- (c) Extending the Escaping Violence Payment trial and the Temporary Visa Holders Experiencing Violence Pilot, to January 2025;
- (d) Extending the national telephone service, MensLine, so men who want to maintain respectful relationships without using violence continue to have access to one-to-one telephone counselling regardless of their location.

168. In further support of the plan, the Australian Government has committed \$367 million to implement the recommendations of the Respect@Work report. Key measures include:

- (a) Passing the Respect at Work Act, which introduced a positive duty requiring employers to take reasonable and proportionate measures to eliminate certain forms of unlawful sex discrimination, and gives workers access to stronger protections against sexual harassment in the workplace, including by ensuring that perpetrating sexual harassment is a valid reason for dismissal
- (b) Developing guidance and education materials for workplaces and schools;
- (c) Launching the report on the Fifth National Survey on Sexual Harassment, Time for Respect, on 30 November 2022 to inform the need for reforms;
- (d) Commissioning Australian National University research on damages and costs in sexual harassment litigation to inform a review into an appropriate cost protection model for discrimination matters;
- (e) Ratifying the International Labour Organization’s Violence and Harassment Convention (No. 190).

169. In addition, the Fair Work Amendment (Paid Family and Domestic Violence Leave) Act 2022 amended the Fair Work Act to provide access to 10 days of paid family and domestic violence leave.

Increasing job opportunities

170. Despite Australia’s strong economy and low unemployment, some groups face unique barriers to economic participation, including First Nations people, young people and long-term unemployed people. Australian governments have policies and programs to empower groups that require additional and targeted support to engage in meaningful employment.

171. Workforce Australia helps Australians find and keep a job, change jobs or create their own job. It connects businesses with potential employees and includes a network of providers to deliver individualised case management, through training, guidance and support. Providers

⁹ Australia’s National Research Organisation for Women’s Safety Limited, National Community Attitudes towards Violence against Women Survey, 2021.

can support individuals with complex needs and deliver personalised and intensive services to ensure individuals facing disadvantage can benefit from their services.

172. Workforce Australia's Transition to Work employment service is the government's youth-specialist service. It is a targeted service that supports disadvantaged young people aged 15–24 years old, who are at risk of not making a successful transition from school to work. Participants receive intensive support from youth-specialist providers to finish their education, connect with further education or training, develop skills to get a job, address barriers to employment and connect with community organisations and other government agencies to access support.

173. Employment services providers can offer wage subsidies of up to \$10,000 through the Employment Fund to employers who recruit individuals through the Workforce Australia Employment Services, and a Youth Bonus wage subsidy of \$10,000 to support the employment of disadvantaged young people.

174. Workforce Australia recognises the importance of building people's capability over a longer period and increasing opportunities for disadvantaged groups through the Very Long-Term Unemployment Bonus. This bonus is paid when a provider assists a person who has been in assistance for more than 24 months into work, and Progress Payments are paid when a provider helps someone make a demonstrable improvement to their employment prospects.

175. States and territories also have initiatives to increase job opportunities. The Closing the Gap Tasmanian Implementation Plan commits to developing place-based partnerships with First Nations organisations and businesses to increase local employment opportunities for young First Nations people. Victoria committed \$18.4 million over 2 years from 2021–22 to support the Engaging and Supporting At-Risk Young People package, which assists young people from multicultural communities who face barriers to economic participation, connecting them with employment opportunities, and providing mentoring and skill-building activities.

Employment support measures

176. The Australian Government acknowledges the challenges faced by many job seekers in remote regions to find employment and access other economic opportunities. As a result, the government is replacing the Community Development Program with a new remote jobs program, developed in partnership with First Nations people.

177. An important focus in developing the program is trialling new approaches to see what works in remote settings and consulting with stakeholders, including Community Development Program participants, to help inform the design of the new program. Approximately 86% of participants are First Nations people (as at December 2022).

178. The government also changed the Mutual Obligation Requirements of the Community Development Program. From 12 May 2021, work for the dole, training and work experience activities became voluntary to allow participants to focus on job opportunities.

179. The Social Services Legislation Amendment (Youth Employment) Bill 2016 did not proceed and was discharged from Parliament on 10 May 2017. However, the Ordinary Waiting Period measure was passed in the Social Services Legislation Amendment Bill 2017.

Non-standard forms of employment

180. The Australian Government is ensuring Australia's workplace relations laws support higher wages, more secure work and fairer systems. This includes measures to ensure non-standard forms of employment are used legitimately, including casual employment, work engaged through labour hire and independent contracting, and work performed via digital platforms.

181. In relation to digital platform work, the government intends to provide the Fair Work Commission the capacity to set minimum rates for 'employee-like' workers, allowing it to

better protect workers in new forms of work from exploitation. Under this proposal, the Fair Work Commission would be able to inquire into these forms of work and determine what rights and obligations should apply to them.

182. The Australian Bureau of Statistics is developing a new survey module to collect national data on digital platform workers. This data will provide greater insight into the nature of platform work in Australia and how it changes over time. Data is expected to be available in late 2024.

National actions plans to combat human trafficking

183. Throughout the reporting period, Australia had 2 national action plans to tackle modern slavery: the National Action Plan to Combat Human Trafficking and Slavery 2015–19 and the National Action Plan to Combat Modern Slavery 2020–25.

184. The Australian Federal Police leads the investigation of suspected cases of forced labour and human trafficking and slavery and, under the National Policing Protocol to Combat Human Trafficking and Slavery, all Australian police services are committed to a framework to combat human trafficking.

185. Since 2018, the Australian Federal Police has been educating frontline responders about identifying human trafficking through its awareness-raising package, Look a Little Deeper. This has led to an increased rate of detection, with a 164% increase in reports on human trafficking and slavery made between 2015 to 2022.

186. As at 1 June 2023, there were 141 open human trafficking cases. The Australian Government Department of Home Affairs and the Australian Border Force also report suspected cases of forced labour to the Australian Federal Police. Between 1 March 2017 and 1 May 2023, there were 54 reports.

187. Matters suitable for prosecution are referred to the Commonwealth Director of Public Prosecutions. Between 1 July 2016 and 30 June 2022, the Commonwealth Director of Public Prosecutions began 9 prosecutions for forced labour offences, leading to 5 convictions, with several prosecutions still ongoing at the end of the reporting period.

188. When measuring success in combating human trafficking, a key priority is raising awareness to deter, prevent and disrupt such practices.

189. Australia takes a victim-centric and harm minimisation approach to assist and empower victim-survivors through support services such as the Support for Trafficked People Program, which provides specialist case management support, accommodation, medical treatment and counselling, social support and referrals to legal and migration advice. If a victim-survivor identifies as having a disability, case managers consider this when identifying appropriate support. Approximately 142 victims of forced labour accessed the program between 1 April 2017 and 31 March 2023. As part of the 2023–24 Budget, the Australian Government announced an additional \$24.3 million over 4 years to pilot an additional referral pathway for the program, make enhancements to the existing program, and meet increasing demand.

190. Under section 21B of the Commonwealth Crimes Act 1914, a court may order a person convicted of a federal offence to make reparation to a victim of human trafficking. The states and territories also have their own victims' compensation schemes, for people subject to human trafficking or slavery-like offences.

191. Victims of modern slavery may also be able to bring an action under the Fair Work Act to recover underpayments, and the Fair Work Ombudsman provides in-language resources on workplace rights and an anonymous reporting service for migrant workers.

192. Australia is active in multilateral forums and global initiatives, and co-chairs, with Indonesia, the Bali Process Working Group on Trafficking in Persons, which promotes coordinated law and justice responses to human trafficking in the Asia-Pacific region. Australia also continues to deliver peer-to-peer technical assistance and capacity-building to

support Indo-Pacific partner countries to strengthen legal, policy and operational responses to human trafficking and other forms of modern slavery.

Effectiveness of Modern Slavery Act

193. The Modern Slavery Act requires entities in the Australian market with annual consolidated revenue of over \$100 million to report annually on their actions to address modern slavery risks in their global supply chains and operations. In a world first, the Act also requires the Australian Government to comply with the reporting requirements.

194. In 2020, the Online Register for Modern Slavery Statements was launched. As at 30 June 2023, more than 7,300 statements¹⁰ had been published and over 2.4 million searches had been conducted.

195. The Australian Government prepares a yearly report about the implementation of the Modern Slavery Act, including an overview of compliance and best practice modern slavery reporting. In the first reporting period (1 July 2020 to 30 June 2021), more than 2,300 statements were assessed, with nearly 60% likely to be compliant with the Modern Slavery Act. In the second reporting period (1 July 2021 to 30 June 2022), more than 3,200 statements were assessed with an estimated 71% likely to be compliant.

196. More than 3,300 statements were assessed in the third reporting period (1 July 2022 to 30 June 2023) with around 74% assessed as likely to be compliant. The overall rate of compliance demonstrates a positive trend.

197. In 2023, a statutory review of the Modern Slavery Act was completed to assess its operation and compliance over the first 3 years and consider if additional measures were necessary. The review report was tabled in Parliament on 25 May 2023, with 30 recommendations including:

- (a) Proposing legislative amendments regarding the threshold and scope of entity reporting;
- (b) Introducing penalties for specific non-compliance;
- (c) Expanding guidance material.

198. On 9 May 2023, the Australian Government announced it will provide \$8 million over 4 years from 2023–24 to establish a federal Anti-Slavery Commissioner, who will work across government, industry and civil society to support compliance with the Modern Slavery Act and improve transparency in supply chains.

Protection of migrant workers

199. The Australian Government does not tolerate the exploitation of any worker in Australian workplaces. Migrant workers in Australia are covered by the same workplace laws, entitlements and protections as Australian citizens and permanent residents.

200. The government established a Migrant Workers' Taskforce in 2016 to identify proposals for improvements in law, law enforcement and investigation, and other practical measures to identify and rectify cases of migrant worker exploitation more quickly.

201. The taskforce released its report in March 2019, and the government is committed to implementing its recommendations. In early June 2023, the Australian Government announced it will bring forward a package of measures to combat migrant worker exploitation, specifically targeting employers seeking to exploit temporary visa holders. On 22 June 2023, new legislation was introduced to:

- (a) Make it a criminal offence to coerce someone into breaching their visa condition;

¹⁰ Available at <https://modernslaveryregister.gov.au/statements/?voluntarity=0>.

- (b) Introduce prohibition notices to stop employers from employing further workers on temporary visas where they have exploited migrants;
- (c) Increase penalties and introduce new compliance tools to deter exploitation;
- (d) Repeal section 235 of the Migration Act, which discourages people from reporting exploitative behaviour.

202. In 2017, as an initiative of the Migrant Workers' Taskforce, an Assurance Protocol was implemented between the Australian Government Department of Home Affairs and the Fair Work Ombudsman. The protocol encourages migrant workers to come forward with their workplace complaints without fear of their visas being cancelled.

203. The Fair Work Amendment (Protecting Vulnerable Workers) Act 2017 introduced higher penalties for 'serious contraventions' of certain provisions of the Fair Work Act. This provided additional protections to migrant workers, and expressly prohibited 'cash-back' schemes (where employees are required to repay some of their wages to their employer).

204. The Australian Government has provided more than \$220 million in additional funding to the Fair Work Ombudsman since 2017–18. In the same period, the amount of unpaid wages the Fair Work Ombudsman has recovered for workers has increased from around \$29 million in 2017–18 to \$532 million in 2021–22.

205. Migrant workers are protected at the state and territory level as well. For example, in the Australian Capital Territory, measures to improve protections for migrant workers are contained in the Labour Hire Licensing Act 2020, which protects the rights of vulnerable labour hire workers by ensuring labour hire service providers meet their workplace obligations and responsibilities. In 2018, New South Wales was the first state to enact modern slavery legislation, and in 2022 it appointed its first full-time Anti-Slavery Commissioner under that framework.

Equal pay

206. As discussed in detail earlier in this report, the Secure Jobs, Better Pay Act made significant amendments to the Fair Work Act to address gender equality.

207. The Fair Work Commission must now consider gender equality and job security when it varies modern award rates or reviews and sets minimum wages. This strengthens the commission's ability to order pay increases in low-paid, female-dominated industries. The amendments also altered the equal remuneration provisions in the Fair Work Act, supporting the commission to order wage increases to address unequal pay and undervalued work where it is satisfied there is not equal remuneration for work of equal or comparable value.

208. The Secure Jobs, Better Pay Act also led to the establishment of new Expert Panels in the Fair Work Commission to hear wage-related matters and help address low wages and challenging workplace conditions faced in the care and community sector.

209. Most employers and employees in Australia are part of the national workplace relations system, and the protections set out in the Fair Work Act generally apply to national system employees. If an employee is not part of the national system, they are covered by the protections that apply under the workplace relations system in the states and territories.

Coverage of Work Health and Safety Act

210. Work health and safety (WHS) in Australia is legislated and regulated separately by the Commonwealth, state and territory jurisdictions. WHS laws are largely harmonised across jurisdictions through a set of model uniform laws. These model laws are developed and administered by an independent statutory body, Safe Work Australia, through a process involving all jurisdictions as well as employer and worker representatives.

211. The model laws impose a primary duty of care on a 'person conducting a business or undertaking' to ensure that all people at a workplace, including volunteers and visitors, are not exposed to health and safety risks, as far as reasonably practicable. The model laws apply

a broad concept of ‘worker’ that encapsulates anyone who carries out work, irrespective of whether the workers are employees, independent contractors, or employees of contractors.

212. All of Australia’s jurisdictions other than Victoria have adopted the model laws, but Victoria maintains similar duties and responsibilities in its state laws.

213. The Commonwealth’s Work Health and Safety Act 2011 (WHS Act) covers workplaces in the Commonwealth jurisdiction, Commonwealth public authorities, and several approved non-Commonwealth licensees.

Occupational accidents and disease

214. Safe Work Australia compiles statistical data on work-related injuries and diseases resulting in a workers’ compensation claim and fatalities from each jurisdiction.

215. Safe Work Australia funds the Work-related Injuries Survey, which is conducted by the Australian Bureau of Statistics. The most recent survey indicates a downward trend in work-related injuries. In 2021–22, a total of 497,300 people experienced a work-related injury or illness, equating to a rate of 3.5%, down from 4.2% in 2017–18 and 6.4% in 2005–06.

216. Safe Work Australia’s Australian Workers’ Compensation Statistics 2020–21 provides detailed statistics about workers’ compensation claims that were lodged in Australia between 2000–01 and 2020–21, including preliminary data for 2020–21 and trend analysis to 2019–20. The statistics provide an indication of Australia’s WHS performance and include data broken down by factors including gender, age, occupation, industry, and nature of injury or disease. Relevant tables from this dataset are contained at Annex 1.

Measures to strengthen enforcement of laws and regulations

217. In 2018, ministers from all jurisdictions responsible for WHS asked Safe Work Australia to review the content and operation of the model WHS laws. Safe Work Australia appointed independent reviewer to conduct the review.

218. The final report of the review, provided in December 2018, found that WHS laws operate largely as intended and there was no evidence of a significant gap in the enforcement tools available in the model WHS laws. The review made 34 recommendations to improve clarity and consistency.

219. In response to the review’s recommendations, Safe Work Australia published draft amendments to the model WHS Act in June 2022.

220. Amendments include greater powers for WHS inspectors to seek production of documents or answers to questions, and enhanced cross-border information sharing between WHS regulators. Another important amendment is that a duty holder commits a Category 1 offence if they are grossly negligent in exposing an individual to a risk of serious harm or death.

Measures to provide victims with remedies and commensurate compensation

221. Under Australian law, employers must have workers’ compensation insurance to cover their workers in case of illness or injury because of work.

222. The Australian, state and territory governments are responsible for regulating and enforcing workers’ compensation laws within their jurisdictions. Each jurisdictional workers’ compensation scheme sets out the rights, entitlements and obligations of employers and workers covered by the scheme. While there are differences between the schemes, they all aim to support workers with a work-related injury or disease.

Legislative reform

223. Australia is committed to upholding the right to freedom of association. As well as the ICESCR and the ICCPR, Australia has ratified the International Labour Organisation's Freedom of Association and Protection of the Right to Organise Convention (No 87) and the Right to Organise and Collectively Bargain Convention (No 98).

224. In March 2023, the Secure Jobs, Better Pay Act abolished the Registered Organisations Commission and transferred the regulatory powers and functions of its commissioner to the General Manager of the Fair Work Commission. This means there is a single entity with regulatory responsibilities for registered organisations. The Act also abolished the Australian Building and Construction Commission, leading to the repeal of specific workplace relations laws regarding picketing, coercion and restrictions on enterprise agreement content under the Building Code in the building and construction industry.

225. Previously, the Australian Building and Construction Commission was the independent regulator of the Fair Work Act in the commercial building and construction industry. This role was transferred to the Fair Work Ombudsman in November 2022. As a result, all building and construction industry employees, employers and their representatives (including trade unions) will be subject to the same regulation and penalties, and will be able to seek workplace relations assistance and advice from the Fair Work Ombudsman.

Worker protections

226. Under the general protections provisions of the Fair Work Act, it is unlawful for a person to take adverse action, such as dismissing, refusing to employ or demoting a person, because that person is a union member or engages in lawful industrial activity. Coercion and misrepresentation connected with a person's decision to engage in industrial activities is also prohibited.

227. Available remedies for breaches of the general protections provisions include non-monetary orders, such as injunctive relief, declarations and reinstatement, as well as monetary orders, such as compensation and pecuniary penalties. The maximum penalties are 60 penalty units for an individual or 300 penalty units for a body corporate. The maximum civil penalty of 60 penalty units equates to \$165,000 indexed yearly.

228. States and territories also have relevant industrial relations legislation. For example, in Western Australia, the Industrial Relations Act 1979 enables authorised representatives of state registered unions to enter workplace premises for certain purposes and exercise certain powers, such as to investigate a suspected breach of an industrial or work health and safety law. Queensland's Industrial Relations Act 2016, Anti-Discrimination Act 1991 and Human Rights Act 2019 protect the rights of Queenslanders to form and join trade unions and to strike.

Coverage of social security benefits

229. The Australian social security system is a taxpayer-funded, non-contributory system that aims to support the basic living standards of all Australians and increase their social and economic participation.

230. Income support payments, including JobSeeker Payment, are designed to support Australians who are unable to support themselves while they look for a job or have a temporary injury or incapacity. Everyone who receives JobSeeker Payment is also eligible for at least one additional supplementary payment.

231. The Disability Support Pension is an income support payment for people who are unable to work for 15 or more hours per week for the next 2 years, due to physical, intellectual or psychiatric impairment.

232. As part of the 2023–24 Budget's \$14.6 billion cost-of-living package, the government will increase working age and student payments to provide additional assistance to around

1.1 million income support recipients. The changes will commence from 20 September 2023, subject to the passage of legislation.

233. A higher basic rate of JobSeeker Payment is payable to recipients with dependent children, in recognition of the costs associated with raising a family. Parenting Payment provides financial assistance to principal carers with parenting responsibilities for a young child. As announced in the 2023–24 Budget, subject to the passage of legislation, from 20 September 2023 single principal carers will receive the payment until their youngest child turns 14 (up from 8), at which time they may transfer to another income support payment, depending on their circumstances. Partnered carers receive Parenting Payment until their youngest child turns 6. Single principal carers on Parenting Payment receive a higher basic rate of payment and are also entitled to the basic Pension Supplement. Both single and partnered carers may also be entitled to Family Tax Benefit, Child Care Subsidy, Energy Supplement, Pharmaceutical Allowance and Rent Assistance, depending on their circumstances.

234. On 27 November 2022, the government announced the new Economic Inclusion Advisory Committee to advise on economic inclusion, including the adequacy, effectiveness and sustainability of income support payments ahead of every Federal Budget. The committee will report to the government annually before each Budget, with its report for the 2023–24 Budget released in April 2023.

Opt-in income management

235. The Australian Government has abolished mandatory income management, scrapping the Cashless Debit Card program and making the income management program voluntary for individuals or communities who wish to keep a form of income management.

236. Cashless Debit Card participants have been able to opt-out of the program since October 2022, and all remaining participants transitioned to enhanced income management on 6 March 2023.

237. In late 2022, the Australian Government Department of Social Services and the Minister for Social Services started consultations on the future of income management with state and territory governments. The government will decide how to reform income management after those consultations.

238. The government has delivered a significant package of supports to former Cashless Debit Card communities to continue current community support services, establish new services, and address community priorities.

COVID-19 support measures

239. In response to the COVID-19 pandemic, the government delivered measures to support the wellbeing of the Australian community, including those in the most vulnerable situations and income support recipients. These measures included:

- (a) Expanding eligibility for payments to provide access to sole traders and other self-employed people, permanent employees who were stood down or who lost their job, and people caring for someone affected by COVID-19;
- (b) Waiving the assets test so people with assets could access income support payments from 25 March 2020 to 24 September 2020;
- (c) Waiving the waiting period for accessing payments for newly arrived residents and people who engaged in seasonal work;
- (d) Increasing the amount of income a JobSeeker Payment or Youth Allowance recipient could earn each fortnight before payments tapered;
- (e) Reducing the impact of partner income on the amount a person receives;

(f) Extending the Crisis Payment to include income support recipients in financial hardship, to support recipients who had to self-isolate or care for someone in isolation.

240. From 27 April 2020, the government also provided a Coronavirus Supplement for new and existing recipients of the JobSeeker Payment, Parenting Payment, Youth Allowance, Austudy, Widow Allowance, Partner Allowance, ABSTUDY living allowance, Farm Household Allowance and Special Benefit. The Coronavirus Supplement ended on 31 March 2021.

241. As economic conditions improved, temporary additional support ceased, with a gradual return to usual settings. The last remaining measure, the Crisis Payment, officially ended on 1 October 2022.

Poverty in Australia

242. The government draws on a range of data sources to assess poverty, disadvantage and broader living standards in Australia, including the national Census, the Australian Bureau of Statistics Survey of Income and Housing, longitudinal studies such as the Household, Income and Labour Dynamics in Australia (HILDA) survey, and integrated administrative datasets.

243. The Productivity Commission has noted that jobless households, particularly those with children, experience the highest poverty rates. It has also found that children, sole parents, those with a disability, the unemployed and First Nations Australians are most at risk of multiple deprivation. In addition, analysis from the 2022 HILDA Statistical Report indicates that income poverty is considerably more prevalent among children in single-parent families than couple families.

244. On all measures of poverty and disadvantage, First Nations people experience the greatest social and economic deprivation. Poverty remains deeply entrenched due to historical and prevalent rates of discrimination and intergenerational trauma in combination with other complex factors that characterises poverty among other Australians.

245. Australia's Priority Investment Approach helps ensure funds are invested in groups with the largest future lifetime costs and the capacity to move to self-reliance. This approach is underpinned by a custom-built longitudinal social security dataset and uses actuarial analysis to estimate future welfare trajectories of the Australian population. It highlights pathways in and out of disadvantage for at-risk groups and enables identification of critical intervention points across the life course.

Measures to address poverty

246. Improving economic outcomes and job opportunities is an important part of addressing poverty and disadvantage. As of December 2022, many labour market indicators were at near record levels, providing significant opportunities for disadvantaged Australians to benefit from participating in the labour market.

247. By supporting people not currently engaged in the labour market, Australia's social security system plays an important role in reducing and alleviating poverty.

248. In the 2023–24 Budget, the government is delivering measures to strengthen the safety net, including \$4.9 billion to increase working-age and student payments and \$2.7 billion to provide more Commonwealth Rent Assistance support. A further \$1.9 billion over 5 years from 2022–23 is to expand the eligibility of the Parenting Payment (Single) to single principal carers. This will enable around 57,000 single parents (52,000 of whom are women) to move from the JobSeeker payment to the higher Parenting Payment (Single).

249. The government is investing \$100 million for urgent work on housing and essential infrastructure on Northern Territory homelands, and \$200 million for the repair, maintenance and improvements of housing in remote First Nations communities. The government has committed an extra \$20 million over 2 years (2023–2025) to Aboriginal Hostels Limited to

support and enhance its operations, providing culturally safe, temporary accommodation for First Nations people travelling to access vital services such as health and education.

250. For children, the Australian Government supports families through the Child Care Subsidy (outlined earlier in this report) and is developing a new Early Years Strategy to support children in the early years and their families, with a focus on First Nations children. The government also has specific programs and levels of subsidy for families facing barriers to early childhood education and care. Under the government's school funding arrangements, additional funding is provided to schools through needs-based loadings to help students in priority groups achieve their full potential.

251. The Australian Government is investing \$35 million over 5 years from 2019–20 in Stronger Places, Stronger People, an initiative that also receives support and funding from state and territory governments. This initiative aims to disrupt disadvantage through locally tailored solutions to local problems, in partnership with local people across 10 communities in Australia. A further \$199.8 million integrated package to address community disadvantage is extending Stronger Places, Stronger People to 30 June 2029.

252. States and territories also have frameworks to support vulnerable groups in their jurisdictions. For example, low-income Tasmanians have access to a state-funded no interest loan scheme to help buy household goods and services essential to wellbeing and safety. The scheme also provides micro-business loans. The New South Wales Aboriginal Housing Office has developed the Aboriginal Home Buyer Saver Program, which aims to build intergenerational wealth, improve housing stability and security, increase overall health and wellbeing, and realise the home ownership dreams of First Nations people.

Affordable housing and improving housing conditions

253. The Australian Government provides substantial support through National Housing Finance and Investment Corporation to increase the supply of social and affordable housing. These mechanisms include:

(a) The Affordable Housing Bond Aggregator, which provides low-cost, long-term loans to community housing providers funded by bonds issued to the wholesale market, underpinned by a Commonwealth guarantee.

(b) The National Housing Infrastructure Facility, which provides grant and concessional loan financing to support housing-enabling infrastructure, particularly for social and affordable housing.

254. The Australian Government has introduced legislation to establish a \$10 billion Housing Australia Future Fund to support delivery of 30,000 social and affordable housing dwellings. The government has also provided \$350 million under the National Housing Accord to support an additional 10,000 affordable homes as part of a shared ambition with states and territories, local government and the private sector to deliver 1 million new, well-located homes over 5 years from 2024. Also, in the 2023–24 Budget, the government announced tax incentives to encourage more build-to-rent developments to boost new supply in the private rental market.

255. The government provides support to eligible first homebuyers to enter the market sooner. Through the Home Guarantee Scheme, administered by National Housing Finance and Investment Corporation, the government provides a guarantee to an eligible borrower's lender for a proportion of the value of a property. In 2022, the scheme was expanded from 10,000 places to 35,000 places per annum for the First Home Guarantee. The government also introduced the Regional First Home Buyer Guarantee that will provide 10,000 places per annum to 30 June 2025 for eligible applicants living in regional areas.

256. States and territories have also introduced schemes to increase affordable housing. For example, the Queensland Government is investing \$2.9 billion through the Queensland Housing and Homelessness Action Plan 2021–2025 to help boost the number of social housing homes and affordable homes. To address increasing rental prices and cost of living pressures, the Australian Capital Territory Government established a Rent Relief Fund in

February 2023 to provide targeted, short-term support for low-income households in the private rental sector who are experiencing rental stress or severe financial hardship. Also in 2023, the New South Wales Government established the position of Rental Commissioner to work with government, consumer affairs, stakeholders and renters, and lead and oversee rental reforms to improve tenancy protections.

Remote housing conditions

257. The Australian Government is providing immediate support in the areas of greatest needs in some of the most remote parts of the country, including in remote Northern Territory, where housing overcrowding is highest.

258. The National Partnership for Remote Housing in the Northern Territory invests up to \$550 million, matched by the Northern Territory Government to total \$1.1 billion from 2018 to 2023, to deliver housing to remote Northern Territory communities. As mentioned earlier in this report, the Australian Government is also providing \$100 million for urgent work on housing and infrastructure on Northern Territory homelands, and \$200 million for housing in remote First Nations communities.

259. In Queensland, the Aboriginal and Torres Strait Islander Housing Action Plan 2019–2023 includes a substantial remote capital delivery program for new housing in select remote First Nations communities. The South Australian Government is improving housing conditions in remote areas by building replacement homes in remote communities, creating apprenticeship opportunities for First Nations people, and investing in remote area maintenance.

Homelessness

260. The government recognises homelessness is an important issue affecting many Australians and is working with all jurisdictions and stakeholders to address it. An estimated 122,494 people were homeless at the time of the 2021 Census.

261. In 2023–24, the Australian Government expects to spend around \$5.5 billion in Commonwealth Rent Assistance to help eligible Australians on income support payments.

262. The government has also offered states approximately \$1.7 billion through a one-year extension to the National Housing and Homelessness Agreement to 30 June 2024, to support state and territory governments to deliver housing and homelessness services and programs. Under the National Housing and Homelessness Agreement, the Australian Government will provide around \$128 million for homelessness services in 2023–24. States and territories are required to match this funding, and they determine the type and locations of homelessness services funded.

263. The government is investing \$172.6 million in emergency accommodation through the Safe Places Emergency Accommodation Program. This is a capital works grants program for building, renovating or purchasing emergency accommodation for women and children experiencing family and domestic violence.

264. The government is investing \$91.7 million in the Reconnect program over the next 3 years (1 July 2023 to 30 June 2026), which is an intervention and prevention program for young people who are homeless or at risk of homelessness, and their families.

265. The Australian Government is also developing a National Housing and Homelessness Plan, in consultation with a broad range of stakeholders. The plan will be informed by advice from the newly established National Housing Supply and Affordability Council and will set out short, medium and longer-term reforms needed to improve outcomes across the spectrum, including to make it easier for Australians to buy a home, easier to rent, and to reduce homelessness.

266. States and territories also have policies and frameworks to reduce homelessness. Western Australia's 10-Year Strategy on Homelessness 2020–2030 includes measures such as adding more low-barrier and low-threshold accommodation and housing options to the

market, centralising allocation of accommodation options for those facing chronic homelessness or sleeping rough, and identifying and securing appropriate wrap-around supports for people experiencing homelessness. Similarly, Future Directions for Social Housing in New South Wales, sets out the state's 10-year vision to 2026 to reduce homelessness, provide more housing and support for those needing social housing, and provide more support to help people divert from or successfully transition out of the social housing system.

Housing and COVID-19

267. Due to the economic pressures created by COVID-19, there was a risk of widespread rental defaults and evictions during the pandemic. Following a National Cabinet decision announced on 29 March 2020, most states and territories introduced a moratorium to restrict the circumstances in which tenants in COVID-related hardship could be evicted.

268. The details differed in each jurisdiction. Tasmania stopped evictions for all tenants except on grounds of sale, major renovation, or use of premises for the landlord's own housing. Moratoriums in Victoria, Queensland, South Australia, Western Australia, and the Australian Capital Territory stopped evictions for rent arrears.

269. While New South Wales allowed rent arrears evictions, it lengthened termination notice periods, and required good faith negotiations and greater justification for eviction in cases involving COVID-impacted tenants. The Northern Territory introduced longer notice periods, and gave the tribunal given more discretion to refuse termination of tenancies starting after the emergency declaration.

270. All residential tenancy response measures to COVID-19 have now ended.

Addressing inequalities in access and outcomes

271. The National Aboriginal and Torres Strait Islander Health Plan 2021–2031 sets out a nationally agreed policy framework to improve health and wellbeing outcomes for First Nations people. The Australian Government funds a national network of approximately 145 Aboriginal Community Controlled Health Services, while around 40 other providers deliver free, comprehensive, culturally appropriate primary health care for First Nations people. Aboriginal Community Controlled Health Services work to meet specific local needs, working closely with broader Aboriginal and Torres Strait Islander organisations in mental health, disability and aged care.

272. The National Women's Health Strategy 2020-2030 outlines a national approach to improving health outcomes for all women and girls in Australia. This strategy recognises and addresses the unique inequities and health needs of priority populations, including women and girls from First Nations, rural and remote backgrounds, lower socioeconomic status, and culturally and linguistically diverse backgrounds.

273. The government provides funding to the Multicultural Centre for Women's Health, which provides culturally relevant family planning and reproductive health information for women and girls from culturally and linguistically diverse backgrounds.

274. To make health information more accessible for migrant and refugee women and girls, the government established the Healthy Horizons project that provides information in English, Mandarin and Arabic. The government has also committed \$10.6 million (2022–23 to 2023–24) to support the Enhanced Communications for CALD Communities – Prevention and Management of Chronic Conditions Campaign measure, to assist in the development of a tailored public health communications strategy for culturally and linguistically diverse communities.

275. Since October 2022, eligible privately employed allied health professionals have had access to the Australian Government's Free Interpreting Services, allowing access to allied health services to support targeted populations with low English proficiency, including refugees, asylum seekers and migrants who have a Medicare card.

276. A new [National Tobacco Strategy 2023–2030](#), aims to reduce the prevalence of tobacco use and the inequalities it causes. The strategy includes actions to reduce tobacco use among First Nations people and other populations with a high prevalence of, or at higher risk of harm from, tobacco use. The government is also funding a national campaign on the risks of drinking alcohol while pregnant, which includes an Indigenous Health Promotion stream and tailored resources for 72 remote Aboriginal Community Controlled Health Organisations where there is often limited understanding of Fetal Alcohol Spectrum Disorder.

277. State and territory jurisdictions have policies and measures to support disadvantaged and vulnerable groups to access health care. For example, in Victoria, migrants, refugees and asylum seekers can access a range of targeted programs to improve their health and wellbeing, including through the refugee Health Program and the Victorian Refugee Health Network.

278. The Queensland Government has committed \$27.8 million to establish additional renal dialysis treatment spaces across regional, rural and remote Queensland and, in June 2022, it established a new 10-year partnership agreement with the Royal Flying Doctors Service. The Northern Territory delivers primary and public health care services and emergency care through dedicated onsite health centres in remote communities in conjunction with the 24/7 District Medical Officer telehealth service and visiting specialist outreach teams. It employs and offers ongoing training to Aboriginal Health Practitioners to deliver culturally secure health care.

Expansion of health services provided under Medicare

279. Medicare is Australia’s universal health insurance scheme, enabling access to a wide range of health and hospital services for eligible recipients at low or no cost.

280. In March 2020, the Australian Government introduced new temporary Medicare Benefits Schedule telehealth services as part of the COVID-19 response. This was critical for the continuity of quality health services during the pandemic, particularly for people in remote areas or under lockdown. From 1 January 2022, Medicare expanded its permanent services to include more than 200 of the temporary COVID-19 telehealth services.

281. From July 2021, the government introduced Medicare Benefits Schedule items for Blood Borne Virus and Sexual and Reproductive Health services, exempt from established clinical relationship requirement. This enables access to care, particularly for people in rural and remote areas or whose privacy concerns may prevent access to their regular general practitioner (GP). From November 2023, a higher benefit will be payable for GP visits lasting more than 60 minutes. This will support improved access and affordability of services for patients with chronic conditions and complex needs who require more time with their GP.

282. The Australian Government has committed \$2.5 million over four years (2023–24 to 2026–27) to establish the Australian Multicultural Health Collaborative, to ensure culturally and linguistically diverse communities have a voice in the design and implementation of the government’s Strengthening Medicare reform agenda.

Measures to relieve health system pressures

283. At the request of the Commonwealth Chief Medical Officer, the National COVID-19 Health and Research Advisory Committee prepared a report considering how Australia can redirect or strengthen health services following COVID-19. The report found that innovations such as electronic prescribing and telehealth services had relieved some systemic pressure, and that further support for a strong primary care system would reduce pressure on the health system.

284. The Australian Government recognises general practice as the cornerstone of the primary care health system, and that GPs experienced significant pressures during the pandemic.

285. The 2022–23 Budget committed \$220 million in grants through the Strengthening Medicare – GP Grants Program to support Medicare general practices and Aboriginal Community Controlled Health Services to expand patient access and provide better, safe and accessible primary care. Under this program, one-off grants of up to \$50,000 will be provided for investments in innovation, training, equipment, and minor capital works to:

(a) Enhance digital health capability – to fast-track the benefits of a more connected health care system in readiness to meet future standards;

(b) Upgrade infection prevention and control arrangements – to ensure patients with infectious respiratory diseases (e.g. COVID-19) can be safely seen face-to-face;

(c) Support practices to maintain and/or achieve accreditation against the Royal Australian College of General Practitioners Standards for General Practice, under the General Practice Accreditation Scheme.

286. The pandemic also revealed pressures on the mental health system. Australia is investing in the mental health of children and adults, as set out below.

Improving mental health services

287. The National Mental Health and Suicide Prevention Agreement came into effect in March 2022, setting out the shared intention of all Australian governments to strengthen the mental health framework in Australia.

288. The agreement increases mental health support to new parents, creates new child and mental health and wellbeing centres, expands the national network of Head to Health adult mental health centres, boosts the clinical capacity of the youth-focused headspace network, increases mental health awareness in schools and industries, and expands access to suicide prevention services and training.

289. In parallel to the youth mental health initiatives in the agreement, the Early Psychosis Youth Services program is expanding to all jurisdictions. The program provides early intervention treatment and support to young people aged 12–25 who are at ultra-high risk of, or experiencing, their first episode of psychosis. It aims to reduce the risk of transition to long-term mental ill-health through prevention, early detection, and coordinated care delivery.

290. In 2021, Australia launched its first National Children’s Mental Health and Wellbeing Strategy. This strategy guides critical investment in the mental health and wellbeing of children from birth through to 12 years of age, as well as their families and communities.

291. For young people between the ages of 12 and 25, headspace is Australia’s primary national platform for free or low-cost services for those experiencing, or at risk of, mild to moderate mental illness. The network of headspace services provides holistic care across mental health, physical and sexual health, alcohol and other drug support, and vocational services. As at 31 January 2023, there were 154 headspace services nationally, including 84 in regional areas. The network also provides services for young people from First Nations and culturally and linguistically diverse backgrounds.

292. Australia is investing in community-based mental health services for adults by expanding the national network of Head to Health adult mental health centres, which provide mental health information, services and supports without the need for an appointment or paying a fee. Under the National Mental Health Agreement, 61 Head to Health centres will be established nationally.

293. Australia also funds the Embrace Multicultural Mental Health Project, which provides a national online platform for Australian mental health services and allows multicultural communities to access mental health resources, services and information in a culturally and linguistically accessible format. The national Program of Assistance for Survivors of Torture and Trauma provides counselling and support to survivors of pre-migration torture and trauma. Translating and Interpreting Services are available through Primary Health Network commissioned mental health services.

COVID-19 mental health measures

294. Australia was one of the first countries to develop a specific National Mental Health and Wellbeing Pandemic Response Plan due to the significant negative mental health impacts of the COVID-19 pandemic. Australia significantly expanded its range of mental health supports, rapidly scaling medical advice, care and treatment to meet the unique demands of the pandemic, and providing mental health support to all Australians who needed it.

295. States and territories also stepped-up mental health support in response to the impact of COVID-19. All jurisdictions boosted funding for mental health, alcohol and/or other drug services. For example, in 2020 Queensland committed \$46.5 million over 2 years to support the Mental Health and Wellbeing Community Package for localised mental health, alcohol and other drug community treatment and support services. In 2021, New South Wales committed \$35 million over 2 years to boost the surge capacity of the mental health clinical workforce in response to COVID-19.

296. Victoria invested \$246 million in mental health supports during the pandemic and implemented measures to support the mental health of young people isolated in youth justice facilities. South Australia implemented Strong Futures, the state's Youth Action Plan 2020–2022, which included funding for programs and projects to support young people's recovery from the impacts of COVID-19.

Measures to prevent suicide

297. Australia recognises that certain groups have complex health needs and are disproportionately affected by mental health illness and suicide, and is committed to reducing deaths by suicide, including by:

- (a) Providing crucial suicide prevention services specifically for priority populations through the National Suicide Prevention Leadership and Support Program;
- (b) Funding to continue the National Suicide and Self-Harm Monitoring System;
- (c) Establishing and funding the National Suicide Prevention Office to oversee a coordinated national approach to suicide prevention;
- (d) Funding to Primary Health Networks for dedicated Suicide Prevention Coordinators and to invest in regional and community-based suicide prevention;
- (e) Committing to the National Agreement on Closing the Gap.

298. Australia is also investing in collecting mental health data to establish a comprehensive evidence base that will support real time monitoring and data for mental health and suicide prevention systems. Current data collections include a child mental health and wellbeing study, and a study measuring mental health trends in First Nations populations for the first time.

299. Australia has invested significantly in aftercare services, with additional funding for services for those discharged from hospital following a suicide attempt or crisis, and to trial expanded referral pathways.

300. States and territories have also developed specific initiatives aimed at suicide prevention. For example, the Queensland 2022–23 State Budget invested \$1.645 billion in a 5-year plan to improve mental health, alcohol and drug services, and for a range of initiatives to support suicide prevention. Victoria committed \$17.7 million in its 2023–24 State Budget to support suicide prevention and response efforts, including suicide prevention program funding for Aboriginal young people. This builds on \$21 million in 2022–23 and \$173.4 million in 2021–22, to implement recommendations by the Royal Commission into Victoria's Mental Health System.

301. The New South Wales Government is investing \$143.4 million over 4 years from 2022–23 for Towards Zero Suicides initiatives that address priorities in the Strategic Framework for Suicide Prevention. This builds on \$87 million invested in Towards Zero Suicides from 2019–20 to 2021–22.

First Nations

302. Preventing mental health issues and suicide is a national priority, particularly for First Nations people, whose suicide rate is more than twice that of non-Indigenous Australians. Renewed targets and outcomes for the National Agreement on Closing the Gap include a dedicated suicide reduction target.

303. Australia is investing in First Nations mental health, wellbeing and suicide prevention through national initiatives including:

(a) Providing Primary Health Network funding for First Nations-specific mental health and suicide prevention services;

(b) Funding the National Aboriginal Community Controlled Health Organisation to implement the Culture Care Connect Program – a community-led suicide prevention and aftercare service network that also delivers Aboriginal and Torres Strait Islander mental health first aid training;

(c) Providing additional funding for the National Aboriginal Community Controlled Health Organisation to boost mental health support for First Nations peoples in the lead up to, during and after the Aboriginal and Torres Strait Islander Voice referendum;

(d) Establishing 13YARN, the first national culturally-appropriate 24/7 crisis support telephone service designed and delivered by First Nations people;

(e) Supporting First Nations-specific initiatives under the National Suicide Prevention Leadership and Support Program;

(f) Funding for the Indigenous Advancement Strategy to promote social and emotional wellbeing among First Nations Australians.

Lesbian, gay, bisexual, transgender, intersex, queer and asexual people

304. The Australian Government recognises that LGBTIQ+ people and communities are disproportionately affected by mental illness and suicide, and is undertaking national consultation to inform a 10-year National Action Plan for the Health and Wellbeing of LGBTIQ+ People.

305. Australia funds nation-wide initiatives to support the mental health and wellbeing of LGBTIQ+ communities, including:

(a) Qlife – an Australia-wide anonymous, LGBTIQ+ peer support and referral service, offering phone and webchat support every day from 3pm to midnight;

(b) Qheadspace – part of the eheadspace digital platform where gender and sexually diverse young people can connect with others and seek support within a peer-moderated online community;

(c) Awareness raising activities, resource development, online discussion forums and peer support as part of the National Suicide Prevention Leadership and Support Program.

Children and youth

306. Tackling mental health and risky behaviours is one of the priority areas of the National Action Plan for the Health of Children and Young People 2020–2030. The Australian Government funds the National Workforce Centre in Child Mental Health initiative, delivered by Emerging Minds. This initiative assists professionals who work with children, parents and families to have the skills to identify, assess and support children at risk of mental health conditions.

307. Australia funds Primary Health Networks to plan and commission youth mental health and suicide prevention services to meet local need, including the Youth Enhanced Services program.

Men and rural populations

308. Mental health is a priority in the National Men's Health Strategy 2020–2030 and Australia is investing in initiatives to support men's mental health and suicide prevention. This includes \$17.5 million from 2022 to 2025 to support men who may be at high risk of suicide, including by funding MATES in Construction, OzHelp, Men's Table and Parents Beyond Breakup.

309. Support is also available to all adults through the Head to Health mental health centres network.

Harm reduction services

310. Australia advocates for a balanced and evidence-based approach to drug policy, incorporating both health and law enforcement approaches and strategies. Jurisdictional efforts are guided by the National Drug Strategy 2017–2026, which outlines a national commitment to harm minimisation. The strategy recognises that specific groups have a higher risk of experiencing harms associated with alcohol, tobacco and other drugs. Strategy implementation, including funding, legislation and harm reduction programs, is the responsibility of relevant agencies across all jurisdictions. This allows governments to take action relevant to their jurisdiction, reflecting local circumstances and addressing emerging issues.

311. All states and territories continue to develop their drug diversion initiatives to divert eligible individuals from the criminal justice system to health and/or education services. For example, the Australian Capital Territory was the first Australian jurisdiction to decriminalise possession of illicit drugs in small quantities, with new laws to take effect from October 2023. In April 2023, Queensland passed legislation to expand its cannabis diversion program to include other drugs. Under this program, people found with small personal quantities of illicit substances will be issued a warning and offered a place in a diversionary program on the first 3 occasions, while a fourth occasion results in a court notice.

312. The Australian Government has invested in the Take Home Naloxone Program to prevent or reduce the impact and harms caused by opioid use and opioid overdoses. This national program makes naloxone available free, without a prescription, to anyone who may experience or witness an opioid overdose or adverse reaction.

313. Following a review of medicines to treat opioid dependency and extensive consultations, the Australian Government has recently reformed opioid dependence treatment arrangements to provide more affordable and equitable access to medicines. As a result, since 1 July 2023, patients with opioid dependence now only pay standard Pharmaceutical Benefits Scheme co-payment for their medicines, meaning patients accessing treatment from community pharmacies no longer pay unregulated out-of-pocket fees. In addition, the government has invested \$377.3 million over 4 years from 2023–24 to establish a new community pharmacy program for opioid dependence.

314. The Australian Government is investing \$19.8 million over 4 years from 2023–24 to extend activities to support the prevention, intervention, and treatment of blood borne viruses and sexually transmissible infections. This includes \$6.6 million in 2023–24 for the continuation of activities through the National Blood Borne Viruses and Sexually Transmissible Infections Strategies.

315. Australia's draft Sixth National Hepatitis C Strategy 2023–2030 supports the global goal of elimination by 2030 by providing a framework for the efforts of all partners in response to hepatitis C.

316. State and territory governments run needle and syringe programs and medically supervised injecting rooms, as well as other harm reduction services.

Palliative care

317. The principles of pain management in palliative care are fundamentally the same for all patients who need it. Medicare-subsidised palliative medicine specialist services are provided by palliative medicine specialists and cover patient consultations. Palliative care-related prescriptions are those listed in the Palliative Care Schedule of the Pharmaceutical Benefits Scheme. This aims to improve access to essential and affordable medications for patients receiving palliative care, to provide relief from pain or other distressing symptoms.

318. States and territories have implemented policies that target equity of access to palliative care services, including First Nations specific strategies.

Equitable education and Gonski Review recommendations

319. Australian schools are funded through a combination of Australian Government funding, state and territory government funding, and funding from parental or private contributions.

320. The Australian Government provides recurrent funding for every student enrolled at a school. From 2018 to 2029, recurrent funding for schools will total \$323.9 billion.

321. The Schooling Resource Standard is an estimate of how much total public funding a school needs to meet its students' educational needs. It is based on recommendations made in the 2011 Review of Funding for Schooling by Mr David Gonski AC. In 2023, the estimated Schooling Resource Standard funding amounts are \$13,060 for primary students and \$16,413 for secondary students.

322. The Schooling Resource Standard loadings provide additional funding for student priority groups and disadvantaged schools, comprised of a base amount and up to 6 needs-based loadings. A student may attract funding under more than one loading. The Australian Government Department of Education calculates the Schooling Resource Standard for each school every year.

323. In 2023, the Australian Government is funding at least 20% of each government school's Schooling Resource Standard and 80% of each non-government school's Schooling Resource Standard. State and territory governments also provide funding for government and non-government schools in their jurisdictions. Agreed recurrent funding contribution levels for government and non-government schools are set out in the National School Reform Agreement between the Australian, state and territory governments.

324. The Australian Government has appointed a panel to review and advise state and territory education ministers on targets and reforms that should be tied to funding in the next National School Reform Agreement. The aim is to drive real and measurable improvements for students, with a particular focus on students from low socio-economic backgrounds, regional, rural and remote Australia, students with disability, First Nations students, and students from a language background other than English. The next National School Reform Agreement is anticipated to take effect in 2025.

Culturally appropriate education

325. Several strategies and programs are improving availability of culturally appropriate early education for First Nations children.

326. The Early Childhood Care and Development Policy Partnership, established in August 2022, enables First Nations people to work in partnership with Australian governments to develop formal advice on measures and reforms to support First Nations children to thrive in their early years. This will embed Closing the Gap priority reforms and increase access to culturally appropriate early childhood education and care.

327. The Community Child Care Fund Restricted Program helps services address barriers to participation in early childhood education and childcare. The Connected Beginnings

program integrates early childhood education, maternal and child health, and family support services with schools in selected First Nations communities, to ensure First Nations children are healthy and ready to thrive at school by 5 years old.

328. The Australian Institute for Teaching and School Leadership project, Indigenous Cultural Competency in the Australian Teaching Workforce, focuses on the processes that teachers and school leaders can use to continually develop and enact their cultural responsiveness, providing a suite of supporting resources and tools.

329. States and territories also have initiatives to embed culturally appropriate education. The Victorian Government has committed funding to deliver the Marrung: Aboriginal Education Plan 2016–2026, including to continue the Koorie Literacy and Numeracy program and the Koorie Education Workforce in Victorian early year services and schools. Koorie Engagement Support Officers support children, families and schools to improve education outcomes for First Nations students and enhance First Nations cultural inclusion in schools.

330. The Northern Territory delivers integrated services through Child and Family Centres, which provide early learning support to First Nations, vulnerable and disadvantaged children and families. Under the Closing the Gap Tasmanian Implementation Plan, all First Nations students have personalised learning plans developed in partnership with the student, their family and teachers. South Australia works with First Nations communities, educators and cultural institutions to embed First Nations contexts in units of work across all curriculum areas as appropriate.

Refugee and asylum seeker children

331. Australia supports equitable educational opportunities for children and young people.

332. The various Schooling Resource Standard loadings are designed to help schools with the extra costs associated with educating students from priority groups. The English Language Proficiency loading assists with the costs of language tuition and support for students who need assistance with English language skills. This includes recently settled migrants and refugees.

333. Education options for refugee and asylum seeker children in Australia depend on the visa they hold, and the conditions applied to that visa. Students from refugee or asylum seeker backgrounds who are enrolled at a school are generally eligible to be counted in the Australian Government Annual Schools Census and may attract Australian Government recurrent funding under the Education Act 2013.

334. State and territory governments manage the day-to-day operations of schools, such as supporting the engagement of all children, including refugee or recently settled migrant children, in educational opportunities and school life.

Inclusive education for students with disability

335. Under the Disability Discrimination Act and the Disability Standards for Education 2005, all schools need to provide reasonable adjustments for students with disability to allow them to access and participate in education on the same basis as their peers.

336. The Australian Government is implementing recommendations of the 2020 review of the Disability Standards for Education, which support the strategy's focus on strengthening inclusive design and delivery of mainstream systems and policy. This includes developing resources to support school leaders and teachers to strengthen their understanding of how the standards can be applied in school settings.

337. The introduction of the Australian Professional Standards for Teachers in 2011 set the national expectation that teachers meet the specific learning needs of all students and understand the legislative requirements and teaching strategies that support participation and learning of students with disability.

338. In 2023, the Australian Government is providing around \$3.1 billion for Australian schools through the Schooling Resource Standard loading for students with disability.

339. The government has also invested \$91 million in the Positive Partnerships Program, which was launched in 2008 and supports school-aged students on the autism spectrum, and their parents, carers and teachers.

340. In addition, the Australian Government Inclusion Support Program provides funding to assist approved early childhood education and care services to include children with additional needs. This program plays a vital role in ensuring children with additional needs, challenging and trauma-related behaviours and serious medical or health conditions are included in early childhood education and care services alongside their typically developing peers.

341. States and territories also have frameworks to support students with disability. For example, the Victorian 2023–24 State Budget provided \$235 million to support the educational and social needs of children and young people with disability and additional needs in schools. This builds on Victoria’s previous \$1.6 billion investment in the Disability Inclusion reform agenda in government schools.

Preservation, promotion and teaching of indigenous languages

342. The Australian Government acknowledges the intrinsic value of First Nations cultures, languages and art, and recognises 2022 to 2032 as the International Decade of Indigenous Languages.

343. The Indigenous Languages and Arts program provides over \$30 million annually for community-based organisations that support First Nations peoples to express, preserve and maintain their cultures through languages and arts activities. This includes an additional \$22.8 million over 4 years from 2022 to safeguard and strengthen First Nations languages.

344. The Australian Institute of Aboriginal and Torres Strait Islander Studies (AIATSIS) is Australia’s premier national institute dedicated to telling the story of Aboriginal and Torres Strait Islander peoples’ knowledge, societies and cultures. It preserves and promotes the cultural and linguistic heritage of First Nations peoples through its collections, records, research publications and project activities directly supporting and strengthening Indigenous languages.

345. The Australian Government has committed \$11 million from 2022–23 to establish a formal partnership between governments and First Nations peoples on languages and to fund the next iteration of the National Indigenous Languages Survey to inform effective and targeted investment. AIATSIS will deliver the report on the National Indigenous Languages Survey by mid-2025.

346. The Culture and Capability stream of the Indigenous Advancement Strategy also delivers funding to support the maintenance and strengthening of Australia’s Indigenous cultures. This includes funding for programs such as Digital Living First Languages, AIATSIS Indigenous Languages Preservation Dictionaries Project, Northern Territory Government Cross-Border and Legal Interpreting Services, as well as Accreditation, Certification and Interpreter Services.

347. The Australian Government contributes to First Nations languages education in schools through the Australian Curriculum Framework for Aboriginal Languages and Torres Strait Islander Languages (Foundation to Year 10). The framework guides Australian schools in the teaching of Aboriginal and Torres Strait Islander languages.

348. The Australian Government has committed to a \$14.1 million plan (from 2022–23 to 2025–26) to support local First Nations community and school partnerships for teaching First Nations languages. The funding supports the development and placement of First Nations educators in primary schools to help increase First Nations language learning.

349. States and territories also play a significant role in the preservation and teaching of First Nations languages. In New South Wales, the Aboriginal Languages Act 2017 promotes

the growth of Indigenous languages, and led to the creation of an Aboriginal Languages Trust to support language revitalisation. In June 2022, the New South Wales Government committed more than \$138 million dollars over 10 years to support the work of the trust.

350. Western Australia has a strong focus on creating culturally responsive public school classrooms and increasing the teaching of First Nations languages. In 2022, there were 24 First Nations languages being taught to 12,795 students across 92 public schools.

351. South Australia is supporting First Nations language owners to promote and preserve their languages and cultures through developing texts and resources, and delivering professional learning. Six South Australian language owner groups are working with the South Australian Government to develop language and culture content for the national Framework for Aboriginal Languages and Torres Strait Islander Languages.

Juukan Gorge

352. The Joint Standing Committee on Northern Australia's inquiry into the destruction of 46,000-year-old cultural heritage sites at Juukan Gorge, Western Australia, concluded with the report *A Way Forward: Final report into the destruction of Indigenous heritage sites at Juukan Gorge*. The committee made 8 recommendations for reforming Australia's First Nations cultural heritage protections.

353. The Australian Government issued its response to the committee's interim and final reports in November 2022, in which it accepted 7 of the committee's recommendations and noted the recommendation that the Minister for Indigenous Australians should be responsible for all First Nations cultural heritage matters.

354. The Australian Government is working in partnership with the First Nations Heritage Protection Alliance to co-design cultural heritage legislative reform in response to the committee's reports.

Artificial intelligence

355. The Australian Government is committed to developing and adopting trusted, secure and responsible artificial intelligence (AI), and working closely with the international community and industry.

356. Use of AI is subject to Australian laws, such as in areas of privacy, online safety, therapeutic goods, anti-discrimination and administrative law. The Commonwealth Ombudsman's *Automated Decision-Making Better Practice Guide* provides guidance for government agencies to ensure compliance with administrative law requirements and best practice decision-making.

357. Australia's laws are reviewed and adjusted as new technologies emerge. Initiatives across the Commonwealth to ensure fit-for-purpose laws and guidance on the use of AI technologies include:

(a) The Online Safety Act 2021, which includes mechanisms to address online safety issues that may involve AI, such as cyberbullying;

(b) The eSafety Commissioner, who has powers to require the removal of illegal and harmful online content that extends to AI-generated material;

(c) Reforms to the Therapeutic Goods Administration's medical devices regulations clarifying the requirements for software and mobile applications used in medical contexts;

(d) Consultation on new laws to provide the Australian Communications and Media Authority with powers to improve the transparency of efforts by digital platforms to counter harmful misinformation and disinformation online, while balancing freedom of expression.

358. Australia was one of the earliest countries to develop national AI ethics principles through Australia's AI Ethics Framework, which encourages organisations to reflect ethical practices and good governance when developing and using AI.

359. The 2023–24 Budget committed \$41.2 million to embed AI in the broader economy in a responsible way. This includes \$17 million for the new Responsible AI Adopt program to support small to medium enterprises to adopt AI technologies responsibly in their businesses.

360. In early 2023, Australia's National AI Centre launched the Responsible AI Network, bringing together experts, regulatory bodies, training organisations, and practitioners to focus on responsible AI solutions for Australian industry. In June 2023, the Australian Government released the Safe and responsible AI in Australia discussion paper to guide a conversation that ensures Australia continues to support responsible AI practices.

361. Australia has also taken steps with the international community to promote ethical development of AI. In 2019, Australia committed to the OECD's Principles on AI and the G20's Human Centred AI Principles, and in 2020 Australia became a founding member of the Global Partnership on Artificial Intelligence.

Good practices in policy formulation and implementation

362. Australia appreciates and carefully considered the concluding observations of the Committee on Economic, Social and Cultural Rights in response to Australia's fifth periodic report under the ICESCR.

363. Important legislative and policy commitments over the reporting period are set out in this report, including the government's commitment to reform its cultural heritage laws through legislation co-designed with First Nations peoples. Similarly, the government's commitment to the new National Agreement on Closing the Gap and the Uluru Statement from the Heart, contribute to realising the economic, social and cultural rights of Australians. Australia has also taken an historic step in appointing an Ambassador for First Nations People to embed First Nations perspectives and develop a First Nations Foreign Policy Strategy. Australia recalls the concluding observations of the Committee on Economic, Social and Cultural Rights on issues relating to Australia's First Nations peoples.¹¹

364. Australia recognises the urgency of the climate crisis and is taking strong action in its climate and energy policies. Australia also recognises the importance of First Nations knowledge and experience and has introduced programs to amplify First Nations voices and protect First Nations communities against the worst impacts of climate change. Australia recalls the Committee on Economic, Social and Cultural Rights' concluding observations in relation to these issues.¹²

365. As part of the Respect@Work reforms, Australia has amended the Sex Discrimination Act to state that an object of the Act is to achieve substantive equality between men and women, underscoring Australia's commitment to progressing equality of opportunity. Australia recalls the Committee on Economic, Social and Cultural Rights' concluding observations in relation to gender equality.¹³

366. Australia looks forward to engaging with the Committee on this report.

¹¹ E/C.12/AUS/CO/5 para. 16.

¹² E/C.12/AUS/CO/5 para. 12.

¹³ E/C.12/AUS/CO/5 paras. 22 and 26.