



Australian Government

Attorney-General's Department

CONSULTATION DRAFT

Australia's seventh report under article 40 of the International Covenant on Civil and Political Rights

DRAFT

Introduction

1. Australia is pleased to present its seventh periodic report to the Human Rights Committee (the Committee) on the implementation of the International Covenant on Civil and Political Rights (ICCPR), in accordance with article 40 of the ICCPR.
2. This report should be read in conjunction with Australia's Common Core Document, HRI/CORE/AUS/2023, which details Australia's legal, political and human rights frameworks.

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General information on the national human rights situation, including new measures and developments relating to the implementation of the Covenant

Significant developments in the legal and institutional framework

Implementation of the ICCPR in domestic laws

1. Australia does not have a bill of rights at the national level. However, the Australian Constitution contains a number of express guarantees of rights and immunities (and common law rights which implement a range of civil and political rights), such as:
 - Any property acquired by the Commonwealth Government must be acquired on just terms (section 51 (xxxii)).
 - Trial on indictment of any offence against any law of the Commonwealth shall be by jury (section 80).
 - The Commonwealth Government shall not make any law to establish any religion or to prohibit the free exercise of religion (section 116).
 - Citizens are not to be subjected to any discrimination in any state by reason of residence in another state (section 113).
 - Citizens have a right to vote in Commonwealth elections subject to restrictions on that right imposed by Commonwealth law (sections 7 and 24).
2. The High Court of Australia has found some additional implied freedoms and protections, including freedom of communication on political matters and the right to vote. These implications arise from the system of representative government created by sections 7 and 24 and related provisions of the Australian Constitution.
3. Australia implements its international obligations through a range of measures, including through legislation, policies and programs at federal and state levels, and through common law. Australia notes that there is no requirement for a single national law to implement the ICCPR.
4. Three Australian jurisdictions have enacted statutory human rights instruments which identify a number of rights and freedoms, based on the ICCPR. These statutory instruments require their respective governments to act and make decisions, and their respective judiciaries to interpret legislation, in a manner consistent with human rights.
 - The ACT *Human Rights Act 2004* (ACT) articulates the human rights that are protected in the ACT and provides that they may be subject only to reasonable limitations. The

ACT Human Rights Act requires public authorities to act in a way that is compatible with human rights and to give proper consideration to human rights when making a decision.

- The Victorian *Charter of Human Rights and Responsibilities Act 2006* (Vic) closely mirrors the ACT Human Rights Act in many of its functions, including the ability to declare legislation incompatible with a human right and the establishment of a bill scrutiny mechanism. The Victorian Charter of Human Rights Act seeks to protect and promote certain civil and political rights, including recognition and equality before the law, the right to life, freedom of expression and peaceful assembly. It also seeks to ensure that all statutory provisions are interpreted, so far as is possible, in a way that is compatible with human rights and recognises that Aboriginal people hold distinct cultural rights.
- The Queensland *Human Rights Act 2019* (Qld) protects 23 human rights and requires public entities to make decisions and act compatibly with human rights, and parliament to consider human rights when passing new legislation or amending current laws. The Queensland Human Rights Act also recognises and protects the distinct cultural rights of Aboriginal and Torres Strait Islander peoples

Court consideration of the ICCPR

5. A number of Australian court decisions have considered civil and political rights during the reporting period. For example,

- In *Farmer v Minister for Home Affairs* [2025] HCA 38 the High Court considered provisions of the *Migration Act 1958* (Cth) related to the implied freedom of political communication. The Court held the law valid and emphasised that the implied freedom is a limitation on legislative and executive power and does not confer positive individual rights on either members of the Australian community or a person seeking to enter Australia.
- In *Ravbar v Commonwealth* [2025] HCA 25 the High Court reiterated that the implied freedom of political communication is not absolute and held that the law in question was reasonably appropriate and adapted to serving a legitimate purpose that was compatible with the system of representative and responsible government prescribed by the Constitution.

- In *NZYQ v Minister for Immigration* [2023] HCA 37 the High Court held that detention of non-citizens is unconstitutional where there is no real prospect of removal of a non-citizen from Australia becoming practicable in the reasonably foreseeable future.

Implementation of the Committee's Views

6. Australia reviews and carefully considers ICCPR recommendations from the Committee, including Concluding Observations, in good faith. These recommendations are raised with the departments, Ministers and/or jurisdictions that are responsible for relevant policy and programs for consideration and, as appropriate, implementation.

7. Australia has progressed significant reforms relevant to the Committee's last Concluding Observations. This includes:

- Supporting the Australian Human Rights Commission (AHRC), Australia's National Human Rights Institution, to fulfil its core functions.
- Responding to reviews of counter-terrorism laws.
- Strengthening efforts to reduce racial discrimination, racism, vilification and hate speech.
- Continuing efforts to prevent violence against women.
- Amending the *Marriage Act 1961* (Cth) to allow for same-sex marriage.
- Continuing efforts to address the overrepresentation of Aboriginal and Torres Strait Islander peoples in the criminal justice system.
- Introducing a new Humanitarian Integration and Settlement Program.
- Establishing a National Preventive Mechanism under the Optional Protocol to the Convention against Torture.
- Increasing the minimum age of criminal responsibility in 2 jurisdictions.
- Establishing reparation programs for victims of the Stolen Generations.

8. Australia is a party to the Optional Protocol to the ICCPR, allowing individuals to make communications to the Committee if they are concerned that their human rights under the ICCPR have been violated.

9. The Australian Government has provided its response to the Views adopted by the Human Rights Committee in *M.I. et al. v Australia*, *Nabhari v Australia* and *Billy and others v Australia* as follows:

- In *M.I. et al. v Australia*, the author alleged that Australia violated articles 7, 9(1), 9(4), 10(1), 12, 13, 17, 19(2), 21(1), 23(1), 24 and 26 of the ICCPR, in relation to the authors'

immigration detention in Australia and Nauru. The Committee formed the view that the author's claims in relation to articles 10(1), 12, 13, 17, 19(2), 21(1), 23(1), 24 and 26 were inadmissible. The Committee also formed the view that the available information did not disclose that the authors' transfer to Nauru amounted to a violation of Article 7 of the ICCPR. The Committee considered that the authors' immigration detention in Australia (Christmas Island) amounted to a violation of articles 9(1) of the ICCPR, and that the Authors lacked access to judicial review of the lawfulness of their detention, contrary to Article 9(4) of the ICCPR. While the Australian Government respectfully disagrees with the Committee's Views, it notes relevant changes to Nauruan law and practice since the author's accommodation in the Nauruan Regional Processing Centre.

- In *Nabhari v Australia*, the author alleged that Australia violated articles 9(1), 9(4), 10, 17(1) and 23 of the ICCPR, in relation to the author's immigration detention in Australia and Nauru. The Committee formed the view that the author's claims in relation to articles 2(1), 17 and 23 were inadmissible. The Committee also formed the view that the author's claim in relation to article 9(1), in respect of the period of residence in the Nauruan community, was also inadmissible. However, the Committee considered that the author's detention on Christmas Island and Nauru amounted to a violation of article 9(1) of the ICCPR. Whilst the Australian Government considers that there has been no violation of the ICCPR, it notes that there have been relevant changes to Nauruan law and practice since the time of the author's accommodation in the Nauruan Regional Processing Centre.
- In *Billy and others v Australia*, the authors alleged that Australia violated articles 2, 6, 17, 24 and 27 of the ICCPR by failing to take adequate action to reduce emissions or pursue proper climate change adaption measures on the Torres Strait Islands. The Committee formed the view that the authors' claims in relation to articles 2, 6 and 24 were inadmissible. However, it found that Australia had failed to discharge its positive obligation to implement timely, adequate, adaptive measures to protect the author's home, private life and family (article 17) and culture (article 27) from the impacts of climate change. The Australian Government remains committed to working collaboratively with First Nations and Torres Strait Islander peoples, to address climate change and its impact (including in the Torres Strait Islands), and funding these efforts. This includes:

- passing landmark climate change legislation which enshrines Australia's emissions reduction targets
 - delivering climate change action for First Nations People including through working with regional leaders and Traditional Owners to design, establish and deliver the Torres Strait and Northern Peninsula Area Climate Resilience Centre (the centre) - a \$15.9 million investment over 6 years (2022–23 to 2027–28)
 - developing and deploying solar microgrid technology in remote and regional Australia so First Nations communities can access the benefits of renewable energy and improved energy security, and
 - delivering a new stage of the Torres Strait Major Infrastructure Program (Stage 7) with \$41.2 million over 5 years from 2025-26.
10. Much of this work is consistent with the Committee's recommendations, and several initiatives were underway prior to the Committee adopting its Views.

Specific information on the implementation of articles 1 to 27 to the Covenant, including with regard to the previous recommendations of the Committee

A. Constitutional and legal framework within which the Covenant is implemented (art. 2)

Parliamentary Joint Committee on Human Rights

11. The Parliamentary Joint Committee on Human Rights (PJCHR) examines all bills and disallowable legislative instruments for compatibility with human rights, and reports to both Houses of the Australian Parliament. The PJCHR may also inquire into and report on any human rights matters referred to it by the Attorney-General. PJCHR reports are considered by the Australian Government in developing and refining legislation but do not affect the validity of the legislation or the capacity for a bill to pass Parliament.

12. On 15 March 2023, the then Attorney-General referred Australia's 2010 Human Rights Framework and the National Human Rights Action Plan to the PJCHR for inquiry and report by 31 March 2024. The report was tabled in Parliament in May 2024. The Australian Government is giving careful consideration to the PJCHR's recommendations. Given that these recommendations have links to work across government, thorough consideration is required to ensure a holistic approach is taken to protecting and respecting the rights and freedoms of all Australians.

Statement of Compatibility with Human Rights

13. Under the *Human Rights (Parliamentary Scrutiny) Act 2011* (Cth) all new Bills and disallowable legislative instruments introduced to the Australian Parliament must be accompanied by a Statement of Compatibility with Human Rights, which assesses the compatibility of the legislation with the rights and freedoms recognised in the seven-core international human rights treaties that Australia has ratified.

14. Statements of Compatibility are reviewed by the PJCHR. The PJCHR also considers relevant views of human rights treaty bodies, international and comparative human rights jurisprudence, and other treaties and instruments to which Australia is a party. These scrutiny processes aim to encourage early and ongoing considerations of human rights issues in policy and legislation, while also improving parliamentary scrutiny of new laws for consistency with treaty rights and freedoms.

15. All jurisdictions in Australia have mechanisms that seek to ensure governments act consistently with Australia's international obligations. All jurisdictions also operate boards or commissions that oversee anti-discrimination protections, some with a broader human rights focus. These bodies determine or conciliate discrimination complaints in accordance with the relevant legislation, and conduct education and awareness-raising activities.

Awareness raising

Law enforcement officials

16. Human rights education is a key component of training and continuing development for law enforcement officers at the federal, state and territory levels. Law enforcement officers are trained in human rights through specific modules. Human rights principles are also embedded through compulsory and optional training, diversity and inclusion policies, and relevant laws.

Immigration officers

17. International obligations training, covering refugee law, complementary protection and Australia's non-refoulement obligations, is provided to immigration detention officers as relevant to their roles. This training is regularly reviewed and delivered to new staff and as refresher courses. The Australian Government contracts appropriately trained and experienced service providers to ensure immigration detainees' needs are adequately met.

Court staff

18. The principle of judicial independence means that the Government does not directly provide judicial training and cannot make judicial training compulsory. However, the Commonwealth co-funds (with States and Territories) the National Judicial College of Australia to deliver training to judicial officers across Australia.

19. In Australia, all practicing lawyers are required to undertake Continuing Legal Education, which provides mandatory training to ensure high standards of professional competence across the legal profession.

Reservations under the Covenant

20. The Australian Government is not proposing to withdraw its reservation to articles 10, 14(6) and 20 of the ICCPR.

21. Australia maintains that its ICCPR reservations are consistent with the treaties' object and purpose and with the *Vienna Convention on the Law of Treaties*. Australia notes that there have been no formal objections to this position from other State Parties.

Article 10

22. Australia made its reservations on the basis that the obligation to segregate is accepted only to the extent that such segregation is considered by the responsible authorities to be beneficial to the juveniles or adults concerned. We note that if Australia were to withdraw its reservations to Article 10, Australia would be obliged to separate children in custody from adults in all circumstances, regardless of whether this was in the best interests of the child.

Article 14(6)

23. Australia's reservation provides that the provision of compensation for a miscarriage of justice in the circumstances contemplated by Article 14(6) may be by administrative procedures rather than pursuant to specific legal provisions or mechanisms.

24. This reservation reflects that, in Australia, procedures for granting compensation do not necessarily have a statutory basis. Administrative or legislative procedures are available in all Australian jurisdictions to provide compensation for miscarriages of justice in the circumstances envisaged in Article 14(6). This can include, for example, act of grace payments under the *Public Governance, Performance and Accountability Act 2013* (Cth).

25. In this way, the reservation to Article 14(6) only affects the method by which Australia chooses to provide compensation in domestic law, by administrative *or* statutory means.

Article 20

26. Australia's reservation to Article 20 reserves the right not to introduce further legislative provisions regarding the prohibition of propaganda for war and any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence.

27. This reflects Australia's commitment to articles in the ICCPR related to freedom of expression, the right of peaceful assembly and freedom of association, while not precluding the introduction of further legislation if Australian parliaments were to consider this necessary or desirable to protect the rights of any person.

B. National human rights institutions (art. 2)

28. The Australian Government is committed to a strong, independent AHRC, recognising its fundamental role in Australia's domestic human rights framework.

29. In 2022, the Australian Government took steps to ensure this independence by legislating a merit-based appointment process for Commission appointments, consistent with

the Paris Principles, and provided a funding boost over four years from 2022–23 to ensure its independence.

30. As a result, the Global Alliance of National Human Rights Institutions re-accredited the AHRC in 2023 as an ‘A’ status National Human Rights Institution.

Strengthening the AHRC

31. The AHRC receives an annual appropriation from the Australian Government and own-sourced revenue for sales of goods and rendering of services. The Australian Government continues to build the AHRC’s capabilities, including through providing:

- An annual appropriation for general operations (\$28.0 million in 2025-26).
- An additional funding boost of \$49.8 million over four years from 2022-23 (including \$9.1 million ongoing funding from 2026-27 onwards) for the AHRC to continue its ongoing work as Australia’s Human Rights Institution, develop a National Anti-Racism Strategy and continue its anti-racism campaign, and implement Respect@Work recommendations to help individuals and organisations prevent and respond to workplace sexual harassment.

GANHRI sub-committee

32. The GANHRI sub-committee has acknowledged that the AHRC interprets its mandate broadly to encompass all human rights and conducts work directly in relation to instruments not scheduled to the *Australian Human Rights Commission Act 1986* (AHRC Act). The AHRC Act enables the AHRC to promote and protect human rights generally in Australia.

C. Non-discrimination (arts. 2, 19, 20 and 26)

33. The Australian Government believes all people are entitled to respect, equality, and dignity, and is committed to ensuring its human rights framework protects human rights.

Australia’s anti-discrimination legislation

34. Australia has a comprehensive anti-discrimination framework at the federal, state and territory level that is subject to ongoing review and public debate. Protected attributes at the Commonwealth level include age, disability, sex, race, nationality, ethnic origin, sexual orientation, gender identity and intersex status. A strong framework is also in place at the federal level to prevent hate speech and incitement to violence against groups, or members of a group, based on race, religion, nationality, ethnic origin or political opinion.

35. Australia’s federal anti-discrimination laws are contained in the following legislation:

- The *Racial Discrimination Act 1975* (Cth)
- The *Sex Discrimination Act 1984* (Cth)
- The *Disability Discrimination Act 1992* (Cth), and
- The *Age Discrimination Act 2004* (Cth).

36. All jurisdictions have comprehensive anti-discrimination legislation that implements rights to non-discrimination and equality. All jurisdictions also have a board or commission that oversees human rights and anti-discrimination, with functions that include the determination or conciliation of complaints of discrimination brought under legislation operating in the particular jurisdiction, and human rights education and awareness-raising.

37. The Government has consistently stated that no Australian should be discriminated against for who they are and what they believe, in terms of their faith.

38. The Government has engaged with a range of religious institutions, community organisations, unions and legal experts to develop a draft religious discrimination legislative package.

39. The Australian Government believes that enhancing human rights protections should be done in a way that unites, rather than divides, our community. An enduring solution, therefore, requires careful and constructive engagement from all sides of politics.

40. The Australian Prime Minister has made it clear that the Government will only pursue religious discrimination reforms with bipartisan support.

41. The Government remains committed to ensuring a balance between protecting students and teachers from discrimination and allowing schools to continue to operate in accordance with their religious ethos.

Australian Human Rights Commission statistical information

42. At the federal level, the AHRC as Australia's National Human Rights Institution investigates and conciliates discrimination and human rights complaints under Australia's anti-discrimination legislation. Individuals who believe they have been unlawfully discriminated against are able to lodge a complaint with the AHRC. In certain circumstances, if conciliation is unsuccessful, individuals may commence legal proceedings regarding the complaint in the Federal Court or the Federal Circuit and Family Court.

43. From November 2017 to date (31 March 2026) the AHRC received 23,265 complaints alleging unlawful discrimination and human rights breaches under the federal discrimination laws. During the same period, the Commission finalised 21,849 complaints.

Complaints received and finalised 1 November 2017 – 31 March 2026						
	Disability Discrimination Act	Sex Discrimination Act	Race Discrimination Act	Age Discrimination Act	Human rights breaches	ILO discrimination in employment
Received	10,478	4,874	3,783	1,405	1,477	1,239
Finalised	9,719	4,508	3,582	1,322	1,480	1,238

Law enforcement awareness and training

44. As indicated above, human rights education is a key component of training and continuing development for law enforcement officers at the federal, state and territory levels.

45. Since Australia's sixth ICCPR report, the Australian Federal Police (AFP) delivered the National Interviewing Vulnerable Persons Program to participants. The program explores various factors that may create and/or contribute to people being considered vulnerable, including (but not limited to) gender and identity, culture and ethnicity, language and religion.

46. All states and territories have anti-discrimination legislation and a board or commission that oversees anti-discrimination protections, with some incorporating a focus on human rights protections more broadly. All jurisdictions also have various plans and actions in place to prevent and punish instances of racial profiling by law enforcement officers.

Promotion of diversity

47. The Australian Government affirms multiculturalism as a central priority within the national agenda.

48. The Australian Government has undertaken initiatives to promote support for diversity and counter racism, including:

- The establishment of the Office for Multicultural Affairs in 2025 to create a more coordinated national approach to multiculturalism and to promote understanding, equity, participation and inclusion across Australia's diverse society.

- Passing laws to strengthen penalties for hate crimes, specifically targeting people and groups who seek to spread hatred, radicalise youth and disrupt social cohesion in Australia.
- Establishing a Royal Commission on Antisemitism and Social Cohesion, incorporating an Independent Review into Federal Law Enforcement and Intelligence Agencies.
- Initiating a range of community engagement, countering terrorism and violent extremism and educational initiatives to promote early intervention, support communities, correct false narratives and underpin social cohesion at this challenging time.

Combatting discrimination based on sexual orientation and gender identity

49. Australia believes that people are entitled to respect, dignity and the opportunity to participate in society and receive the protection of the law regardless of their sexual orientation or gender identity.

50. Australia has a comprehensive anti-discrimination framework at the federal, state and territory level which protects attributes including sexual orientation and gender identity.

51. Australia's federal *Sex Discrimination Act 1984* (Cth) is the key Commonwealth legislation making discrimination on the basis of sex unlawful. The Sex Discrimination Act prohibits discrimination on the grounds of sex, sexual orientation, gender identity or intersex status.

52. This framework is further supported by the Australian Government's criminalisation of the most serious kinds of hate speech involving threats or advocacy of force, violence or property damage against people – and their close associates – where those people are distinguished by attributes including their sexual orientation or gender identity.

Adequate access to healthcare for persons with gender dysphoria

53. The Australian Government also supports access to high-quality, affordable health care through free and subsidised services. There are a range of “condition agnostic” Medicare Benefits Schedule (MBS) items that provide patients with gender dysphoria access to an MBS rebate for medical consultations.

54. The National Health and Medical Research Council is developing national clinical practice guidelines for the care of people under 18 with gender dysphoria.

55. The Australian Government also provides significant funding to assist states and territories with the costs of delivering public health and hospital services but does not direct the delivery of specific services.

56. State and territory governments remain system managers of public hospitals and determine the services offered.

D. Violence against women, including domestic violence (arts. 3, 6, 7 and 26)

57. The Australian Government is committed to a country free of gender-based violence, where all people live free from fear and violence and are safe at home, at work, at school, in the community and online.

58. To combat gender-based violence:

- The Australian Government appointed the inaugural National Domestic, Family and Sexual Violence Commissioner in October 2022, to provide evidence-based policy advice, promote inter-jurisdictional coordination, and amplify the voices of people with lived experiences.
- The National Cabinet agreed in September 2024 to a comprehensive \$4.7 billion package to prevent gender-based violence, including through frontline specialist and legal services.
- The Australian Government continues to proactively address technology-facilitated gender-based violence.

National Plan to End Violence against Women and Children (2022–2032)

59. Australia continues to implement the *National Plan to End Violence against Women and Children 2022-2032* (National Plan) which sets out Australia's vision to end gender-based violence in Australia in one generation.

60. In February 2026, the Australian Government launched *Our Ways – Strong Ways – Our Voices: National Aboriginal and Torres Strait Islander Plan to End Family, Domestic and Sexual Violence 2026-2036*. Developed in partnership with First Nations communities and state and territory governments, this guides a whole-of-society approach to addressing the unacceptable rates of violence against Aboriginal and Torres Strait Islander women and children in Australia.

61. To address key primary prevention and priorities under the National Plan as part of the 2022-23 Budget, Our Watch was funded \$74.6 million over 5 years (2022-23 – 2026-27) to

deliver the Primary Prevention Activities Program (PPAP). The PPAP is delivered through five grant agreements known as themes:

- Theme 1. National leadership and evidence building
- Theme 2. Increasing prevention activity and building the prevention sector.
- Theme 3. Innovation, responding to emerging issues and preventing gender-based violence in key communities.
- Theme 4. Campaigns, engagement and awareness, and
- Theme 5. Prevention in Big Reach and emerging settings.

62. The federal and state and territory governments have also released the *National Principles to Address Coercive Control in Family and Domestic Violence* in September 2023, which creates a shared national understanding of coercive control. The National Principles are designed to be used by government and non-government organisations involved in addressing coercive control.

63. As part of its commitment under the National Plan, the Australian Government is taking a comprehensive approach to engage with men and boys on gender-based violence through prevention, early intervention, response, recovery and healing activities that focus on changing attitudes and behaviours to stop violence from occurring, re-occurring and escalating.

64. This includes teaching young people about healthy relationships and consent, to recognise that gender stereotypes harm both men and women, and to hold each other accountable when we witness disrespectful behaviour and attitudes.

65. The Australian Government has also committed \$26.9 million to partner with states and territories to trial innovative approaches to address perpetrator behaviour. A further \$8.6 million was committed in April 2025 to boost innovative perpetrator responses.

b) Disaggregated data on gender-based violence

66. Progress on the National Plan's outcomes and national level targets are publicly reported by the Australian Institute of Health and Welfare, including four First Nations measures.

67. The Australian Government has commissioned research to expand the knowledge base on gender-based violence with the aim to:

- Increase our understanding of and responses to address the unique, intersecting, and lifelong impacts of violence against certain communities, including Aboriginal and Torres Strait Islander peoples and the LGBTQIA+ community.

- Measure community attitudes towards violence against women which includes representative cohorts from the Aboriginal and Torres Strait Islander, Disability, Culturally and Linguistically Diverse and LGBTQIA+ communities.
- Build our knowledge and understanding of the factors correlated with men perpetrating violence, including the role of their own lived experience of violence and trauma.
- Recognise and address the patterns of behavior that constitute coercive control, including through increased understandings of non-physical forms of violence and abuse, such as psychological abuse, technology-facilitated and financial abuse.
- Bring sexual violence out of the shadows by recognising barriers to reporting and acknowledging sexual violence as a standalone issue that occurs beyond intimate partner violence.

68. The National Plan acknowledges the critical role data plays in measuring progress towards ending gender-based violence and, as such the Commonwealth, state and territory governments are committed to working together to improve data and information sharing.

c) Encouraging the reporting of cases of violence

69. The Australian Government has invested \$4 billion since 2022 in women's safety and the National Plan, including \$925.2 million over five years from 2023-24 to permanently establish the Leaving Violence Program. This program helps people experiencing intimate partner violence leave relationships by providing up to \$5,000 in financial support, referral services, risk assessments and safety planning to eligible persons.

70. The Program has two service delivery models: a National Program delivered by a National Provider, and four Regional Trials delivered by Aboriginal and Torres Strait Islander-led organisations.

71. Through the National Plan, the Australian Government also funds other national services and programs such as 1800RESPECT, the national counselling, information and support service for people affected by domestic, family and sexual violence. 1800RESPECT provides free and confidential support 24 hours a day, 7 days a week.

d) Assistance to victims

72. In addition to the Leaving Violence Program, the Australian Government has committed \$3.9 billion under the *National Access to Justice Partnership 2025–2030 (NAJP)* to fund frontline legal assistance delivered by legal aid commissions, community legal centres, Women's Legal Services, Family Violence Prevention and Legal Services (FVPLS)

and Aboriginal and Torres Strait Islander Legal Services (ATSILS). This is the largest investment in the legal assistance sector by the Australian Government ever and includes nearly \$800 million in new funding with a focus on women and children experiencing family violence.

E. Counter-Terrorism measures (arts. 2, 9, 12, 14, 17 and 22)

73. Australia has a range of terrorist offences and counter-terrorism frameworks. These include:

- Offences for engaging in a terrorist act and engaging with a terrorist organisation.
- Orders for managing high risk terrorist offenders and for protecting the public from a terrorist.
- Powers for police and intelligence agencies to investigate and prevent terrorist acts.

74. These frameworks balance the protection of the Australian public from threatened or actual terrorist acts with the need to uphold the rule of law, democratic freedoms and human rights.

75. Most recently, the Australian Government released *A Safer Australia Strategy – Australia’s Counter Terrorism and Violent Extremism Strategy 2025* to address re-radicalisation by prioritising prevention and early intervention.

Compliance under the ICCPR

76. In Australia, the Parliamentary Joint Committee on Intelligence and Security (PJCIS) and the Independent National Security Legislation Monitor (INSLM) continue to review a range of prospective and existing national security legislation, in addition to their ongoing oversight activities.

77. Notably, the INSLM is reviewing the definition of “terrorist act” in section 100.1 of the *Criminal Code Act 1995* (Cth) (Criminal Code) to ensure the rights of individuals are protected and that the definition remains necessary, proportionate, consistent with Australia’s international obligations and practices.

78. In November 2023, the Australian Government passed *Counter-Terrorism and Other Legislation Amendment Act 2023* (Cth), which enhanced safeguards and oversight mechanisms for a range of counter-terrorism powers including by introducing additional considerations for decision-makers, enhanced reporting requirements and new notification requirements.

79. In November 2025, the Australian Government passed the *Strengthening Oversight of the National Intelligence Community Act 2025* (Cth). The legislation delivered on key recommendations made by previous independent reviews and strengthened and expanded the responsibilities of key oversight bodies with responsibility for the National Intelligence Community.

Surveillance Legislation Amendment (Identify and Disrupt) Act 2021 (Cth)

80. The *Surveillance Legislation Amendment (Identify and Disrupt) Act 2021* (Cth) (SLAID Act) introduced powers for the AFP and Australian Criminal Intelligence Commission (ACIC) to identify, investigate and disrupt serious criminal activity online. The SLAID Act ensures that power is exercised in a way that is reasonable, necessary and proportionate, and upholds and respect human rights.

81. The SLAID Act powers have been used sparingly by agencies, in part due to the strict necessity and proportionality criteria.

82. The INSLM conducted a review of the SLAID Act, which was tabled in the Australian Parliament on 1 September 2025. The INSLM found that the SLAID Act powers are effective and should be retained and made 21 recommendations relating primarily to enhancing the framework for issuing warrants and the safeguards relating to the use and destruction of information.

83. The INSLM noted that SLAID Act powers used to combat serious crimes such as terrorism could enhance human rights including the right to life, security of person and the child. The INSLM also acknowledged the use of SLAID Act powers could also infringe on human rights (most notably the right to privacy) and provided recommendations that would improve compatibility with the right to privacy.

Criminal Code Amendment (Hate Crimes) Act 2025 (Cth)

84. On 8 February 2025, the *Criminal Code Amendment (Hate Crimes) Act 2025* (Cth) (Hate Crimes Act) came into force.

85. The Hate Crimes Act promotes the right to security of persons and strengthens and enhances Australia's legislative framework to combat hate crime and promote community respect. It amends existing offences in the Criminal Code concerning incitement to violence against a group or a member of a group, introduces mandatory minimum sentences of imprisonment, increases the penalty for displaying a prohibited hate symbol or performing

the Nazi salute, and creates new offences. These new offences include threatening force or violence and advocating and threatening damage to real property and motor vehicles.

86. The amendments are proportionate and reasonable as a court will only apply penalties upon conviction after fair trial. The mandatory minimum sentences do not apply to offenders aged under 18 years at the time of the offence.

Combating Antisemitism, Hate and Extremism (Criminal and Migration Laws) Act 2026
(Cth)

87. On 22 January 2026, the *Combating Antisemitism, Hate and Extremism (Criminal and Migration Laws) Act 2026* (Cth) (Combating Antisemitism Act) came into force.

88. The Combating Antisemitism Act promotes the right to security of persons and strengthens and enhances Australia's legislative framework to address conduct that poses a significant risk to community safety and social cohesion.

89. The Combating Antisemitism Act builds upon existing protections against hate crimes by: strengthening and expanding Commonwealth criminal offences for displaying hateful Nazi or terrorist symbols and for advocating or threatening violence against targeted groups and their members; reforming migration laws to allow the refusal or cancellation of visas on the basis of hate-motivated conduct; and creating a new framework that enables the listing of organisations as 'Prohibited Hate Groups'. Once an organisation is listed, it is a criminal offence to direct the activities of, be a member of, recruit for, train with, provide to or receive funds from, or provide support for, the prohibited hate group.

90. The amendments are proportionate and reasonable as a court will only apply penalties upon conviction after fair trial.

F. Right to life (art.6)

91. In Australia, the right to life of all people is protected by a range of measures across jurisdictions, including by general criminal offences like murder and other homicides.

92. Australia has an obligation not to deprive a person of life arbitrarily or unlawfully (article 6 of the *ICCPR*), and not to impose the death penalty (the Second Optional Protocol to the *ICCPR*, read in conjunction with article 6). Pursuant to these obligations, Australia must not, remove a person to another country where there are substantial grounds for believing that there is a real risk of that person being subjected to irreparable harm, such as arbitrary deprivation of life, or to the death penalty in that country.

Climate change and natural disasters

93. The *National Adaptation Plan*, released September 2025, provides the Australian Government's policy framework to respond to the findings of Australia's first *National Climate Risk Assessment* and adapt to climate impacts. The Plan includes an overview of current Government actions taken to respond to climate impacts, demonstrating the significant steps already underway to respond to our future climate. Together, the Plan and the Risk Assessment provide a strong foundation for coordinated action across all levels of government, the private sector, and our communities, to respond to our climate future across. This includes principled, targeted action to support groups that are disproportionately vulnerable to the impacts of climate change.

94. The *National Climate Resilience and Adaptation Strategy 2021-2025* positions Australia to better anticipate, manage and adapt to our changing climate. The Strategy is underpinned by principles to support those who are vulnerable to climate-related impacts and recognises that adaptation is a shared responsibility that requires sustained and ongoing action. To enable more effective adaption across Australia the Strategy contains three objectives to:

- drive investment and action through collaboration
- improve climate information services, and
- assess progress and improve over time.

95. The Torres Strait and Northern Peninsula Climate Resilience Centre is a First Nations-led regional initiative created to deliver culturally grounded, community-driven climate adaptation. The Centre's co-design process ensures that climate action is shaped directly by community priorities, supporting data sovereignty, respecting Indigenous Cultural and Intellectual Property, and strengthening local capability through dedicated First Nations climate resilience officers. This initiative reflects a deliberate commitment to deep, ongoing First Nations consultation, ensuring climate resilience efforts remain place-based, culturally informed and community governed.

96. The *Emergency Management Targeted Action Plan* under *Australia's Disability Strategy 2021-2031* (ADS), focuses on making real progress on improving the outcomes of people with disability affected by national emergencies.

Refugee and asylum-seekers

97. Individuals in Australia may be granted protection if they are found to engage Australia's international protection and non-refoulement obligations under the:

- 1951 *Convention relating to the Status of Refugees* and its 1967 Protocol (the Refugees Convention)
- *Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment*, or
- ICCPR.

98. These international obligations were codified into the *Migration Act 1958* (Cth) by the *Migration and Maritime Legislation (Resolving the Asylum Legacy Caseload) Act 2014* (Cth).

99. Australia does not consider that its non-refoulement obligations are engaged in relation to harms caused solely by the impacts of climate change or environmental degradation.

Transnational cooperation

100. Australia's *Extradition Act 1988* (Cth) (Extradition Act) and *Mutual Assistance in Criminal Matters 1987 Act* (Cth) contain a range of safeguards and protections apply to Australia's cooperation with international counterparts in criminal matters. These safeguards ensure that such cooperation is consistent with Australia's international human rights obligations.

101. These Acts provide mandatory and discretionary grounds for refusing extradition or mutual assistance requests on the basis of human rights and other humanitarian concerns including where the request concerns an individual who is being investigated or charged with an offence which attracts the death penalty.

102. In cases of outgoing extradition or mutual assistance requests, where assistance is sought from foreign countries, decision-makers consider, as a matter of longstanding policy, any risk that information provided by Australia could result in the imposition of the death penalty.

103. This framework ensures that Australia's cooperation in criminal matters remains fully consistent with its international obligations, including non-refoulement obligations.

Law enforcement oversight mechanisms

104. Australia is committed to continuing to implement the Optional Protocol to the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT). On 23 December 2025, the UN Subcommittee on Prevention of

Torture, established under OPCAT recognised that Australia has met the requirements for National Preventive Mechanism designation under the Optional Protocol.

105. In response to the Final Report of the Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability (Disability Royal Commission), the Australian government and state and territory governments accepted to consider and progress reforms to better protect the human rights of people with disability in places of detention. This includes continuing to cooperatively and progressively work towards full implementation of OPCAT, including resolving ongoing funding arrangements.

Australian Federal Police

106. The Professional Standards Team within the AFP reviews complaints of excessive use of force and takes appropriate action (including sanctions or terminating employment where appropriate) against any member found to have breached the *AFP Commissioner's Order on operational safety*.

107. The Office of the Commonwealth Ombudsman (OCO) annually reviews the AFP's handling of complaints made against AFP officers relating to use of force and AFP policies and procedures, such as Commissioners Orders. The AFP is required to notify the OCO of certain complaints received by the AFP including serious misconduct, breaches of criminal law, and serious neglect of duty. The OCO produces a report on the findings and outcomes from the annual reviews, which the Ombudsman must present to the federal Parliament and Commissioner of the AFP. The OCO may also commence investigations into matters related to the AFP use of force.

Immigration detention

108. The Australian Governments' Department of Home Affairs is also committed to ensuring the maintenance of a safe immigration detention environment. The Facilities and Detainee Services Provider (FDSP) must deliver all services in accordance with Australian law, legislation and policies and the Department reserves all rights to refer any illegal conduct to law enforcement agencies as required.

109. In circumstances where a complaint alleging the excessive use of force is made against an FDSP officer, the Department will investigate the claim, including assessing footage, reviewing reporting and obtaining a statement from the detainee.

110. In the event the Department of Home Affairs determines that use of force was excessive in proportion to the risk faced, there are multiple mechanisms for the Department to pursue,

including individual consequences for personnel involved, and organisational consequences for the FDSP.

South Australia

111. In South Australia (SA), the Office for Public Integrity can assess complaints made about the conduct of police officers. Matters may also be heard by the Police Disciplinary Tribunal. Police officers may be charged with ordinary criminal offences where appropriate.

112. All deaths in custody must be reported to the State Coroner as a “reportable death”, and it is mandatory for the State Coroner to hold an inquest into every death in custody to ascertain the cause or circumstances of the death. The findings outlined in the Coroner’s report may include recommendations to prevent or reduce the likelihood of a recurrence of a similar event, as well as recommendations relating to the quality of care treatment and supervision of the deceased person, public health and safety and the administration of justice.

Northern Territory

113. In the Northern Territory (NT), allegations of excessive use of force by correctional officers are subject to structured review, escalation, and independent consideration where required.

114. Allegations of excessive force within the Northern Territory Police Force are managed through a structured accountability framework to ensure transparency and public confidence. Investigations are conducted by the Professional Standards Command. Independent oversight is provided by the Northern Territory Ombudsman and the Independent Commissioner Against Corruption.

115. Where a death in custody occurs, the Northern Territory Coroner conducts an independent investigation.

New South Wales

116. In New South Wales (NSW), all incidents involving excessive use of force within Corrective Services NSW are referred to a Use of Force Review Committee for independent assessment. Where the Committee determines that force was excessive and identifies potential misconduct, the matter is escalated for further investigation and, where appropriate, disciplinary action. Where the potential for criminal charges is identified, a NSW Police team also reviews the use of force.

117. Youth Justice NSW refers all incidents of use of force to an expert panel for assessment as to whether the use of force has been compliant with the law. If misconduct is identified, it is referred to a professional conduct committee and in some cases the NSW Police.

Tasmania

118. In Tasmania (TAS), all incidents involving force by Tasmanian Police are reviewed to identify issues or trends and are assigned for investigation if deemed necessary.

119. All deaths in custody are investigated by Tasmania Police Professional Standards in conjunction with the Coroner. Where criminal, summary or code of conduct breaches are detected, the matters are reviewed by the Department of Public Prosecutions, and outcomes reported to the Integrity Commission.

Victoria

120. In Victoria (VIC), complaints of a serious nature made against the Victorian Police, including excessive or unreasonable use of force, threats or harassment, breach of human rights, and unlawful arrest, may be formally investigated by the Professional Standards Command.

121. Complainants who are not satisfied with the police response may make a complaint to the Independent Broad-based Anti-Corruption Commission (IBAC). IBAC is an independent body that investigates and exposes corruption and police misconduct.

122. A specialist unit within IBAC assesses and investigates single-incident complaints about Victoria Police by people from communities considered at a higher risk of experiencing police misconduct, including children, Aboriginal people, people who identify as LGBTIQA+, people from culturally diverse backgrounds.

Australian Capital Territory

123. In 2025, the Australian Capital Territory (ACT) and OCO publicly released the *Use of force by ACT Policing: more to do to lessen harm* report, along with ACT Policing's formal response. The review considered operational safety curricula, observing an operational safety assessment, and reviewing use of force reports and body-worn camera and CCTV footage. The report made 13 recommendations, of which ACT Policing accepted 2, partially accepted 8, and did not accept 3. ACT Policing is implementing the actions proposed in the response to the report, with established internal oversight mechanisms in place to ensure effective and timely implementation of the recommendations.

Western Australia

124. The Professional Standards Command within the Western Australia (WA) Police Force, reviews any complaint of excessive use of force and take appropriate action. This may include applying a range of sanctions or terminating employment, where appropriate, against any member found to have breached Western Australia Police Force policies on use of force.

G. Prohibition of cruel, inhuman or degrading treatment or punishment (arts. 2, 3, 7, 9, 17, 24 and 26)

125. In response to the Disability Royal Commission's recommendation on non-therapeutic sterilisation of people with disability, the Australian Government, along with state and territory governments, reaffirmed their commitment to protecting the human rights of people with disability and are working to strengthen protections related to non-therapeutic procedures resulting in permanent sterilisation of people with disability.

126. The Commonwealth and most state and territory governments (NSW, NT, QLD, SA, TAS and VIC) will further consider issues raised by this recommendation, acknowledging jurisdictional legislative differences and ongoing reform processes.

127. The Australian Government acknowledges the unique needs and experiences of people with innate variations of sex characteristics, including long term mental and physical health impacts related to treatments or procedures they have previously undergone.

128. The *National Action Plan for the Health and Wellbeing of LGBTIQ+ People 2025-2035*, released in 2024, explores opportunities to improve protections and care for people with innate variations of sex characteristics, drawing from findings from the AHRC's *Ensuring health and bodily integrity report* (2021). To this end, the Australian Government funds a dedicated psychosocial and peer support service for people with innate variations of sex characteristics.

129. The Action Plan was informed by targeted consultations with people with innate variations of sex characteristics across 2023 and 2024. People with innate variations of sex characteristics were represented on an expert advisory group supporting development of the Action Plan.

H. Treatment of aliens, including refugees and asylum-seekers (arts. 2, 7, 9, 10 and 17)

130. The Australian Government is committed to a managed and equitable system of migration, consistent with our international obligations with respect to human rights of migrants, refugees and asylum seekers.

131. Since the last ICCPR report, the Australian Government has progressed a number of measures to address the treatment of migrants, refugees and asylum seekers, including:

- Establishing new criminal offences and civil penalty provisions for using a person's immigration status against them.

- Progressing measures to address and reflect risks of exploitation of migrant workers, including making it explicit that migrant workers are entitled to the same workplace protections and entitlements under the Commonwealth *Fair Work Act 2009* (Cth) regardless of their visa status.
- Implementation of the new Humanitarian Integration and Settlement Program in 2026 to embed better practice settlement principles supporting client-centric, strengths and self-agency service models.

Non-refoulement

132. Australia does not return individuals to situations where they face persecution or a real risk of torture, cruel, inhuman or degrading treatment or punishment, arbitrary deprivation of life or the application of the death penalty.

133. In line with Australia's international non-refoulement (non-return) obligations, non-citizens in Australia can seek protection by applying for a protection visa under the *Migration Act 1958* (Cth). If they are found to engage Australia's protection obligations and meet all other visa criteria, they are granted a protection visa.

134. In 2023, the Australian Government announced a \$160 million package of reforms designed to restore integrity to Australia's refugee protection system.

The Migration Act 1958

135. The Migration Act is the primary legislation which regulates the entry and presence of non-citizens in Australia.

136. Section 197C(1) provides that, for the purposes of removal under section 198, it is irrelevant whether Australia has *non-refoulement* obligations in respect of an unlawful non-citizen, but makes clear that the duty to remove does not require or authorise an officer to remove a non-citizen to a country in relation to which a protection finding has been made.

137. Section 197D does not allow for removal contrary to *non-refoulement* obligations. Rather, it allows for a determination to be made that a non-citizen who was previously determined to have engaged *non-refoulement* obligations no longer engages those obligations (for example due to a change of country circumstances), such that their removal would not be inconsistent with *non-refoulement* obligations.

Regional processing

138. The Australian Government exercises its sovereign right to manage its borders and maintain a robust migration system. As part of this right, Australia maintains its regional processing arrangements and upholds the policy that people who attempt to travel to Australia through irregular migration will not settle in Australia.

139. People who cannot be safely returned will be transferred to a regional processing country for the purpose of assessing their refugee status determination, should they raise protection claims.

140. Australia has entered a separate arrangement with the Government of Nauru. The Third Country Reception Arrangement (TCRA) enables Australia to remove of individuals who have no legal right to remain in Australia, but who cannot be returned to a country of which they hold citizenship or a country of former habitual residence.

Oversight mechanisms

141. Australia welcomes rigorous external scrutiny regarding its immigration and detention operations and values the important oversight role of the external scrutiny bodies.

142. The Australian Government continues to invite formal detention facility inspections, individual reports and regular engagement with bodies like the Commonwealth Ombudsman, AHRC, Australian Red Cross, the UNHRC and Comcare, to inform and contribute to ongoing improvement and implementation of legislative and policy changes.

143. In December 2025, Australia hosted the Working Group on Arbitrary Detention. The Australian Government will continue to meet with these bodies routinely to discuss significant policy changes, and emerging issues, address concerns and track implementation of agreed recommendations.

144. To support compliance, the Australian Government has contracted appropriately trained and experienced service providers to ensure immigration detainees' needs are adequately met. International Obligations training is also provided to officers in immigration detention roles and staff receive training on refugee law, complementary protection and Australia's non-refoulement obligations where it is relevant to their roles.

145. Training is regularly reviewed for currency and is provided when staff initially commence in the relevant roles, or as refresher training.

146. Complaints about immigration detention conditions may be made to the provider of immigration detention services, the Department of Home Affairs, the Commonwealth Ombudsman and the AHRC.

147. Australia invites engagement and oversight to enable further transparency in the operations of immigration detention.

Mandatory detention

148. Australia's migration system is a non-discriminatory, eligibility-based visa system underpinned by the *Migration Act 1958*.

149. Under *Migration Act 1958*, immigration detention is mandated for an unlawful non-citizen following the refusal, cancellation or expiry of any visa, until either their immigration status is resolved through the grant of another valid visa, or they are removed from Australia

150. Where possible, Australia manages non-citizens in the community, using immigration detention as a measure of last resort. Under existing arrangements, appropriate detention conditions are determined through individual assessments of each detained unlawful non-citizen, based on health, identity, and security checks.

151. Australia is committed to providing a person-centered approach within its immigration detention network, ensuring appropriate garrison, security and health services are delivered.

Children in detention

152. Australia is committed to furthering the rights of children, including migrant children, ensuring children in Australia can reach their full potential.

153. Section 4AA of the *Migration Act 1958* (Cth) affirms the principle that children will only be detained, other than in the community under residence determination arrangements, as a measure of last resort.

154. In almost all cases, such detention occurs in Alternative Places of Detention (APODs) and for very few purposes and for short periods, mainly due to airport turnarounds, transfer on medical grounds or being in the final stages of removal to their country of origin.

155. The Australian Government seeks to provide assurances that the safety and wellbeing needs of children accommodated in held detention are being satisfactorily met and support the conduct of inquiries into its own child-focused practices and those of contracted services).

Judicial reviews

156. A person in immigration detention may seek judicial review of the lawfulness of their detention before the High Court, or of the decision that rendered them unlawful such that they are subject to mandatory detention before the Federal Court of Australia.

157. The High Court ruling of November 2023, in *NZYQ v Minister for Immigration, Citizenship & Multicultural Affairs & Anor* [2023] HCA 37 (NZYQ), requires the release of

individuals from immigration detention in Australia where there is no real prospect of their removal from Australia becoming practicable in the reasonably foreseeable future.

158. As a result of this judgment, Australia has established a process for the continuous assessment of the detention cohort for the potential release of individuals who may be impacted by this judgment. This includes robust legal and quality assurance processes to ensure that decisions to release are lawful, appropriate, and consistently documented.

Conditions of immigration facilities

159. Australia's commitment to detainee welfare and safety is reinforced by ongoing contracts, administered under a rigorous performance management framework, infrastructure improvements, and sustained investment in welfare, engagement and healthcare.

160. Accommodation facilities are designed to meet health and human dignity requirements (e.g. air volume, space, lighting, hygiene, heating/ventilation suited to the climate), and the privacy and accessibility needs of detainees, including persons with disability.

161. Detainees have access to appropriate food (dietary and cultural requirements), internet/computer facilities, televisions, and clean, comfortable sleeping quarters.

162. Across the detention network, detainees can also access structured and unstructured social, welfare, recreational and educational programs and activities designed to maintain agency and build skills for future integration and participation, regardless of immigration pathway.

Access to adequate healthcare

163. The Australian Government acknowledges that refugees and humanitarian entrants have unique experiences which may impact their health outcomes.

164. Australia provides healthcare in immigration detention. The Department of Home Affairs has engaged the services of Health Care Australia (HCA) as the Detention Health Service Provider (DHSP). HCA delivers general, allied and mental health services, including 24/7 afterhours support, through a qualified team of physicians and mental health staff who provide care to detainees that is commensurate to care provided to the greater Australian community.

165. The DHSP must ensure that the detainee is placed on a mental health care plan drawing on the expertise of a multidisciplinary team of specialist mental healthcare providers. If the DHSP identifies that a detainee requires involuntary assessment and treatment under mental

health laws, they are required to undertake appropriate actions to address these concerns, including by:

- Notifying the Department of Home Affairs in writing that the detainee requires involuntary assessment and treatment; and
- The involuntary assessment and treatment must be carried out by an appropriately authorised person pursuant to relevant law.

166. Use of force and the use of mechanical restraints are measures of last resort. The Facility Contracted Service Providers (FSDP) issue policy and procedural instructions on the use of mechanical restraints to prevent escape and ensure the safety of the detainee and others within the immigration detention network or when transported outside of the immigration detention facility.

167. All complaints received or allegations of excessive force are taken very seriously and thoroughly investigated. CCTV footage is viewed, interviews to assess the allegations conducted and law enforcement is engaged where deemed necessary.

168. In the event the Department of Home Affairs determines that an FDSP Officer's use of force was excessive in proportion to the risk faced, the Facilities and Detainee Services Contract (the Contract) provide multiple mechanisms for the Department to pursue. Possible implications for the FDSP include both individual consequences for personnel involved, and organisational consequences for the FDSP.

169. The Department of Home Affairs reserves all rights to refer any illegal conduct to law enforcement agencies as required.

I. Liberty and security of person and treatment of persons deprived of their liberty (arts. 7, 9, 10, 14, 26 and 27)

170. The Australian Government is committed to ensuring the liberty and security of all people in Australia are respected. Since 2017, Australia has taken steps to address issues related to the treatment of people in detention, including women, people with disability and Aboriginal and Torres Strait Islander peoples, and the education of law enforcement officials.

171. States and territory governments are largely responsible for implementing measures to ensure the conditions of detention adhere to Australia's human rights obligations.

172. Australian states and territories deliver adult corrective services in accordance with the *Guiding Principles for Corrections in Australia*. These Principles guide relevant legislative, policy and performance standards in correctional practice, and have been informed by internationally accepted rules, standards and practices including *United Nations Standard Minimum Rules for the Treatment of Prisoners* (the Nelson Mandela Rules), the Tokyo Rules and the Bangkok Rules.

Alternatives to detention

1. The Australian Government's focus is on investing in activities at the local level that will prevent crime, reduce victimisation and reduce offending and re-offending by tackling the drivers of crime.

2. State and Territory governments have programs to divert people out of the criminal justice system and provide alternatives to prison. These include:

- specialised courts and court lists to divert Aboriginal and Torres Strait Islander people from custody
- diversionary approaches for drug offences
- restorative justice programs, and
- prisoner support and rehabilitation programs to reduce recidivism.

3. For example, Victoria successfully operates a suite of court-based diversion programs and initiatives to reduce the cycle of offending by addressing the underlying causes of crime. The programs are based on either a diversionary or interventionist "refer-needs assessment-treatment" model.

4. In the ACT, anyone who is arrested or detained must be brought promptly before a judge or magistrate and has the right to be tried within a reasonable time or released. Anyone who is arrested must be promptly told of the reason for the arrest and any charges against

them, and as a general rule, anyone awaiting trial must not be detained in custody. A detainee is entitled to apply to the court so that the court can decide, without delay, the lawfulness of the detention and order their release if the detention is unlawful.

5. In addition, in Australia, the youth justice system deals primarily with young people aged 10-17 years at the time of the offence, although there are some variations among the states and territories. A major feature of the system is the supervision of young people in the community rather than in detention.

Conditions of detention

Overcrowding

6. State and territory governments continue to work to improve the conditions of prisons that they operate.

7. The NT Department of Corrections Infrastructure Plan provides a staged, system-wide response to prisoner overcrowding by expanding and repurposing custodial capacity. The plan aims to ease pressure on facilities, strengthen safety for staff and prisoners, and maintain access to rehabilitation, education and employment that reduce reoffending.

8. Corrective Services NSW has robust systems in place to manage overcrowding in places of detention. This includes actively monitoring time spent in cells and transition cells, and triaging individuals to reception centres and other correctional centres when required to mitigate risks associated with overcrowding, mental health concerns and isolation.

9. In Victoria, the Classification and Placement Unit manages placements and closely monitors trends and projections to respond accordingly, for example opening more rooms in custody if required.

10. In South Australia, new facilities provide the additional infrastructure needed to support consolidation of youth custodial services onto one site, which has incorporated contemporary, therapeutic design principles, recognising the physical and psychological impact of the built environment.

11. The Western Australia prison system operates within a dynamic custodial environment, and population pressures are actively monitored at both system and facility levels. Operational responses to manage capacity risks include prisoner classification and placement processes, infrastructure planning, the use of alternative accommodation arrangements where appropriate, and access to health and wellbeing services. Prisoners are entitled to accommodation, hygiene, food, exercise, health care and contact with the outside world as

set out in legislation and policy, with these matters subject to internal monitoring and external oversight, including by independent inspection and review bodies.

12. In the ACT, policies and procedures provide guidance for determining the placement of detainees, and require an assessment of a range of matters including vulnerabilities attributable to the person's sex, self-harm risks, disability, nature of the offence, association, legal status (e.g. on remand or convicted), and other relevant factors such as the need for protection and health requirements. The *Corrections Management Act 2007* (ACT) governs the detention of people convicted or on remand for a criminal offence consistent with the requirements in the *ACT Human Rights Act*, which provides that anyone deprived of liberty must be treated with humanity and with respect for the inherent dignity of the human person.

Adequate healthcare for prisoners

13. In Australia's federal system, state and territory governments are primarily responsible for the delivery of healthcare in custodial settings. This includes implementing policies to ensure prisoners have adequate access to healthcare, consistent with human rights obligations. All states and territories have mental health care programs available to prisoners.

14. For example, In the ACT, young people must have a standard of health care equivalent to that available to other people in the ACT.

15. In South Australia, the Department for Correctional Services works in close collaboration with the South Australian Prison Health Service to ensure health services for prisoners are equipped to address ongoing physical and mental health needs, and in line with what they would receive in the general community.

16. The Tasmanian Department of Health provides all health services to people in the care of the Tasmania Prison Service, including a dedicated prisoner mental health service team who provide medical treatment to individuals with major mental illness in custody.

17. In the Northern Territory, mental health needs are identified through screening and ongoing assessment, with care coordinated across custodial, clinical and therapeutic services to manage risk, support stability in custody, and assist reintegration into the community.

18. In NSW there is no restriction on access to medical treatment while a person is in custody. Young people in Youth Justice Centres in NSW also have access to primary and specialist health care through Justice Health, and psychological support, occupational therapy and speech therapy through Youth Justice NSW.

19. In Victoria, young people with mental health needs in custody have access to assessment, general practitioner and mental health nursing services through Primary Health

and Mental Health Services. All prisoners receive a mental health assessment by a medical officer so that health staff are aware of a prisoner's mental health and medication needs. General practitioners and qualified mental health nurses provide mental healthcare at all prisons, with specialist support from visiting psychiatrists at most locations.

Solitary confinement

20. Australian jurisdictions maintain regulations that govern the use of, and regime related to, solitary confinement and isolation including time controls, approval processes, regular review and reporting requirements.

21. The Northern Territory is committed to reducing reliance on separation through stronger dynamic security, improved engagement, and increased access to education, employment, health and wellbeing support wherever operationally possible, including for those in separation.

22. In Western Australia, temporary separation may be authorised where necessary to address an immediate risk or emergency, and for the shortest period required to manage the situation.

23. In NSW, a person in custody will only be placed in a segregated custody direction when there is no other reasonable way to manage the risk/s to safety, security, or good order and discipline of the correctional centre. There are strict time limitations, review and appeal processes when a person is placed on a segregated custody direction.

24. In Victoria, solitary confinement (defined as 22 hours in a locked room with no access to meaningful human contact) is strictly prohibited.

25. Australia also remains committed to ensuring that the use of isolation or segregation for children and young people is limited to circumstances when it is reasonably necessary for the child's protection, or the protection of another child, staff or property. Any solitary confinement of young people continues to be recorded and monitored closely.

26. The ACT does not use solitary confinement for young people, and all notices of segregation are to be sent to the ACT Public Advocate for oversight and monitoring. Segregation of a young person is not to affect a young person's minimum living conditions.

27. In Victoria, the use of isolation in youth detention facilities is only authorised in accordance with relevant legislative requirements and after carefully considering human rights.

28. In South Australia, regulations governing the use of isolation and segregation in youth detention facilities include the requirement that isolation and segregation must not continue

for longer than is reasonably necessary in the circumstances and must not be used as a punishment.

29. In NSW, the average time in confinement in 2024/25 was four hours and 55 minutes; no confinement exceeded the 12-hour legislated maximum for a young person under the age of 16 and no confinement period exceeded the 24-hour legislated maximum for a young person over the age of 16. Confinement occurs in a young person's room unless there is a specific risk or reason that this is not possible and the young person is provided with some means of usefully occupying themselves during this time.

Drug treatment health services

30. Australian states and territories support those imprisoned for drug-related offences including by providing access to harm reduction and drug treatment healthcare services.

31. In the Northern Territory, people in custody, including those imprisoned for drug-related offences, receive primary health care and prescribed medicines consistent with Australian prison health standards.

32. In NSW, young people who require alcohol and drug support have access to harm reduction and drug treatment services and essential medicines while in Youth Justice Centres.

33. The Tasmania Prison Service provides rehabilitation and intervention programs to address violence, substance misuse, general offending behaviour, and mental health needs. The Correctional Primary Health Services have dedicated clinical staff specialising in alcohol and drug treatment.

34. In Victoria, young people may access specialist assessment and intervention, pharmacotherapy, withdrawal management, youth offending programs and psychological intervention.

35. In Western Australia, people in custody with substance dependence have access to health-based assessment and treatment pathways consistent with harm-reduction principles. Alcohol and other drug support services are available, including assessment, counselling, withdrawal management and referral to treatment programs.

People with disability

36. All Australian governments recognise the importance of providing effective access to justice for people with disability to ensure their rights are respected.

37. Under *Australia's Disability Strategy 2021-2031* (ADS), all Australian governments have agreed to work to ensure the criminal justice system responds effectively to the complex needs and vulnerabilities of people with disability and to reduce the over-representation of

people with disability across the criminal justice system. The ADS reflects the respective roles and responsibilities of governments in Australia's federal system and enables focused, collaborative effort.

38. The Australian Government and certain state and territory governments have accepted a number of recommendations made by the Disability Royal Commission in relation to the criminal justice system and people with disability.

39. The *National Statement of Principles Relating to Persons Unfit to Plead or Found Not Guilty by Reason of Cognitive or Mental Health Impairment* (National Principles) recognises the rights of persons with cognitive or mental health impairment. They aim to identify safeguards throughout legal processes and during periods when a person who is unfit to plead or not guilty by reason of cognitive or mental health impairment is subject to orders.

40. These are best practice principles, ensuring that treatment is tailored, inclusive and recovery-oriented, and fostering collaboration among agencies and service providers for coordinated care.

41. Aligned with the National Principles, Australian governments have implemented structured review procedures for persons subject to custodial supervision orders following findings of unfitness due to mental health or cognitive impairment; and in the majority of states and territories the application of limiting or maximum terms of detention are required on custodial supervision orders.

42. In response to a recommendation made by the Disability Royal Commission, the Australian Government and state and territory governments have committed to:

- Reviewing the National Principles, including aspects regarding indefinite detention. The Commonwealth will lead an initial review of the Principles through the Standing Council of Attorneys-General.
- Improving data collection relating to people found unfit to plead or not guilty by reason of cognitive or mental health impairment, subject to relevant scoping work to assess existing frameworks and system capability, and personal privacy protections.

43. The Disability Royal Commission recommended that all Australian states and territories implement actions to provide that certain restrictive practices be prohibited against people with disability. All but two jurisdictions accepted the recommendations in principle.

44. In 2025, the Australian Government's *Disability Royal Commission Progress Report 2025* provided an update on the implementation status of recommendations under the Disability Royal Commission. The Progress Report highlighted the work that was underway

in all states and territories to adequately establish and implement safeguards to address compulsory treatment of people with disability.

Overrepresentation of Aboriginal and Torres Strait Islander people

45. The Australian Government recognises that overrepresentation of Aboriginal and Torres Strait Islander peoples in the criminal justice system regrettably results from intergenerational trauma, racism, disempowerment, dispossession, the impacts of colonisation, the forced removal of First Nations children, and is compounded by entrenched socio-economic disadvantage.

46. Australian governments are committed to justice reinvestment and are working closely through the *National Agreement on Closing the Gap* (Closing the Gap) and the Justice Policy Partnership to address the underlying causes of the overrepresentation of First Nations people in the criminal justice system and reduce First Nations incarceration rates.

47. In Australia's federal system, states and territories have primary responsibility for criminal justice systems in their respective jurisdictions. Australia's states and territories continue programs and initiatives to address overrepresentation as part of the National Agreement targets.

48. The National Access to Justice Partnership (NAJP) includes substantial funding (almost \$837.8 million over five years) for Aboriginal and Torres Strait Islander Legal Services, and (approximately \$366.8 million over five years) for Family Violence Prevention and Legal Services, both of which are Aboriginal Community Controlled Organisations that deliver culturally safe, trauma-informed, and community-led legal assistance services tailored to Aboriginal and Torres Strait Islander peoples.

49. The NAJP reflects the Commonwealth, state and territory governments' commitment to support progress towards the National Agreement on Closing the Gap Priority Reforms, relevant targets and outcomes, including targets to reduce adult incarceration and reduce youth detention and contact with the justice system.

50. Under the NAJP, the Commonwealth and state and territory governments have also committed to developing a Closing the Gap Schedule by 30 June 2027, in partnership with the Aboriginal and Torres Strait Islander community-controlled legal assistance sector to prioritise and support progress towards improving access to justice outcomes for Aboriginal and Torres Strait Islander people.

J. Right to privacy (art. 7)

51. Australia is founded on the rule of law and has a strong tradition of respect for the rights and freedoms of individuals, including the right to privacy.

52. The Australian Government has introduced a number of reforms to domestic privacy protections, including:

- In November 2024, the Parliament passed the *Privacy and Other Legislation Amendment Act 2024* (Cth). This Act progresses 23 proposals from the Government Response to the Privacy Act Review Report
- In November 2022, the *Privacy Legislation Amendment (Enforcement and Other Measures) Act 2022* (Cth) passed, increasing applicable penalties for serious or repeated interferences with privacy.
- On 10 December 2024, the Australian Government passed the *Online Safety Amendment (Social Media Minimum Age) Act 2024* (Cth) to introduce a social media minimum age framework.

53. These amendments represent significant developments in privacy law reform, taking us closer to a modern, fit-for-purpose privacy framework that protects the interests of all Australians.

54. The Australian Government is progressing further reform to uplift the Privacy Act to ensure it strikes the right balance between protecting people's personal information and allowing it to be used and shared in ways that benefit individuals, society and the economy.

Strengthening privacy measures

55. Effective privacy laws are essential for Australians' choice and control over their personal information and trust in government services.

56. The Australian Government is undertaking comprehensive reform of Australia's electronic surveillance framework, including access to metadata. The new Act will establish appropriate thresholds for access to metadata, with robust controls, limits safeguards, and oversight. These reforms will ensure that law enforcement and security agencies have adequate, necessary and proportionate powers to identify, investigate, prosecute and disrupt serious crimes and threats to security, while balancing individual privacy rights.

Access to remedies

57. The *Privacy and Other Legislation Amendment Act 2024* implemented a first tranche of reform to give individuals more choice and control over their personal information.

58. The amendments include the new statutory tort for serious invasions of privacy, which commenced on 10 June 2025. The tort provides individuals with an additional avenue to seek redress for privacy harms in the courts. It also enhances individuals' privacy rights and provides a flexible framework to address unlawful interferences with privacy.

eSafety Commissioner

59. The *Online Safety Act 2021* strengthens Australia's online safety frameworks, empowering the eSafety Commissioner to keep Australians safe online. This includes providing online safety education and advice to Australians and supporting and conducting research about online safety for Australians.

60. The eSafety Commissioner administers four complaints-based reporting schemes under the Act to reduce harm from online content. These schemes allow individuals ordinarily residing in Australia to report cyberbullying, adult cyber abuse, image-based abuse, and illegal or restricted content including material that shows or encourages child sexual abuse, terrorism or other extreme violence.

61. Under the Act, the eSafety Commissioner has powers to request or require enforcement actions depending on the scheme, including the ability to issue content removal, blocking, and link deletion notices to online service providers (among other actions). Where platforms are non-compliant with takedown notices, eSafety is empowered to issue a formal warning, infringement notice and seek a court-ordered injunction, civil penalty or other Federal Court order. In extreme cases, matters are referred to law enforcement.

62. On 1 November 2024, the Australian Government welcomed the final report of the independent statutory review of the Act and stated it will consider the extensive recommendations made in the report and respond in due course.

63. In conjunction with the Online Safety Act strengthening Australia's online safety framework, there are relevant state and territory offences that form part of this complementary framework.

K. Freedom of expression (art. 19)

64. The Australian Government believes a strong and independent media is vital to democracy and holding governments to account.

65. The freedom of expression is recognised and protected across Australia through a range of laws at the federal and state and territory levels, the Australian Constitution and common law.

Legislative protections

66. Since 2017, the Australian Government has taken steps to protect press freedom and the public's access to information, including:

- In 2023, amendments were made to the *Public Interest Disclosure Act 2013* (Cth) to improve the public sector whistle-blower scheme.
- The *National Anti-Corruption Commission Act 2022* (Cth) introduced strong safeguards to protect the identities of journalists' sources with respect to a corruption investigation.
- The *Privacy and Other Legislation Amendment Act 2024* (Cth) introduced a statutory tort that allows individuals to seek redress in a court for serious invasions of their privacy.
- In 2024, following the *Independent National Security Legislation Monitor's statutory review of the secrecy offences in Part 5.6 of the Criminal Code* (INSLM Secrecy Review), the Australian Government committed to further reforms of Commonwealth secrecy offences including measures to improve the operation of secrecy offences, and safeguards for press freedom.

Social media minimum age

67. The Australian Government acknowledges that children can be particularly vulnerable to online harm. In 2024, the Privacy Act was amended to require a Children's Online Privacy Code to be developed by Australia's privacy regulator by December 2026. This Code will set out how certain digital services must comply with the Australian Privacy Principles when handling children's personal information.

68. Further, the *Online Safety Amendment (Social Media Minimum Age) Act 2024* introduced a mandatory 16-year age limit for accessing certain social media platforms in Australia. Platforms must take "reasonable steps" to prevent users under 16 from creating/holding accounts, or face potential fines up to \$49.5 million AUD if non-compliant.

This change aims to strengthen protections for young users, particularly against potentially harmful social media content.

69. The Australian Government recognises that the right to freedom of expression is a human right enjoyed by all in Australia. However, these rights are subject to limitations that are reasonable and necessary in a free and democratic society, to achieve an appropriate balance between freedom of expression and the protection of groups and individuals from offensive or harmful behaviour.

L. Freedom of assembly (art. 21)

70. Australian governments recognise the rights of an individual to assemble and protest peacefully. This is an important right in any democracy. The rights to freedom of expression and freedom of political communication are human rights that are enjoyed by all Australians, and all people who are in Australia.

Roads and Crimes Legislation Amendment Bill 2022

71. In NSW, the *Roads and Crimes Legislation Amendment Act 2022* (NSW) amended section 144G of the *Roads Act 1993* (NSW) so that the existing offence of causing damage, disruption, or obstruction of major bridges and tunnels also applies to roads. It also created a new offence under section 214A of the *Crimes Act 1900* (NSW) which prohibits causing damage or serious disruption at a major facility.

72. In 2023, the Supreme Court held in *Kvelde v State of New South Wales* [2023] NSWSC 1560 that section 214A(1) of the Crimes Act does not impermissibly burden the implied freedom of political communication, except with respect to conduct that causes the partial closure of a major facility or causing persons to be redirected.

73. The ICCPR recognises that the freedom of assembly can be limited where necessary to protect the rights and freedoms of others, including to protect public safety and public order. The above laws strike an appropriate balance. Further, the laws contain appropriate exceptions and safeguards to ensure they do not overreach or unduly impact the freedom of assembly.

74. The Australian Government will continue to consult with the NSW Government in relation to this question, with further information to be included in the final report.

Crimes Amendment (Places of Worship) Act 2025 (NSW)

75. In February 2025, the *Crimes Amendment (Places of Worship) Act 2025* (NSW) was passed by the NSW Parliament. The Act amended the *Crimes Act 1900* (NSW) and the *Law*

Enforcement (Powers and Responsibilities) Act 2002 (NSW) to introduce new offences and expand police move-on powers to protect persons seeking to access or leave places of worship from intimidatory or obstructive conduct.

76. In October 2025, the NSW Supreme Court declared the expanded move-on power constitutionally invalid. While the Court considered that the purpose of the expanded move-on power was legitimate, it found that the drafting of the provisions went beyond what was necessary to achieve this purpose. To address this, the *Law Enforcement (Powers and Responsibilities) Amendment (Places of Worship) Act 2025* (NSW) was passed by in November 2025, which clarified the scope of the expanded move-on power.

77. The amendments introduced by these Acts strike an appropriate balance between the freedom of religion, freedom of expression, freedom of association and freedom of assembly.

78. The ICCPR recognises that these rights can be limited in certain circumstances, including where this is necessary to protect the rights and freedoms of others – in this case, to protect the freedom of religion.

M. Rights of the child (arts. 9, 14 and 24)

79. Australia is committed to furthering the rights of children and ensuring children in Australia reach their full potential. Australian governments have devoted significant resources to policies and programs related to education, health (including mental health) and child safety.

80. The Australian government has a comprehensive range of programs, policies and strategies aimed at promoting children and young people's rights. For example:

- In 2024, the *Early Years Strategy 2024-2034* set out an overarching vision for children in Australia, with clear goals to ensure children aged 0-5 and their families can learn, grow and thrive.
- The *National Aboriginal and Torres Strait Islander Early Childhood Strategy* sets the vision that all First Nations children are supported to grow up strong and proud in culture.
- *Safe and Supported: The National Framework for Protecting Australia's Children 2021-2031* aims to reduce child abuse and neglect and its intergenerational impacts.
- The *National Action Plan for the Health of Children and Young People 2020-2030* identifies priority populations, which are especially prone to health inequity as a result of social, geographical and other determinants, for priority health support.

81. Australia's states and territories have also devoted significant resources to policies and programs related to education, health (including mental health) and child safety.

Minimum age of criminal responsibility

82. In Australia's federal system, states and territories have primary responsibility for criminal justice systems in their respective jurisdictions, including determining the minimum age of criminal responsibility. Accordingly, each jurisdiction has its own legislation with respect to the minimum age of criminal responsibility. Under this legislation, the minimum age of criminal responsibility ranges from 10 to 14 years. For children aged between 10 and 14, the common law principle of *doli incapax* applies, requiring the prosecution to prove the child knew their actions were seriously wrong.

83. Ongoing consideration is being given to raising the minimum age of criminal responsibility in Australia. For example, on 22 September 2023, a Standing Council of Attorneys-General Age of Criminal Responsibility Working Group delivered a report to Attorneys-General on this matter. Recognising both the different state and territory contexts and the fact that the various governments are at different stages in their consideration of this issue, this report sets out a principles-based framework and provides options for implementation by way of examples.

84. The Australian Government notes that several jurisdictions have already taken action to raise the minimum age of criminal responsibility:

- On 1 July 2025, the ACT became the first jurisdiction to raise the minimum age of criminal responsibility to 14 years.
- Work is underway in Tasmania to introduce legislation to increase the minimum age of criminal responsibility to 14 years without exception by 1 July 2029.
- The Youth Justice Act 2024 (VIC), which came into effect on 30 September 2025, has raised the age of criminal responsibility in Victoria to 12 years without exception.
- Western Australia has reported that, following discussions in the Standing Council of Attorneys-General Working Group, it is considering its position on the minimum age of criminal responsibility.

85. Australian states and territories also continue programs and initiatives to address overrepresentation as part of the National Agreement targets.

86. The Australian Government works with jurisdictions to support reforms that reduce the criminalisation of Aboriginal and Torres Strait Islander children and young people. This includes strengthening community-led diversion, culturally grounded therapeutic programs

and family centered support approaches that maintain children's connection to culture and community.

87. Under the National Agreement Target 11, the Australian Government's investments support evidence-based programs aimed at reducing youth detention and improving youth wellbeing.

Detention as a last resort

88. In Australia's federal system, state and territories have primary responsibility for criminal justice systems in their respective jurisdiction. Certain state and territory governments have legislation that addresses the use of detention on youth offenders.

Use of isolation in juvenile justice

89. Most Australian jurisdictions have specific legislation that prohibits the use of confinement for punishment of youth justice settings. While states and territories differ on the circumstances in which young people can be isolated, it is only authorized in limited circumstances across all jurisdictions.

90. In jurisdictions where practices such as segregation or separation may be used, these practices are limited by law, and subject to a number of strict accountability protocols. Specifically, they are limited to circumstances where they are reasonably necessary for the protection of the young person, another youth, staff or property.

Separation from adults

91. In Australia, where feasible and appropriate, adults and children will be kept separate. However, these decisions are made on a case-by-case basis, and individual jurisdictions retain discretion to make the most appropriate decisions in the circumstances.

92. In the ACT, NT, SA and WA, children are detained in youth detention facilities, and legislation provides for their transition to an adult detention facility upon reaching the age of 18.

93. While there may be circumstances where youth in Australia are detained in adult detention facilities, this occurs only in very limited circumstances and under specific conditions.

N. Rights to participate in public life (art. 25)

94. The Australian Government is committed to supporting the franchise for all eligible Australian citizens, enabling the majority of citizens to actively participate in democratic processes and elections.

95. Australia aims to ensure that voting processes facilitate participation for all electors across all sectors of the community. For example:

- The establishment of a Communication, Education and Engagement plan to support people with disability to fully participate in the electoral system.
- The Indigenous Electoral Participation Program was established to address barriers to electoral participation. A number of system and process enhancements have also contributed to significantly improved enrolment rates. As at 30 June 2025, the estimated Indigenous enrolment rate was 93.0% compared with 74.7% in 2017.

Support for people with disability

96. The Commonwealth Electoral Act has multiple provisions that support electors with disability in casting their vote. The AEC works closely with the disability community to facilitate greater equity of access for voting, including:

- Mobile polling for those unable to access polling places, including for those in remote areas, residential aged care, mental health facilities, disability housing, correctional facilities and some hospitals.
- Assistance at polling places if a voter is unable to vote without assistance, including assistive technologies such as text-to-speech pens, hearing loops and a virtual Auslan interpreter service.
- A telephone voting service for electors who are blind or have low vision, over 2,300 of whom used this service in the 2025 election.
- Election information in various formats including braille, Auslan and Easy Read.

97. An accessibility review found that 91.2 per cent of polling places at the 2025 election were rated fully or assisted wheelchair accessible, up from 84.7 per cent in the 2023 referendum. The 2025 election was also the first conducted under amendments that expanded eligibility for postal and pre-poll voting to explicitly include people with disability and their carers and aligned terminology with contemporary understandings of cognitive impairment.

O. Rights of minorities and Indigenous Peoples (arts. 2, 9, 14, 26 and 27)

98. The Australian Government believes all people are entitled to respect, equality, dignity and is committed to ensuring its human rights framework protects human rights regardless of age, gender and identity, culture, religion and ethnicity.

99. Australia has continued to take meaningful action to support the realisation of human rights since Australia's sixth report in 2017. This includes:

- Continuing to support action to make a positive and tangible difference to the lives of First Nations people, including through substantial investments.
- Boosting protections for migrants, refugees and asylum seekers, including by legislating protections against the exploitation of temporary migrant workers, and continuing to provide significant support for humanitarian refugees and access to legal support.
- Amendments to the Criminal Code in 2025, to strengthen hate speech offences for advocating force or violence against groups or members of groups.

Constitutional recognition

100. On 14 October 2023, the Australian Government delivered on its commitment to hold a referendum about whether to change the Australian Constitution to recognise the First Peoples of Australia by establishing a body called the Aboriginal and Torres Strait Islander voice.

101. The referendum was not carried. The Australian Government respects the decision of the Australian people and the democratic process that delivered it. The outcome of the vote does not affect work already underway across the Australian Government to support better outcomes for Aboriginal and Torres Strait Islander peoples. It does not affect the Australian Government's commitment to reconciliation.

102. Australian's state and territory governments also remain committed to listening and working in partnership with Aboriginal and Torres Strait Islander people and communities to achieve better outcomes. For instance:

- In South Australia, the *First Nations Voice Act 2023* established a South Australian First Nations Voice to Parliament as a representative, legislatively created elected body for Aboriginal and Torres Strait Islander people. Through the First Nations Voice, First

Nations people can have their say at the highest levels of decision-making in South Australia on matters, policies and laws that affect them.

- In Tasmania, the Tasmanian Government continues to work in partnership and shares decision-making with Aboriginal people and organisations, including through the Tasmanian Closing the Gap Partnership Forum.

The National Agreement on Closing the Gap

103. The National Agreement on Closing the Gap (the National Agreement) is a landmark commitment by Aboriginal and Torres Strait Islander peoples and governments to work together in partnership to overcome the inequality experienced by Aboriginal and Torres Strait Islander peoples and achieve life outcomes equal to all Australians. Closing the Gap contains:

- Four Priority Reforms, which are the foundation of change. These reforms are critical as they fundamentally shift how governments work with First Nations people, embedding genuine partnerships, decision-making and self-determination into policy and practice.
- Seventeen socio-economic outcomes, which reflect key areas where progress is needed to improve the lives of First Nations people.
- Nineteen targets, which are tools for measuring progress against socio-economic outcomes, and ultimately, the success of Priority Reforms.

104. The National Agreement is a long-term collective effort with shared accountability across all levels of government and the Coalition of the Peaks to improve life outcomes for Aboriginal and Torres Strait Islander people.

Working in partnership

Policy partnerships

105. Since Australia's last report, six policy partnerships, guided by the UN Declaration on the Rights of Indigenous Peoples, have been established between Aboriginal and Torres Strait Islander representatives and Commonwealth and state and territory governments. These cover areas such as: justice, early childhood care and development, social and emotional wellbeing, housing, data and languages.

106. These policy partnerships are practical steps to ensure First Nations voices shape decisions that affect their lives. Australian governments are working closely through the

National Agreement to improve outcomes for Aboriginal and Torres Strait Islander people, for example:

- In 2021, under the Closing the Gap Priority Reform One, the Justice Policy Partnership (JPP) was established to focus on providing a national joined up approach to improve overrepresentation of Aboriginal and Torres Strait Islander people and youth in the criminal justice system.
- In 2022–23, the Australian Government invested \$4.8 billion over four years to deliver culturally safe care to First Nations peoples.
- The Australian Government committed \$16.9 million to establish the First Nations Economic Partnership from 2024-25 to 2029-30 and develop a First Nations economic framework in 2026.
- In education, the Australian Government invested \$110 million to improve attendance, strengthen early learning and create pathways to higher education and employment.
- In housing, the Australian and Northern Territory Governments are investing \$4 billion over 10 years to halve overcrowding in remote communities and improve housing quality.
- In 2022, the Australian Government committed an additional \$575.5 million to 30 June 2028 in grant funding to double the number of rangers under the existing Indigenous Rangers Program to support connection to land and sea.

Place based partnerships

107. The Australian Government also drives genuine partnership through the Place Based Partnerships work focused on community-led outcomes in specific regions. These partnerships are formed between government and Aboriginal and Torres Strait Islander representatives, and others by agreement, from those specific areas.

108. There are currently 6 Place Based Partnerships underway. Each partnership is unique, reflecting different stakeholders, objectives, context and priorities of Aboriginal and Torres Strait Islander communities.

The Native Title Act 1993

109. The Australian Government also continues to establish a number of programs and policies to reduce barriers to Aboriginal and Torres Strait Islander peoples' connection to land and sea.

ALRC Report 2015

110. In 2021, the Australian Government introduced the *Native Title Legislation Amendment Act 2021* (NTLAA) to improve processes for native title claims resolutions, agreement-making, decision-making and dispute resolution. The NTLAA implemented select recommendations from the Australian Law Reform Commission's (ALRC) *Connection to Country: Review of the Native Title Act 1993* published in 2015.

Future Acts regime

111. In 2024, the Australian Government provided \$20.2 million over 4 years from 2024-25 to the Federal Court of Australia and the National Native Title Tribunal to help progress native title claims under the *Native Title Act 1993* (Cth).

112. In 2024, the ALRC was asked to inquire into the "future acts" regime under the *Native Title Act 1993* (Cth). The inquiry will consider the rights and obligations recognised in the international instruments to which Australia is a party or which it has pledged to support, including the United Nations Declaration on the Rights of Indigenous Peoples, and how best to rectify any inefficacy, inequality or unfairness in the regime. The Government has received the ALRC final report, which will be tabled in line with statutory requirements prior to the report progressing to the UN.

National reparation mechanism

113. The Australian Government implemented the Territories Stolen Generations Redress Scheme (the Scheme) to help Stolen Generations survivors and their families heal from the trauma of removal from family and communities. This financial well-being package is for those removed as children from the NT, ACT (before self-government), or Jervis Bay Territory. The Scheme offers a redress payment of up to \$75,000, a healing assistance payment of \$7,000, and the opportunity to receive a Personal Acknowledgement (PA). A PA provides an opportunity for a survivor's personal story of removal and its impact to be acknowledged by a senior government official and for the survivor to receive a personalised and genuine acknowledgement of the resulting harm and trauma.

114. In addition, there are a number of state-administered redress schemes for Stolen Generation survivors, some of which have now closed: the Western Australia Stolen Generations Redress Scheme, the Victorian Stolen Generations Reparations Package, the NSW Stolen Generations Reparation Scheme (closed), SA Stolen Generations Reparation Scheme (closed) and the Tasmania Stolen Generations Reparation Scheme (closed).