

Australia's combined sixth and seventh  
report  
on the implementation of the  
Convention on the Elimination of  
All Forms of Discrimination against Women

July 2003–July 2008

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Prepared by the Australian Government Office for Women,  
Department of Families, Housing, Community Services and Indigenous Affairs  
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# Foreword

It is my privilege to submit Australia's combined 6th and 7th report to the United Nations on the implementation of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW).

The Australian Government is committed to supporting women and men to participate equally in paid work, family and community life.

The Government wants to maximise opportunities for women so that they can participate fully in building an inclusive, safe, fair and unified Australia.

It is important that Australian women be economically secure over the course of their lives. Creating a more balanced workplace relations system, improving pay equity and providing more accessible and better quality child care will help Australian mothers and their families achieve greater financial security and independence.

Promoting a zero tolerance attitude to violence against women and developing Australia's first ever National Plan to Reduce Violence Against Women and their Children represent a renewed and determined effort to tackle this important issue.

Twenty-five years after Australia's accession to CEDAW, the Australian Government and the state and territory governments are proud of the nation's record on women's issues. We acknowledge, however, that there are ongoing challenges regarding the full implementation of CEDAW, including meeting the challenges faced by Indigenous women and girls. Gender inequality remains in some areas, limiting women's choices and opportunities.

Australia has nearly completed the process necessary for our accession to the CEDAW Optional Protocol.

In partnership with local, state and territory governments, the private sector and communities, the Australian Government will continue to work towards the elimination of discrimination against all Australian women. The Government is determined that Australia should once again lead with innovation and excellence in protecting and promoting women's human rights.

The Hon Tanya Plibersek MP  
Minister for the Status of Women

# 1 Introduction

- 1.1 The Australian Government is committed to improving and enriching the lives of women to enable them to participate equally in all aspects of Australian life. The Government values the contribution Australian women make in their workplaces, homes and communities across the country and is working to maximise opportunities for women so that they continue to help build an inclusive, safe, fair and unified Australia. Since Australia's last report on CEDAW in 2003, a range of Australian and state and territory government measures have helped improve women's safety and wellbeing, and their economic security and that of their families.

## Reporting on CEDAW

- 1.2 Australia ratified the United Nations Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) over 25 years ago on 28 July 1983. As a long-standing party, Australia has continued to implement substantial policy and legislative changes, demonstrating the Australian Government's commitment to eliminating discrimination against women. This combined 6th and 7th periodic report builds on previous reporting on CEDAW and outlines Australia's progress and the challenges that remain in implementing CEDAW.
- 1.3 This report covers key legislative, policy and other measures adopted in the review period, from September 2003 to June 2008. It includes reporting from the Australian Government and the state and territory governments and should be read alongside Australia's Common Core Document, June 2006 (HRI/CORE/AUS/2007) and Australia's Combined 4th and 5th Report on the Implementation of CEDAW (CEDAW/C/AUL/4-5) submitted in 2003.
- 1.4 In accordance with Article 18 of CEDAW, this report responds, wherever possible, to the CEDAW Committee's 2006 Concluding Comments (CEDAW/C/AUL/CO/5) on Australia's combined 4th and 5th report. In response to the CEDAW Committee's request in paragraph 9, the 2006 Concluding Comments were distributed to all relevant Australian Government agencies, all state and territory governments and to the Australian women's sector through the National Women's Secretariats. They were also posted on the Australian Government Office for Women website.

## Electing a Labor government

- 1.5 Following a national election on 24 November 2007, the Australian Government changed and a Labor government was sworn in on 3 December 2007.
- 1.6 The Australian Government is committed to building a stronger, fairer and more secure Australia for the future. Broadly, the Government's long-term priorities include the nation's security; building a stronger Australia for the future through responsible economic management and economic reform to strengthen the country's long-term competitiveness through an education revolution; building a fairer Australia through a balanced and flexible industrial relations system; and preparing Australia for great global and domestic challenges, which includes developing a national action plan on climate change and reforming the national health system.
- 1.7 The Australian Government is also firmly committed to equality, to women participating equally in all aspects of their lives, such as work, family and community. Soon after his appointment, the new Prime Minister, the Hon. Kevin Rudd MP, demonstrated his commitment to the principles of equality and non-discrimination and to improving the lives of Australian women. He said:

Our core organising principle as a Government is equality of opportunity. And advancing

people and their opportunities in life, we are a Government ... committed to policies which recognise and advance the interests of Australian women.<sup>1</sup>

## The Government's commitment to women

- 1.8 Since coming to office in November 2007, the Australian Government has introduced a number of measures that meet a range of election commitments and other undertakings for the benefit of Australian women. The Government strives to maximise the opportunities for women so that, as a country, we continue to help build an inclusive, safe, fair and unified Australia.

### Economic security

- 1.9 Economic security and financial independence is integral to a person's ability to participate in society. The Government is committed to women having equal access, participation and experience in the labour market.
- 1.10 The Australian Government's new, more balanced and fair industrial relations system is due to start in January 2010. It will introduce a range of improvements, including greater protection for Australia's lowest paid and most vulnerable workers (many of them women) by ensuring they have, for example a right to a fair minimum wage; the right to request flexible working arrangements; and have a fair system of penalty rates and overtime payments.
- 1.11 The Government has also introduced measures to help working mothers by, for instance, a significant increase in take-home pay through a \$46.7 billion tax relief package, which includes more assistance with child care.

### Safety

- 1.12 A focus for the Government is to reduce violence against women and their children. One in three Australian women experience physical violence and almost one in five experience violence over their lifetime. The Government has appointed the National Council to Reduce Violence against Women and their Children, which is developing a national plan to reduce violence against women. At the inaugural meeting of the Government's National Council to Reduce Violence against Women and their Children on 4 June 2008 the Prime Minister said  
'... the nation and the community must adopt a zero tolerance attitude to violence against women and children'.

### Leadership and participation

- 1.13 The Australian Government is also committed to improving women's health and supporting women's participation and leadership in every aspect of Australian society. For example, the Government is developing a national policy on women's health to ensure the development of solutions specific to the health needs of women. Furthermore, over \$90 million has been allocated over the next four years for more child and maternal health services.
- 1.14 Women's participation will also be progressed by the Government through the Education Revolution package and a new multi-billion dollar Education Investment Fund, which will in part help increase women's involvement in all levels of education. Similarly, work is well under way to fulfil the Government's election commitment to strengthen the voice of rural women in shaping rural and regional policy as reflected in the National Rural Women's Summit, held in June 2008.
- 1.15 The participation of women and the rights of women locally as well as internationally is important to the Australian Government. The Government believes progress on gender equality is an integral part of achieving the United Nations Millennium Development Goals and this is evident in its contribution of \$200 million to the United Nations to help achieve

these goals.

## Review of the Sex Discrimination Act

- 1.16 In June 2008 the Australian Government announced a review of the effectiveness of the Sex Discrimination Act 1984 by the Senate Legal and Constitutional Affairs Committee. Points to be considered in the review include the scope of the Act, and the manner in which key terms and concepts are defined. The review will also consider the extent to which the Act implements the non-discrimination obligations of CEDAW and the International Labour Organization or those under other international instruments, including the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights.

## CEDAW educational material

- 1.17 In response to the CEDAW Committee's Concluding Comments, paragraph 13, which recommended awareness and training programs on the Convention for the judiciary, law enforcement officials, members of the legal profession and the public, the Australian Government Office for Women, in partnership with the Australian Human Rights Commission (formerly the Human Rights and Equal Opportunity Commission) is developing an education pack on women's human rights in relation to CEDAW. The education pack will provide easy-to-understand information on CEDAW and how it is relevant to Australian women.

## Acceding to the Optional Protocol to CEDAW

- 1.18 One of the three pillars of the Australian Government's approach to foreign policy is to strengthen our engagement with the United Nations. In the context of CEDAW, the Government acceded on November 24 2008, to the Optional Protocol to the Convention, and accession is likely to occur before the end of 2008. By becoming a party to the Optional Protocol, the Australian Government is demonstrating its determination to continue promoting and protecting women's rights and making a powerful statement that discrimination against women—in Australia and internationally—is unacceptable. For more information about the CEDAW Optional Protocol, see paragraphs 2.29 and 2.30.

## Undertaking international activities

- 1.19 Australia has been active in international forums, which seek to address gender inequality. This has included Australian Government delegations to the United Nations Commission on the Status of Women over the past decade, participation in the thematic discussion on violence against women at the 2008 United Nations Commission on Crime Prevention and Criminal Justice meeting, contributions to the Interactive Dialogue on Violence Against Women at the Human Rights Council in 2008, and attendance at the triennial meetings of Commonwealth Women's Affairs Ministers.
- 1.20 Australia has co-sponsored resolutions through the UN General Assembly's Third Committee, the Commission on the Status of Women, the General Assembly and the World Health Assembly over the past five years. In 2007, Australia hosted the 12th Asia-Pacific Economic Cooperation Women Leaders' Network meeting and the Gender Focal Point Network.
- 1.21 Given that two-thirds of the world's poor (some 800 million people) reside in the Asia-Pacific, the Australian Government's international aid program is focused on our region. Gender equality is an overarching principle of Australia's aid program, and is also a critical development goal in its own right. Under the aid program, Australia is working in partnership with developing countries in the Asia-Pacific to improve the economic status of women, foster equal participation, and promote gender equality. The Australian

Government's first Disability Strategy for its overseas aid program is being developed and is due to be launched in December 2008. It will define what actions will be taken through the development assistance program to help people with disabilities. In June 2007, the Office for Women funded the Pacific Islands Forum Secretariat to produce communication materials, including a booklet on CEDAW, supporting the advancement of women's representation and gender equality in Pacific parliaments. The materials were launched in September 2008 and distributed to women across the Pacific region.

## Explaining Australia's system of government

- 1.22 Under Australia's system of government, powers are distributed between:
- the national government (the Australian Government, sometimes called the 'Commonwealth')
  - six state governments— New South Wales, Victoria, Queensland, South Australia, Western Australia, Tasmania (the states) and self-governing territory governments— including the Australian Capital Territory and the Northern Territory (the territories)
  - just over 600 local councils with mayors and councillors, who deal with community matters at the local level, across the country.
- 1.23 The Australian Government and all state governments and the governments of the Northern Territory and the Australian Capital Territory contributed to this report. For more information about Australia's system of government, including Australia's constitutional, political and legal structures, see Australia's Common Core Document, June 2006, paragraphs 16 to 43.

## Consultation and feedback from non-government organisations and the community

- 1.24 In February 2008, the Australian Government held community consultations at the beginning of the process in each state and territory capital city as part of preparing to develop this report. In response to the CEDAW Committee's 2006 Concluding Comments in paragraphs 14, 15, 17, 18, 26, 28, 29 and 30 that Australia's last report on CEDAW in 2003 did not provide sufficient information on women with disabilities, Indigenous women, migrant and refugee women and rural and remote women, the Australian Government also held four roundtable discussions in March 2008 to gain greater insights into the views and concerns held by these groups of women. Issues discussed during the consultations and roundtables have helped guide and shape this report.
- 1.25 The Australian Government also welcomes feedback on this report and invites the community to contribute any comments or questions they may have to [cedawfeedback@fahcsia.gov.au](mailto:cedawfeedback@fahcsia.gov.au).

## Shadow CEDAW report

- 1.26 The Australian Government has funded non-government organisations to conduct their own consultations and prepare an independent 'shadow' report for the CEDAW Committee's consideration. The community can contribute to this process by emailing [cedaw@ywca.org.au](mailto:cedaw@ywca.org.au).

## 2 Articles 1 to 4:

### Definition of discrimination against women, obligations to eliminate discrimination, the development and advancement of women, and acceleration of equality between men and women

- 2.1 Australia is performing well on international indicators of gender equality. The United Nations Human Development Report 2007–08 ranked Australia second in the world on its Gender Related Development Index and eighth in the world in its Gender Empowerment Measure. The World Economic Forum's Global Gender Gap Report 2007 ranked Australia seventeenth out of 128 countries on its Gender Gap Index. Over the previous year, Australia improved its scores on economic participation, driven by advances in labour force participation and reductions in the wage gap between male and female workers.
- 2.2 Australian Government and state and territory government anti-discrimination legislation and policies uphold Australia's commitment to equal rights for women and obligations under CEDAW. The Australian Government Sex Discrimination Act 1984 continues as the overriding legislation for making discrimination against women unlawful. The Act's objectives reflect CEDAW's content and the full convention is included as a schedule to the Sex Discrimination Act 1984.
- 2.3 On 26 June 2008, the Australian Senate referred 'The effectiveness of the Commonwealth Sex Discrimination Act 1984 in eliminating discrimination and promoting gender equality' to their Legal and Constitutional Affairs Committee for inquiry and report by 12 November 2008. Among other things, the inquiry will examine the powers and capacity of the Australian Human Rights Commission and the Sex Discrimination Commissioner, who is a member of the Commission; the consistency of the Act with other Australian Government and state and territory government discrimination legislation; sexual harassment; and discrimination on the grounds of family responsibilities. In particular, the inquiry will consider the extent to which the Sex Discrimination Act 1984 implements the non-discrimination obligations of CEDAW and the International Labour Organization, or under other international instruments, including the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights.

### Legislative framework

- 2.4 The Sex Discrimination Act 1984 prohibits discrimination on the grounds of sex, marital status and pregnancy or potential pregnancy in the areas of public life, including in employment and education; providing goods, services and facilities, accommodation and housing; buying or selling land; in clubs; and administering Australian Government laws and programs. The Act also prohibits discrimination on the grounds of family responsibilities in relation to termination of employment.
- 2.5 All states and territories have anti-discrimination legislation in addition to the Australian Government's Sex Discrimination Act 1984. However, any state or territory law or part of a law that is inconsistent with the Sex Discrimination Act 1984 is invalid under section 109 of the Australian Constitution.
- 2.6 Since Australia's last report on CEDAW in 2003, the Australian Government enacted the Age Discrimination Act 2004 to eliminate discrimination on the basis of age. This Act expanded an already extensive framework of human rights and anti-discrimination legislation. The Sex Discrimination Commissioner is also the Commissioner responsible for Age Discrimination.

- 2.7 The CEDAW Committee's 2006 Concluding Comment in paragraph 28 expressed concern that immigrant, refugee, and minority women and girls may be subject to multiple forms of discrimination. The Australian Human Rights Commission is responsible for administering four Australian Government laws which offer protection to these women—the Age Discrimination Act 2004, the Disability Discrimination Act 1992, the Racial Discrimination Act 1975 and the Sex Discrimination Act 1984.
- 2.8 From 1 July 2007 to 30 April 2008, the Australian Human Rights Commission received 354 complaints lodged under the Sex Discrimination Act 1984—women lodged 84 per cent and men lodged 14 per cent.<sup>2</sup> The largest proportion of complaints involved discrimination in employment (88%). Of these, 47 per cent related to sex discrimination and 23 per cent related to pregnancy discrimination.
- 2.9 For more information about Australia's support for protecting and promoting human rights, see paragraphs 44 to 104 in Australia's Common Core Document, June 2006.

### State and territory government legislation

- 2.10 The New South Wales Government marked the 30th anniversary of its Anti-Discrimination Act 1977 in 2007. The New South Wales Anti-Discrimination Board, which administers the Act, received 240 complaints related to sex discrimination (including sexual harassment) in 2006–07.<sup>3</sup> Most complaints related to discrimination in employment.<sup>4</sup> In 2006–07, the Anti-Discrimination Board conducted 12 conciliation conferences in rural New South Wales, and also continued work begun in 2005 with newly-emerging African communities in New South Wales, holding two seminars for Liberian and Ethiopian women. In 2007, the New South Wales Anti-Discrimination Act 1977 was amended to specifically prohibit discrimination in public life on the grounds of breastfeeding, which includes the act of expressing milk.
- 2.11 In January 2004, Tasmania's Anti-Discrimination Act 1998 was amended to prohibit a person from discriminating against another person on the grounds of 'relationship status'. These changes mean greater protection to women and men discriminated against on the basis of their relationships, including heterosexual, same-sex and caring relationships. Since Australia's last report on CEDAW in 2003, the Tasmanian Office of the Anti-Discrimination Commissioner granted a number of exemptions under the Act to promote equal opportunity for women by permitting people to engage in otherwise discriminatory conduct—for example, by allowing employers to advertise for and appoint female caseworkers for organisations; to target and recruit female custodial officers in the redevelopment of the women's prison; to advertise and target women in the electrical contracting and aluminium smelting industries; and to elevate females on the process worker waiting lists.
- 2.12 The Victorian Government passed the Victorian Charter of Human Rights and Responsibilities in 2006. The charter protects human rights grouped under the key principles of freedom, respect, equality and dignity. Most parts of the charter came into effect from 1 January 2007. Victoria initiated an independent review of its Equal Opportunity Act 1995 in 2007 to improve the Act's fairness, effectiveness and efficiency. The final report and recommendations for reform are due in late 2008.
- 2.13 The Anti-Discrimination Commission, Queensland continues to administer the Queensland Anti-Discrimination Act 1991. In 2003, an Indigenous unit was established in the Commission to ensure Indigenous issues are prominent in its human rights agenda. From July 2003 to May 2008, the Commission received 528 complaints alleging sex discrimination, 209 alleging pregnancy discrimination, 11 alleging breastfeeding discrimination, 660 alleging sexual harassment, 230 alleging family responsibilities discrimination, and 73 alleging discrimination on the basis of gender identity. Women made most complaints, of which 78 per cent related to employment.

- 2.14 The Northern Territory Government's Anti-Discrimination Act 1992 was reviewed in 2006. The recommendations are currently with the Northern Territory Attorney-General for consideration. The recommendations range from streamlining the complaints' process to expanding the Commissioner's jurisdiction.
- 2.15 The Australian Capital Territory was the first jurisdiction in Australia to have an explicit statutory basis for respecting, protecting, fulfilling and promoting civil and political rights when its Human Rights Act was enacted in 2004. The Act was amended in 2006 to establish the Territory's Human Rights Commission. The Commission delivered 101 community education activities in 2005–06 for 4,114 participants, and convened three community forums on human rights. In 2007, the Commission received 42 complaints from women compared to 54 in 2006—a 22 per cent reduction. In both years, the greatest number of complaints, by area, was in employment.
- 2.16 In 2007, Western Australia reviewed its Equal Opportunity Act 1984. The review recommended that the Act include breastfeeding as a ground of unlawful discrimination, and that government departments and agencies show how they are identifying and eliminating discriminating practices and promoting equal outcomes for women as employees and as their clients. During 2006–07, the Western Australian Equal Opportunity Commission investigated and attempted to conciliate 656 complaints. Women lodged 69.1 per cent of these complaints. Of the complaints lodged by women, 20.1 per cent related to race, 16.6 per cent to sexual harassment, 12.1 per cent to sex discrimination, and 10.4 per cent to alleged impairment discrimination.
- 2.17 South Australia continues to administer the Equal Opportunity Act 1984, which has been reviewed. A bill amending the Act has been introduced into Parliament which would prohibit discrimination on the basis of the characteristics of a person's relatives, potential pregnancy or caring duties. The Equal Opportunity Commission provides information and education regarding equal opportunity. It also assesses and resolves complaints. A total of 258 people complained to the Equal Opportunity Commission in the 2007-2008 financial year and 29 of them complained of more than one type of discrimination, totalling 287 complaints altogether. Of the 258 people, 45% were women and 30% of the complaints related to pregnancy, sexual harassment or sex discrimination.

## Government monitoring and advisory agencies

- 2.18 The Australian Government regularly consults with the Australian community on how to better recognise, protect and promote human rights. As part of the consultation process, the Attorney-General's Department and the Department of Foreign Affairs and Trade host regular meetings with non-government organisations to consult on the Government's domestic and international approach to human rights. The Government believes that the protection of human rights and responsibilities is a question of national importance for all Australians, and for this reason, has committed to undertake an Australia-wide consultation to determine how best to recognise and protect human rights and responsibilities in Australia.

### Australian Human Rights Commission

- 2.19 The Australian Human Rights Commission has statutory responsibility for promoting gender equality in Australia. An independent statutory authority established by the Australian Parliament, the Commission meets the criteria for independent human rights institutions set out in the Paris Principles. The Commission has jurisdiction to investigate and, when appropriate, conciliate complaints of breaches of the Sex Discrimination Act 1984. For more information about the Commission, see paragraph 69 in Australia's Common Core Document, June 2006.
- 2.20 In September 2007, the Australian Government appointed a new Sex Discrimination Commissioner. In 2008, the new Commissioner conducted a Listening Tour around

Australia to hear about the experiences of Australia men and women of sex discrimination and sexual harassment. In the Listening Tour Community Report, the Commissioner found that sexual harassment continues as a significant problem in workplaces; there is a growing demand for flexible working arrangements to allow workers, both male and female, to balance work and caring responsibilities; women have significantly less economic security in retirement than men; and Australians would benefit significantly from a universal paid maternity leave scheme.

- 2.21 In 2007, the Australian Human Rights Commission reported to the Government on the issues associated with balancing paid work and family responsibilities. The report—*It's about time: Women, men, work and family*—makes 45 recommendations for policy and legislative change, mainly in the areas of employment and workplace relations. The report proposes a new framework for meeting paid work and family/carer responsibilities by addressing three central challenges—changes in caring needs and responsibilities across the life cycle, equality between men and women in paid and unpaid work, and valuing care. The report also included a recommendation to introduce a government-funded scheme for paid maternity leave of 14 weeks at the level of the federal minimum wage, and that new legislation should provide protection from discrimination for employees with family and carer responsibilities, and a right to request flexible work arrangements. The Australian Government has referred the issue of paid maternity leave to the Productivity Commission (see paragraph 9.38 for more information).

#### Equal Opportunity for Women in the Workplace Agency

- 2.22 The Equal Opportunity for Women in the Workplace Agency is a statutory authority located within the Australian Government's Families, Housing, Community Services and Indigenous Affairs portfolio. The agency's role is to administer the Equal Opportunity for Women in the Workplace Act 1999 and through regulation and education, influence organisations to achieve equality for women in the workplace. The agency works with employers to improve equal opportunity outcomes for women in the workplace by delivering practical solutions, building strategic partnerships, and leading public debate to increase the rate of change.
- 2.23 Equal opportunity practices are encouraged to ensure women have equal access—based on merit—to employment, promotion, transfers, study leave, training and development, higher duties, and so on. While Australia does not rely on targets or quotas, bodies employing over 100 staff have to report to the Equal Opportunity for Women in the Workplace Agency on their compliance with the Act. Australia does not, therefore, support the adoption of quotas or targets, as recommended in paragraphs 16 and 17 of the CEDAW Committee's 2006 Concluding Comments.
- 2.24 In 2006, 99.5 per cent of reporting organisations (2,516 out of 2,529) complied with the Act. This compares to 2004–05 when 99.4 per cent (2,494 of 2,508 reporting organisations) complied. The number of non-compliant organisations in 2006 was 13 (0.5 per cent), compared to 14 (0.5 per cent) in 2004–05 and 17 (0.6 per cent) in 2003–04.

#### Australian Government Office for Women

- 2.25 Following Australia's last report on CEDAW in 2003, the Australian Office for the Status of Women transferred from the Department of the Prime Minister and Cabinet to the (now named) Department of Families, Housing, Community Services and Indigenous Affairs. The Office for Women retains a whole-of-government role and is able to influence other related policy agendas.
- 2.26 Re-named the Australian Government Office for Women, the office now has a minister with full ministerial responsibility for women's issues—the Minister for the Status of Women. It also maintains its responsibility for monitoring Australia's implementation of CEDAW and is the main point of advice on how Australian Government policies are likely to affect women. The priorities for the Office for Women include reducing violence against

women, increasing women's economic security and independence and working towards the equal participation of women at all levels of Australian society.

- 2.27 All state and territory governments have offices responsible for providing policy advice and delivering programs to address women's issues.<sup>5</sup> Ministers responsible for women's issues in the Australian, state and territory, and New Zealand governments meet each year at the Ministerial Conference on the Status of Women. The conference's objective is to ensure coordination and development across jurisdictions of policies that affect the status of women. It also facilitates action on matters of mutual concern and refers agreed issues and strategies to other ministerial groupings. In line with the CEDAW Committee's recommendation in paragraph 11 of the 2006 Concluding Comments, the ministerial conference considers Australia's implementation of CEDAW.

#### Office of Work and Family

- 2.28 In 2008, the Australian Government established the Office of Work and Family in the Department of the Prime Minister and Cabinet. Priorities for the Office of Work and Family include overseeing the new directions for child care and early childhood education; working with the Department of Education, Employment and Workplace Relations to make sure workplace relations reforms take account of work and family issues; producing the first annual Families in Australia: 2008 report, and improving the process for considering the impact on families of proposals submitted to the Cabinet.<sup>6</sup>

#### Social Inclusion Board

- 2.29 In 2008, the Australian Government established the Social Inclusion Board to look at how policy and programs across different ministries and levels of government can combine to tackle economic and social disadvantage. The board consists of business and community leaders who will consult widely and advise government on how to identify and help communities in need, and how to better include disadvantaged people in mainstream economic and community life. The board sat for the first time in May 2008 and will report each year to the Minister for Social Inclusion.

## International frameworks

### CEDAW Optional Protocol and other international treaties

- 2.30 Consistent with paragraph 30 of the CEDAW Committee's 2006 Concluding Comments, in early 2008 Australia started the process of acceding to the Optional Protocol to CEDAW. State and territory governments, Australian Government agencies and the community were consulted. All governments and the community supported accession. A decision to accede to the Optional Protocol will be made by the Australian Government in the near future.
- 2.31 On 17 July 2008, the Australian Government ratified the Convention on the Rights of Persons with Disabilities, reinforcing Australia's long-standing commitment to upholding and safeguarding the rights of people with disability. The process of considering whether to accede to this convention's Optional Protocol has also started. Additionally, Australia is considering accession to the Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment. In response to the CEDAW Committee's 2006 Concluding Comment in paragraph 36, the Australian Government will consider the International Convention on the Protection of the Rights of All Migrants Workers and their Families in due course. In 2006 and 2007 respectively, the Australian Government became a party to the two Optional Protocols to the Convention on the Rights of the Child. In 2006, the Government also ratified the International Labour Organization Convention on the Elimination of the Worst Forms of Child Labour.

### Beijing Declaration and Platform for Action

- 2.32 Over the past decade, Australia has consistently been represented at the Commission on the Status of Women, except in 1997 when the position of head of the former Office for the Status of Women was vacant.
- 2.33 In preparing for the 10-year Beijing Platform for Action review ('Beijing+10'), in 2004 the Australian Government submitted its response to a preliminary questionnaire from the United Nations Division for the Advancement of Women. The Australian Government was also represented at the Regional High Level Intergovernmental Meeting hosted by the United Nations Economic and Social Commission for the Asia–Pacific in Bangkok from 7 to 10 September 2004.
- 2.34 The Office for Women has also held consultations on the domestic implementation of the Platform for Action. This dialogue was an important part of the Australian Government's preparation for Beijing+10, and included input from key government agencies, the states and territories, the women's sector and the general public. This work is consistent with paragraph 34 of the CEDAW Committee's 2006 Concluding Comments. For more information about Australia's progress on the Beijing Declaration and Platform for Action, see paragraphs 7.22 to 7.26.

### Millennium Development Goals

- 2.35 The Australian Government has announced a \$200 million package of initiatives to boost progress towards the Millennium Development Goals. Strengthened partnerships with seven key United Nations agencies will boost their capacity to lead global efforts to realise the goals. Australia will contribute directly to the United Nations' efforts on issues including increasing child literacy, improving maternal and child health, and the empowerment of women.
- 2.36 Consistent with paragraph 35 of the CEDAW Committee's 2006 Concluding Comments, the Australian Government believes progress on gender equality is an integral part of achieving the Millennium Development Goals. Australia is working to implement international best practice in the area of gender equality, focusing on areas where least progress has been made in narrowing the gender gap, such as improving women's economic status, expanding participation in decision-making, and strengthening leadership. Specific assistance includes an evaluation of interventions that deal with violence against women in five countries in the region—Fiji, Vanuatu, Solomon Islands, Papua New Guinea and East Timor (for more information, see paragraph 14.85); the Advancing Gender Equality in Pacific Governance: Stronger Women's Citizens and Leaders program; the Women Entrepreneurs program, which is working on reforms that improve business opportunities for women in the Pacific; and the Local Governance and Infrastructure for Communities program, which develops the confidence and leadership skills of village representatives in Aceh, Indonesia.

### Commonwealth Plan of Action for Gender Equality

- 2.37 Australia participated in the development of the Commonwealth Plan of Action for Gender Equality 2005–15. The plan of action is a framework within which Commonwealth nations are contributing to greater gender equality and equity between 2005 and 2015. The plan formed part of the Commonwealth's contribution to the United Nations Beijing+10 Global Review in 2005. It focuses on four critical areas for Australian Government action—gender, democracy, peace and conflict; gender, human rights and law; gender, poverty eradication and economic empowerment; and gender and HIV/AIDS.

### Data collection

- 2.38 In 2007, the Office for Women published *Women in Australia 2007* as part of its *Women in Australia* series—available at [www.ofw.facsia.gov.au/publications/wia/index.html](http://www.ofw.facsia.gov.au/publications/wia/index.html). The publication measures women's progress on several key indicators of gender equity in

Australia. It contains sex-disaggregated data and analysis of a wide range of issues affecting women, including population characteristics; family and living arrangements; health, work and economic resources; education and training; safety and crime; and leadership. The Australian Government is developing a way to ensure this data is more accessible and regularly updated through publication on the Office for Women's website.

- 2.39 The Australian Government is currently undertaking a gender indicators 'stock take' to identify gaps in the availability and accessibility of sex-disaggregated data, including data for Indigenous Australians, people with disability, and people from lower socioeconomic and rural and remote backgrounds.

## Measures to prevent discrimination against Indigenous women

- 2.40 The Australian and state and territory governments have undertaken many measures to prevent and remove discrimination against Indigenous women. These measures go some way towards addressing the CEDAW Committee's 2006 Concluding Comments in paragraphs 30 and 31 that Australia improve Indigenous women's enjoyment of human rights. Some of these measures are outlined below, and others are addressed under relevant Articles throughout this report.

### Closing the gap on Indigenous disadvantage

- 2.41 The Australian Government has indicated that closing the gap on Indigenous disadvantage is a national priority. The Council of Australian Governments (COAG)<sup>7</sup> committed to the following targets to reduce the disadvantage gap between Indigenous and non-Indigenous Australians:
- Within five years: all Indigenous four year olds in remote Indigenous communities will have access to a quality early childhood education program.
  - Within a decade: halve the gap in infant mortality; halve the gap in reading, writing and numeracy achievements by Indigenous children; and halve the gap in employment outcomes for Indigenous Australians.
  - Within a generation: at least halve the gap for Indigenous students in Year 12 or equivalent attainment rates by 2020; and close the life expectancy gap.
- 2.42 These targets are challenging and will require concerted effort across all levels of government and across all sectors. COAG established a number of working groups, including the Working Group on Indigenous Reform, to progress this agenda. COAG has also adopted a number of strategic platforms or 'building blocks' that need to be in place in order to comprehensively address the current state of disadvantage—early childhood; schooling; health; economic participation; healthy homes; safe communities; and leadership and governance. These building blocks are being used to address the drivers of disadvantage and through integrated policy and implementation. The Working Group on Indigenous Reform brought forward a reform proposal on Indigenous Early Childhood Development, which COAG endorsed on 3 July 2008.
- 2.43 The Government's approach to closing the gap on Indigenous disadvantage is being built on a sound understanding of the evidence, clarification of appropriate Commonwealth/state responsibilities, a strategic approach to investment and service delivery, and an independent mechanism for monitoring and reporting progress against the targets.

### Northern Territory Emergency Response

- 2.44 In June 2007, the previous Australian Government announced the Northern Territory Emergency Response (NTER) to protect Aboriginal children from abuse and build the basis for a better future. This large-scale response was prompted by the evidence presented in

the Little Children are Sacred<sup>8</sup> report from the Northern Territory Board of Inquiry into the Protection of Aboriginal Children from Sexual Abuse.

- 2.45 The implementation of the emergency response has elicited mixed views within the Indigenous community and in the broader Australian community. Many Indigenous women in remote NT communities have reported that they feel safer as a result of having more police, alcohol and pornography bans and income management. As a result of income management, women who are vulnerable to intimidation or violence feel they have more control over their finances, and are in a better position to provide for their children.
- 2.46 A comprehensive and independent review of the NTER reported in October 2008. The Australian Government accepted the three overarching recommendations of the Review Board's report. These are that the Commonwealth and Northern Territory Governments recognise as a matter of urgent national significance the continuing need to address the unacceptably high level of disadvantage and social dislocation being experienced by Aboriginal Australians living in remote communities throughout the Northern Territory. In addressing these needs both Governments acknowledge the requirement to reset their relationship with Aboriginal people based on genuine consultation, engagement and partnership. Government actions affecting Aboriginal communities respect Australia's human rights obligations and conform with the Racial Discrimination Act 1975 (RDA). The Australian Government will act on these recommendations in progressing to the next phase of the NTER. It will continue compulsory income management because of its demonstrated benefits to women and children, while consulting with communities to design a scheme that conforms with the RDA.

#### National Aboriginal and Torres Strait Islander Women's Gathering

- 2.47 The National Aboriginal and Torres Strait Islander Women's Gathering has been held each year since 2002. The gathering is a key mechanism for Aboriginal and Torres Strait Islander women to raise issues with, and make recommendations to, the Ministerial Conference on the Status of Women. The women's participation also allows ideas and actions from the gatherings to be taken back to their own communities for implementation. The Australian and state and territory governments sponsor women to attend the gathering and provide funding for the gathering's secretariat.

#### State and territory measures to address violence against Indigenous women

- 2.48 Since 2002, the South Australian Office for Women has hosted the Aboriginal Women's Gathering—a three-day meeting of Aboriginal women from throughout the state. Over 250 women have participated, representing remote, regional and metropolitan communities. Themes have included women's safety, local community solutions to Indigenous family violence, and women and economic status. In January 2008, the South Australian Government appointed a Commissioner for Aboriginal Engagement and established the permanent South Australian Aboriginal Advisory Council (see paragraph 5.41 for more information).
- 2.49 The Western Australian Indigenous Women's Gathering was held in Perth over three days in May 2007. As the first statewide gathering of its kind, over 200 Indigenous women from around the state came together for the event. Presentations, community showcases and discussion focused on the three key areas of safety and protection, social and economic sustainability, and leadership and networking. Forty recommendations resulted from the gathering, including strategies to address violence.
- 2.50 The Australian Capital Territory Government is providing nearly \$2.5 million over four years, starting in 2008–09, to implement the Integrated Service Delivery for Aboriginal and Torres Strait Islander People project to an identified group of vulnerable Indigenous families. The project was set up to develop and foster an integrated and coordinated approach to service delivery across health, education and family support services. It focuses on at-risk Indigenous children and on young people's education, health and wellbeing. It aims to

improve outcomes for these children and young people and their families, particularly by strengthening the children's transition from home to school and their transition from primary school to high school.

### Strategic plans and policy statements

- 2.51 The New South Wales Government has implemented a number of policies and strategies since 2003 including the policy statement, *Our Commitment to Women*, which provides a record of the range of government-funded services and programs to support and enhance the quality of life for women in the state, and outlines priority initiatives for the future. Other New South Wales policies are outlined in relevant articles.
- 2.52 The Victorian Government's *Leading with Victoria's Women 2004–07* outlines the Victorian Government's commitment to the four key themes of representation and equity; education, work and economic independence; health, wellbeing and community strengthening; and justice and safety. In 2008, the Victorian Government's third 'forward plan for women' will be released, outlining priorities and outcome areas to meet the Government's policy objectives for Victorian women. The Victorian Office of Women's Policy will monitor the plan's implementation and produce annual updates on achievements, initiatives and performance measures.
- 2.53 The *Women in the Smart State Directions Statement 2003–08* mapped out the Queensland Government's five-year strategic plan for women, and outlined significant investment in a range of strategies and initiatives that would contribute to improving the quality of life for Queensland women. The statement aims to create opportunities for women and meet challenges in areas of greatest under-representation, inequity and need, with five goals—improving women's health and wellbeing; promoting opportunities to balance work, family and lifestyle; improving women's capacity to achieve economic security; enhancing women's safety; and increasing women's participation in leadership, decision-making and community building.
- 2.54 In March 2008, the Northern Territory Minister for Women's Policy launched *Building on Our Strengths: A Framework for Action for Women in the Northern Territory 2008–12*. The framework identifies five key areas for action—health and wellbeing, safety, economic security, participation and leadership, and life balance. The Northern Territory Office of Women's Policy oversees the development and implementation of the framework.
- 2.55 The Western Australian Government develops policy, projects and initiatives that strengthen the status and sustainability of women. Strategic planning for 2009 and beyond identified six priority areas for women—life-long economic security, healthy lives, living without violence and abuse, children who are safe from abuse and neglect, affordable housing, and equal life outcomes for Indigenous women and children. In 2005, the Western Australian Office for Women's Policy, Department for Communities published a booklet, *Gender Analysis: Making Policies, Programs and Services Gender-Aware*, which was widely distributed in the public sector. The Department for Communities has also recently established the Western Australian Women's Safety Framework to address the safety of women in Western Australia, including risks to Aboriginal women and children.

# 3 Article 5:

## Sex roles and stereotyping

- 3.1 Australia's commitment to breaking down gender stereotyping is widespread at the national, and state and territory levels. In recent years, the focus on establishing better work-life balance and greater involvement by fathers in parenting has helped increase community awareness about these issues and created wider work and life choices for many women.

## Modifying social and cultural patterns of conduct

### Responsibilities relating to family

- 3.2 The burden of caring for children, elderly parents, and people with disability, and for doing housework, continues to fall disproportionately to Australian women. For more information about caring and its effects on women's social and economic participation, see paragraphs 9.21 to 9.30 and 11.4 to 11.7.
- 3.3 For the first time, in the 2006 Census Australians were asked to report the number of hours per week spent in unpaid work. Men were more likely than women to spend less than five hours per week in unpaid work, whereas women were more likely to spend five hours or more engaged in unpaid tasks. Women were 4.5 times more likely than men to spend 30 hours or more per week in unpaid work.<sup>9</sup> In Australia, marriage increases the time women spend in unpaid work, but men's housework contributions decline when they marry. Parenthood increases couples' time in unpaid work, but the effects are greater for mothers than for fathers.<sup>10</sup>

### Balancing family responsibilities

- 3.4 In 2004, Australian, state and territory and New Zealand women's ministers agreed that the engagement of men and boys in working toward gender equality should be pursued. Ministers also agreed to encourage relevant ministries to promote the benefits of parenting to men and help them better parent their children. Since then, the Australian Government Office for Women has collected information from jurisdictions on initiatives to engage fathers in parenting.
- 3.5 One of these initiatives includes the New South Wales Office for Women's support for the production of the You're a parent now DVD in 2007. The DVD aims to assist new mothers and fathers improve their relationship and communication skills so they can better support their children's development. The DVD is distributed through all public hospitals.
- 3.6 In December 2006, the House of Representatives Standing Committee on Family and Human Services tabled a report in the Parliament of Australia on balancing work and family.<sup>11</sup> The report addresses a broad spectrum of issues, including social change since the 1960s, the tax system, the welfare system, fertility, workplace relations, child care, and care of people with disability. The report discusses how each of these issues affects others and makes 19 recommendations; most focus on child care.
- 3.7 In 2007, the Australian Human Rights Commission provided a report to the Australian Government entitled It's about time: Women, men, work and family. This report examined issues associated with balancing family responsibilities and paid work. This included issues related to achieving balance within families, such as the gender relations that underpin the lives that men and women lead, and the legal, policy and attitudinal

frameworks that affect the range of men's and women's choices. The report made 42 recommendations for policy and legislative change, including that the Government developed education and awareness campaigns regarding sharing care and other unpaid work.

- 3.8 States and territories have also implemented tailored programs in their jurisdictions to encourage work–life balance—for instance, South Australia released a strategic plan in 2004 (updated in 2007) which includes a target to improve the quality of life of all South Australians through maintenance of a healthy work–life balance. The target's aim is to enable more men to have time for family commitments and more women to participate in paid work while better balancing family commitments.
- 3.9 In February 2007, South Australia established the Parliamentary Select Committee Inquiry into Balancing Work and Life Responsibilities to examine best practice employment standards, economic arguments for work–life balance, and the impact of Australian and South Australian industrial relations' changes. The committee presented its final report to the South Australian Parliament on 9 April 2008 and the South Australian Government will respond later in the year.
- 3.10 The Australian Government funds the Family Relationships Services Program, which includes two major components, designed to encourage men to participate in the care of their families and children. The program delivers counselling, relationship education and skills training, support and family dispute resolution services to men and their families to help them improve and better manage their relationships with their partners, ex-partners, children and step-children. Family Relationship Education and Skills Training is a preventative education program that helps men and women develop the skills to foster positive, stable relationships with their partner or family. Using this preventative approach, services also promote positive parenting and non-violent problem solving.

## Portrayal of women in the media

- 3.11 The Australian Government broadcasting industry codes of practice deal with content matters, including the harmful and negative portrayal of women in broadcast media. The Australian Communications and Media Authority is responsible for registering and administering the codes of practice.
- 3.12 The Australian Government Commercial Television Industry Code of Practice and Commercial Radio Codes of Practice advise broadcasters to avoid placing inappropriate emphasis on gender, or on physical characteristics and stereotyped gender portrayals. As well, the Commercial Television Industry Code of Practice encourages broadcasters to try to achieve a better balance when using women and men as 'experts' and to include more coverage of the achievements of women in areas like sport.
- 3.13 The Living in Harmony program is the Australian Government's key anti-racism program and aims to address issues of cultural, racial and religious intolerance by promoting respect, fairness, inclusion and a sense of belonging for everyone. The program is a community-based education initiative that seeks to strengthen community relations through a range of funding and information strategies. In line with the Beijing Platform for Action, paragraph 243(c), which relates to portrayal of women in the media, the program encourages fair and appropriate reporting of diversity issues, including the multiple roles of women, by producing specific university and cadet journalism curriculum materials.
- 3.14 In 2004, the Victorian Government introduced the Victorian Government Gender Portrayal Guidelines. These were developed in consultation with key industry groups and stakeholders, for use in the Government's media, advertising and public relations campaigns.
- 3.15 In 2005 Queensland adopted the Smart Women – Smart State strategy, a whole-of-

government framework, designed to increase women's participation in education, training and employment, particularly in the areas of science, engineering and technology where women are under-represented. A Taskforce is currently focused on delivering the Smart State Strategy: Science, Engineering and Technology Action Plan (2006 – 2009), a 12 point Action Plan which aims to enhance girls' and women's participation in science, engineering and technology. Since 2003, the Queensland Office for Women has coordinated the annual Smart Women – Smart State Awards, which recognise achievements by women in science, engineering and technology. The Queensland Office for Women also delivers the Queensland Government's Women in Hard Hats strategy, which aims to promote careers and encourage greater participation by women in non-traditional employment in the mining and construction industries, as well as in emerging science and technology fields.

## Educating men and boys

- 3.16 The Australian Human Rights Commission plays an important role in educating the community about human rights and responsibilities.
- 3.17 Australia's education system also promotes human rights education through civics and citizenship education. National Statements of Learning for Civics and Citizenship agreed by all states and territories recognise that civics and citizenship aspects of curricula in Australia help promote an appreciation of the local, state/territory, national, regional and global rights and responsibilities of citizenship and civic life.
- 3.18 Australia's agreed National Goals for Schooling state that schooling in Australia should be socially just, so that students' outcomes from schooling are free from the effects of negative forms of discrimination based on sex, language, culture and ethnicity, religion or disability; and of differences arising from students' socioeconomic background or geographic location.
- 3.19 The Australian Capital Territory has embedded issues of access and equity, valuing the contributions of girls and women, and the critical analysis of gender perspectives in its school curricula, which is supported by a gender equity strategy for schools.
- 3.20 For more information about human rights education in Australia, see paragraphs 91 to 94 in Australia's Common Core Document, June 2006.

### Indigenous men's initiatives

- 3.21 As part of the Indigenous Women's Development program, established in 2004, funding was provided for interactive learning sessions where Indigenous men discussed issues their families and communities faced and developed leadership strategies for reconnecting men with their family and community responsibilities. This led to the development of a men's leadership program, which among other things, focuses on community leadership, conflict management skills, strengthening community participation, and promoting community awareness of family violence.

# 4 Article 6:

## Suppression of the exploitation of women

- 4.1 Australia is resolute in its commitment to fulfilling its international obligations to protect women from exploitation and to criminalise and eliminate people trafficking, especially trafficking in women and children. Since Australia's last report on CEDAW in 2003, the Australian and state and territory governments have taken a number of important steps to reinforce, expand and better coordinate efforts across the country and the region to combat trafficking crimes and exploitation.

## Trafficking

- 4.2 Australia ratified the Convention against Transnational Organized Crime in 2004; acceded to its supplementary Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children in 2005; and acceded to the Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography in 2006.
- 4.3 In 2008, Australia and Indonesia co-hosted a side event at the United Nations Global Initiative to Fight Human Trafficking Forum; the event was on the Bali Process on People Smuggling, Trafficking in Persons and Related Transnational Crime. The Bali Process is co-chaired by Australia and Indonesia, and is a key vehicle for regional engagement on people trafficking. For instance, workshops on developing anti-trafficking legislation have been held as part of the Bali Process and Asia-Pacific states have used its model legislation to draft their own anti-trafficking and smuggling legislation.
- 4.4 Australia is a partner in the Asia Regional Trafficking in Persons project—a five-year, \$21 million activity that began in August 2006. The project contributes to preventing people trafficking in the region. It promotes a more effective and coordinated approach to dealing with people trafficking by criminal justice systems of governments in the Asia-Pacific region. The project partners are Australia, Thailand, Lao PDR, Cambodia, Burma, and Indonesia, who also work closely with the Association of South-East Asian Nations and engage with the association's member countries at a regional level.
- 4.5 Australia's anti-trafficking strategy addresses the full trafficking cycle, from recruitment to reintegration, and gives equal weight to the critical areas of prevention, detection and investigation, prosecution, and victim support.
- 4.6 Opportunities to traffic people into Australia are low because Australia is surrounded by sea and has strong migration controls. With 107 trafficking victims, 105 of whom were women, supported by an Australian Government program between 2004 and mid 2008, (see paragraph 4.9 for more on the Government's support program) the Australian Government continues its focus on preventing any trafficking, prosecuting the perpetrators, and protecting and supporting victims.
- 4.7 The Australian Government takes seriously the issue of people trafficking both domestically and internationally. In 2007 the Government demonstrated its strong and ongoing commitment by announcing \$38.3 million over four years to renew and strengthen the whole-of-government strategy to eradicate trafficking in people. This brings the Government's total commitment to combating trafficking since 2003 to \$58.3 million.
- 4.8 Australia has also comprehensively criminalised all trafficking-related activity, with penalties of

up to 25 years' imprisonment. Australian Federal Police Transnational Sexual Exploitation and Trafficking Teams have undertaken over 150 investigations and assessments of allegations of trafficking-related offences since January 2004. By 23 May 2008, these investigations had led to 34 people being charged with trafficking-related offences and seven convictions. Of the seven convicted defendants, five were convicted for slavery matters. Two defendants were convicted for conducting a business involving the sexual servitude of others. One of the slavery matters related to labour trafficking. The rest of the slavery matters are linked to trafficking in women from South-East Asia for work in the sex industry. These data are provided in response to the CEDAW Committee's 2006 Concluding Comments in paragraphs 20 and 21.

- 4.9 Australia provides a comprehensive range of support services for suspected trafficking victims who are able and willing to help in criminal investigations or prosecutions. The Support for Victims of People Trafficking program has supported victims trafficked into Australia for the sex industry and for labour servitude. Victims who have participated in the program have been mostly female, with two males, and predominantly from Thailand.
- 4.10 Where a person is assessed as being a suspected victim of trafficking, a comprehensive visa framework means people who help with investigations or prosecutions of people trafficking offenders may be able to remain lawfully in Australia. If a victim is assessed as being in danger because of the assistance they provided, they might be eligible to remain permanently in Australia on a Witness Protection (Trafficking) visa.
- 4.11 In response to the CEDAW Committee's 2006 Concluding Comments in paragraphs 20 and 21, when a suspected victim chooses not to help law enforcement authorities or the person's evidence is insufficient to help a trafficking investigation or prosecution, they receive assistance to return to their home country, unless they can establish their eligibility to stay in Australia under another class of visa.
- 4.12 The Australian Government has undertaken consultations with peak non-government and government organisations as part of a review of the effectiveness of the People Trafficking Visa Framework. The views expressed by stakeholders ranged from simplification including more flexibility of the visa framework to the de-linking of visas from law enforcement activities. While the Government is considering the feedback from these consultations, the Australian Government believes there are opportunities for a simpler and more flexible framework.
- 4.13 Australia provides funding to the International Organization for Migration Return and Reintegration of Trafficked Women and Children project (Phase II), which started in 2004. The project develops sustainable support mechanisms and structures for the identification, return, recovery and reintegration of victims of trafficking.
- 4.14 The Return and Reintegration of Trafficking Victims from Australia to Thailand (Thai Returnees Pilot project) commenced in 2006 as a pilot project for Thai victims identified in Australia who go back to Thailand. The project includes activities to encourage victims to seek reintegration assistance including strengthening information dissemination and peer support networks, improving case management by Thai Government and non-government organisation partners, improving access to vocational training and job-referrals, providing access to legal services, and providing small-scale support for reintegration.
- 4.15 The Australian Government implemented a targeted communication awareness strategy to increase awareness about people trafficking within the sex industry. The strategy informs and educates people working in the industry and people who come into contact with them. It also provides information on how to seek assistance or report people trafficking.
- 4.16 In paragraph 32 of the CEDAW Committee's 2006 Concluding Comments, the committee recommended that Australia increase funding to non-government organisations involved in providing services that promote women's rights, including organisations that work in the

area of people trafficking. Australia works closely with non-government organisations—including the peak body representing Australian sex workers, Scarlet Alliance—and other governments to support a number of aid projects in the Asia region. The focus is on regional cooperation in reducing the number of trafficking victims and improving victims' protection, recovery and reintegration.

- 4.17 In paragraph 15 of the CEDAW Committee's 2006 Concluding Comments, the committee recommended that the state party regularly conduct impact assessments of its legislative reforms, policies and programs to ensure that measures taken lead to the desired goals and that it informs the committee about the results of these assessments in its next report. In 2005, the Parliamentary Joint Committee on the Australian Crime Commission recommended that an evaluation of the results of the National Action Plan to Eradicate Trafficking in Persons be carried out after three years of operation. The Auditor-General of the Australian National Audit Office agreed in June 2007 to carry out this audit. The Auditor-General will release the evaluation's findings in early 2009.

## Prostitution

- 4.18 Article 6 provides that 'State Parties shall take all appropriate measures, including legislation, to suppress all forms of traffic in women and exploitation of prostitution of women'. The Australian Government believes that legalised brothel prostitution, or profiting from the use of prostitution of women in this way, does not of itself fall within the meaning of 'exploitation of prostitution'. Rather, 'exploitation of prostitution' applies where the circumstances in which women are being prostituted are themselves exploitative—for example, if women are being held in sexual servitude, or child prostitutes are involved. Laws legalising and regulating brothel prostitution in fact help to protect sex workers from exploitation by subjecting the industry to safeguards and standards that cannot to be imposed where brothels are illegal. For more information about Australian and state and territory government legislation relating to prostitution see Australia's 2003 report on CEDAW.
- 4.19 State and territory governments are responsible for regulating the sex industry under the residual powers of the Australian Constitution. Street prostitution is illegal in all jurisdictions except New South Wales, where it is prohibited near churches, schools, hospitals and similar venues. Legislation in each jurisdiction covers (in varying degrees) the welfare and safety of women working in prostitution, the protection of children from exploitation relating to prostitution, and the location of brothels. Licenses are needed for brothels and there are strict requirements for brothel owners. Brothels are regulated to ensure they meet minimum standards of health and safety.
- 4.20 The Western Australian Government reformed its prostitution laws in 2008. The Prostitution Amendment Bill 2007 provides a framework for addressing the regulation of prostitution in ways that take account of public health, protects sex workers from exploitation, and protects children from being involved in or exposed to prostitution.
- 4.21 The Northern Territory Government funds the Sex Workers Outreach project, which provides information on occupational health and safety standards, legislation relating to sex work, updates on relevant industry news and issues, as well as information on protection against sexually transmitted infections and blood-borne viruses, such as HIV and Hepatitis B and C.

## Sexual servitude

- 4.22 Australian Crime Commission research indicates that many foreign sex workers in Australia are not trafficked and have working conditions and remuneration comparable to Australian sex workers. However, most state and territory governments have enacted legislation against the offence of sexual servitude. State and territory police and the

Australian Federal Police enforce this legislation collaboratively. When sexual servitude involves people trafficking, the state or territory jurisdiction refers suspected offences/offenders to Australian Government authorities for investigation. For more information about legislation and amendments relating to sexual servitude, see Australia's 2003 report on CEDAW.

- 4.23 The Tasmanian Sex Industry Offences Act 2005 commenced in 2006. This new Act recognises the vulnerable and marginalised position of sex workers in society and makes it an offence to force a person to become or remain a sex worker by intimidation, assault, supply or administration of drugs, false representations, or threatening to cause the person to be deported. To date there has been no evidence found of sexual slavery and trafficking reported in Tasmania.
- 4.24 The Queensland Police Service has developed a framework and has the resources to monitor and address sexual exploitation and servitude through prevention, victim assistance, partnerships, training and education, and regulation and legislation. The framework is monitored across the state through the specialist Prostitution Enforcement Task Force, which is responsible for the policing of prostitution in Queensland.
- 4.25 In 2004, the Victorian Government introduced offences targeting sexual servitude of women under the Justice Legislation (Sexual Offences and Bail) Act 2004.
- 4.26 Since 2003, the New South Wales Police Force has worked to:
- build and maintain knowledge about indicators of people trafficking for sexual exploitation among investigators attached to Local Area Commands around the state
  - ensure a high standard of investigative response and victim care in early phases of suspected sexual exploitation cases
  - maintain regular interaction with the Australian Federal Police in relation to their investigations involving New South Wales suspects and locations.
- 4.27 In 2006, the New South Wales Police Force developed an education package designed to inform police officers, particularly investigators, about the requirements for dealing with incidents of people trafficking and sexual servitude.

# 5 Article 7:

## Political and public life

- 5.1 The Australian Government is committed to developing and supporting women's leadership in every aspect of Australian society. In the past 12 months, Australia has reached a number of significant milestones for women in political and public life. These include the appointment of Australia's first female Deputy Prime Minister and first female Governor-General, and the ordination of the country's first female Anglican bishop.
- 5.2 The Australian and state and territory governments continue to strengthen the voice of Australian women and to engage with women's representative organisations to ensure women's perspectives and the diversity of women's needs influence policy development and programs in all areas of government, business and the community sector. Wide-ranging and ongoing consultations with women from all walks of life mean that the different levels of government have valuable input from women on issues that affect their lives.
- 5.3 Such engagement is a key priority of the Australian Government. The Government believes in practising a new way of governing that is more transparent, more accountable and more open to contributions from the whole community, including through an increased engagement with the 'third sector' of non-profit organisations. This is reflected in the Government's continued and increased support for the four National Women's Secretariats, which represent around 70 member organisations and reach more than five million Australian women.

## Women in political and public life

- 5.4 The Australian Government is determined to increase the representation of women in the Parliament of Australia and supports efforts to boost the number of women at senior levels in both the public and private sectors. Similar support for women's involvement in politics and on boards is also demonstrated across state and territory governments.
- 5.5 Women and men have the equal right to vote in national, and state and territory public elections and referenda in Australia. For more information about voting in Australia, see paragraph 25 in Australia's Common Core Document, June 2006.

### Women in parliaments of Australia

- 5.6 Thirty years ago, in the Parliament of Australia there were only six women in the Senate and none in the House of Representatives. Today, Australia has its first female Deputy Prime Minister and there are seven female Ministers and three female Parliamentary Secretaries. The current, 42nd Parliament, has more women than any previous parliament in Australia's history. Approximately one in three parliamentarians is a woman, up from just over one-quarter in 2003. Of 226 parliamentary members, as at February 2008, there were 67 women in the Parliament of Australia.<sup>12</sup>
- 5.7 Similar levels of women's representation exist in state and territory parliaments, ranging from 40 per cent in the Northern Territory to 29 per cent in New South Wales. In Queensland, the state Premier is a woman. There is also representation of women at the local government level across Australia. For example, in Queensland women represent 35.4 per cent of local government councillors and 11 per cent of mayors. In Victoria, women represent 30 per cent of elected councillors and 37 per cent of mayors.
- 5.8 The Deputy Chief Minister of the Northern Territory is an Indigenous woman. Overall, however, Indigenous women are under-represented in Australian parliaments. The

Northern Territory has the highest level of representation—of the 40 per cent of women parliamentarians in the Northern Territory, 12 per cent are Indigenous.

### Strategies to increase women's representation in parliament

- 5.9 The New South Wales Government has a strong commitment to increasing women's representation in politics and decision-making bodies. In April 2008, family-friendlier sitting hours were introduced in the New South Wales Parliament, which is also accredited by the Australian Breastfeeding Association as a breastfeeding-friendly workplace. The New South Wales Government used a number of strategies ahead of the 2008 local government elections to highlight the value of women as senior managers and in elected positions in local government, including establishing the Joint Ministerial Advisory Council on Women in Local Government co-chaired by the Minister for Women and the Minister for Local Government. The publication *Hands Up for Women in Council* is being updated, to support women in local council roles.
- 5.10 In Victoria in 2003, the *Women Get Elected* project ran workshops to train volunteer women facilitators to run sessions for local women thinking of standing as candidates for the 2005 local government elections in 18 municipalities.
- 5.11 The Western Australian Department for Local Government and Regional Development manages an advisory committee on women in local government, which encourages women to progress local government careers. In line with the Western Australian Sector and Organisational Cultural Change strategy, it promotes competent, equitable selection processes, has guidelines on gender diversity and senior staff selection, and provides education, training and development for women seeking higher level positions in local government. Western Australia also funded the Australian Local Government Women's Association to hold 12 practical information workshops that were designed to encourage women to nominate for and successfully contest the 2007 local government elections. As at 30 December 2007, there were 1,310 elected local government members, of whom 375 (29.1 per cent) were women. This is an increase from 23.1 per cent in 1997, 27.6 per cent in 2001 and is similar to the 29 per cent seen in 2005.
- 5.12 The South Australian Government, as part of its 2007 update of its 2004 Strategic Plan, set a target to increase the number of women in parliament to 50 per cent by 2014. In 2008, this was 33 per cent, up from 31.9 per cent in 2003. The Women in Local Government Working Group, set up in November 2007, helps the Minister for State/Local Government Relations and the state's Local Government Association President to determine key issues relating to the under-representation of women in local government, both in staff and elected positions.

### Women in the judiciary

- 5.13 At the Australian Government level of the judiciary, two of the six Justices of the High Court of Australia—the highest court in the country—are female, appointed in 2005 and 2007. The Chief Justice of the High Court is male.<sup>13</sup> In the Federal Court, 13 per cent of the judges are women. Women comprise 36 per cent of all judges in the Family Court of Australia and the Chief Justice of the Family Court is a woman. In the Federal Magistrates Court, 30 per cent of the Federal Magistrates are women. Therefore, nationally, 26 per cent of the judicial officers in these four federal courts are women.
- 5.14 Women are also represented in the state and territory courts. As at March 2008, one in five judges appointed to the Superior Courts in Australia was a woman. For instance, in 2008 in Queensland, eight (32 per cent) of the Supreme Court's 25 judges are female, seven (17.9 per cent) of the 39 District Court judges are female, and the present Chief Judge of the District Court is a woman. Twenty-seven of Queensland's 85 magistrates are women. In Victoria in 2008, women comprised 36 per cent of magistrates (up from 27 per cent in 2004), 42 per cent of County Court judges (up from 17 per cent in 2004), and 19 per cent of Supreme Court judges (up from 7 per cent in 2004). In New South Wales, from

2003 to 2007, women accounted for approximately 26 per cent of new judicial and magistracy appointments.<sup>14</sup>

### Women in public service

- 5.15 In 2006–07, women made up more than half (57 per cent) of the Australian Public Service workforce. They now hold 36 per cent of Senior Executive positions, an increase of 6 per cent since 2003. In 2006–07 Indigenous women represented 2.5 per cent of the Australian Public Service, compared to 1.8 per cent for Indigenous men. Women with disabilities made up 2.8 per cent and men with disabilities 3.9 per cent. Women born overseas whose first language is not English comprise 5.8 per cent, while their male counterparts comprise 5.6 per cent of the Australian Public Service. In Senior Executive positions of the Australian Public Service, Indigenous women represent 2.5 per cent, women with disabilities 2.8 per cent, and women born overseas whose first language is not English comprise 5.8 per cent.<sup>15</sup>
- 5.16 Women are also represented in the upper levels of state- and territory-based public services. In New South Wales in 2007, for example, women held 31 per cent of Chief and Senior Executive Officer positions in the public sector, up from 16 per cent in 1995.<sup>16</sup> The New South Wales Government aims to raise the proportion of women at senior levels to 35 per cent by 2012, from 28 per cent in 2007.<sup>17</sup> In South Australia in 2006, women made up 35.3 per cent of executive level public service employees, up from 29.4 per cent in 2003. South Australia is publicly committed through its Strategic Plan to have women comprise half of public sector employees in executive levels by 2014.

### Women on government boards

- 5.17 The Australian and state and territory governments have undertaken a variety of initiatives to increase the representation of women on government boards. The Australian Government encourages and supports women to increase their participation on boards through the AppointWomen register. AppointWomen is a free online registration system, which gives women opportunities to be considered for appointment to Australian Government boards and decision-making bodies.
- 5.18 As at 30 June 2007, the proportion of women appointed to Australian Government boards and decision-making bodies remained steady at 34 per cent. In 2006–07, 36.5 per cent of all new appointees to Australian Government boards and decision-making bodies were women, a 2.9 percentage point increase from 2005–06.
- 5.19 The Australian Government has also endorsed the National Strategy for Increased Participation of Women on Boards, which aims to increase the representation of women on government and private sector boards. This involves collaborating with the states and territories, promoting awareness of the pool of 'board-ready' women, and working to increase the demand for women on boards.
- 5.20 In line with the Beijing Declaration and Platform for Action paragraph 192(c), the criteria for recruitment and appointment to Australian Government advisory bodies on cultural and religious diversity do not discriminate on the basis of gender, religious or ethnic identity. This is to try to ensure that the composition of advisory bodies accurately reflects Australian society, and that leadership roles are balanced between men and women.
- 5.21 In July 2006 the Queensland Government endorsed the Women on Boards strategy, which aims to increase women's participation in, and representation on, Queensland Government boards to 50 per cent representation. Between October and December 2007, women made up 44 per cent of new appointees to Queensland Government boards, up from 32 per cent in the same period for 2006. As at April 2008, 1,223 women held positions on Queensland Government boards, representing 34.3 per cent of all board positions.

- 5.22 In Western Australia, the Department for Communities is sponsoring 10 women, who already have existing knowledge and experience on community sector boards, to undertake the Company Directors Course through the Australian Institute of Company Directors. The program aims to provide the women with skills that will enable them to be more competitive in obtaining a position on government boards and committees. The Department for Communities also facilitated the Women on Boards strategy workshop in November 2007 and is currently developing a broader strategy for increasing female representation on boards. The Western Australian Department of the Premier and Cabinet maintains the Interested Persons Register for serving on government boards and committees.
- 5.23 The South Australian Government has set multiple gender targets in its Strategic Plan. One target is to increasing the number of women on all state government boards and committees to 50 per cent on average; at 1 September 2008, women filled 45 per cent of these positions. There is also a target to increase the number of women chairing these boards and committees to 50 per cent by 2010. As at 1 June 2008, this was 34 per cent, up from 33 per cent in 2004. The South Australian Government maintains the Premier's Women's Directory—a register of board-ready women and routinely consults it to make board appointments.
- 5.24 The New South Wales Government is moving towards a target of women occupying 50 per cent of all new appointments to government boards and committees. The Government maintains a register of women who are interested in appointments to these roles. As at 31 March 2008, women held 36 per cent of government board positions, a significant increase from 19 per cent in 1995.
- 5.25 The Tasmanian Government administers the Tasmanian Women's Register, a secure online database of women interested in participating on government boards and committees. The register assists in identifying suitable women who are skilled, experienced and interested in appointment.
- 5.26 The Northern Territory Government's Office of Women's Policy continues to explore ways to further enhance representation of women on boards and committees by actively promoting gender balance in these decision-making roles. The Office of Women's Policy in the Department of the Chief Minister manages the Women's Register—a list of board-ready women who can be matched to board vacancies.
- 5.27 The Australian Capital Territory Office for Women monitors appointments to government boards and committees through the Cabinet process. Government agencies are required to consult with the Territory's Office for Women when making appointments, specify whether women were considered for appointment, and advise on the proportion of male and female members on each board. The Australian Capital Territory Government is also committed to increasing women's representation on government boards, committees and statutory authorities with a target of 50 per cent representation.

#### Women on private sector boards

- 5.28 Since Australia's last report on CEDAW in 2003, the Equal Opportunity for Women in the Workplace Agency released the 2003, 2004 and 2006 Australian Censuses of Women in Leadership. This research is used to measure the presence of women on boards and in executive management roles in the top 200 organisations listed on the Australian Stock Exchange. It also enables international benchmarking and generates broad community awareness and debate on Australian women's access to leadership positions. When comparing the 2004<sup>18</sup> and 2006 censuses, overall there have been improvements in the representation of women in leadership positions in the professional sphere.
- 5.29 For companies listed on the Australian Stock Exchange as at 1 February 2006, women comprised 12.0 per cent of executive managers, up from 10.2 per cent in 2004; 8.7 per

cent of board directors, up from 8.6 per cent in 2004; 3.0 per cent of chief executive officers, up from 2.3 per cent in 2004; and 2.0 per cent of chairs, up from 1.1 per cent in 2004. However, half of the top 200 companies listed on the Australian Stock Exchange have no female board directors, and the number of companies with no female board directors has increased by 2 per cent over the past five years.

#### Trade union membership

- 5.30 The President of the Australian Council of Trade Unions is a woman. In August 2007, 1.7 million people were trade union members. Of the total workforce, 18 per cent of women were trade union members and 19 per cent were men. This represents a decrease in union membership for both women and men since 2003 of 1 per cent and 2 per cent respectively.

## Women in non-government organisations and community participation

#### Engagement with women in the community

- 5.31 Effective engagement with women is important to all governments in Australia. The Australian Government is engaging more with a diverse range of women to ensure effective representation in government policy and decision-making. A formal stakeholder engagement plan and mechanisms currently under development will guide and improve direct stakeholder engagement.
- 5.32 The Australian Government continues to provide funding to the National Women's Secretariats, which remain one of the primary ways the Government consults with Australian women. The secretariats represent the views of women by consulting with their members, the women's sector, and with individual women to provide advice to government. The secretariats have around 70 member organisations and reach more than five million Australian women.
- 5.33 In New South Wales, quarterly meetings, attended by the New South Wales Minister for Women and representatives of key women's organisations, provide a forum for the women's sector to be involved in the development of government policy. Regional forums to coincide with Cabinet meetings in rural areas and regional centres are also organised so the Minister for Women can meet representatives from local women's groups across the state. The New South Wales Premier's Council for Women operates as a high-level advisory body reporting to the Premier on a range of policy issues, which have included those affecting older women, work-life balance, and workplace arrangements for low-paid women.
- 5.34 The Victorian Office for Women's Policy's community engagement activities reflects the Victorian Government's determination to increase dialogue with women and women's organisations across the state. Including a range of subject-specific forums, roundtable discussions and annual events, the program means the Office for Women's Policy can better incorporate women's views into its policy and programs.
- 5.35 The annual Victorian Premier's Women's Summit is a major government commitment to Victorian women. Since 2003, five summits have been held, addressing issues of community building, women and work, and ageing and finance. Since late 2003, a range of forums has also been held, including the Women's Health and Wellbeing Strategy Forums, and International Women's Day celebrations. Starting in 2003, Women's Roundtables have been held across Victoria at all Community Cabinet events, which enable the public to provide input directly to the Government.
- 5.36 The Victorian Government also has a strategy for culturally and linguistically diverse women to identify key government actions and priorities for addressing these women's

needs. A final report on the strategy, together with recommendations, was released in late 2006. The report identifies priority needs of this group of women and makes recommendations across eight themes—health, language services, aged care, employment, education, community strengthening, family violence, and parenting.

- 5.37 The Queensland Department of Communities has three ministerial advisory councils—the Queensland Youth Council (13 young women, seven young men); the Queensland Seniors Council (13 women, two men); and the Ministerial Advisory Council on Domestic and Family Violence (seven women, two men). All three councils include women from culturally and linguistically diverse backgrounds and women from all walks of life. In particular, the councils enable rural and regional communities to raise their concerns and provide input to government policy development at local and statewide levels.
- 5.38 In 2007, the Western Australian Minister for Women's Interests appointed the Women's Advisory Network of Western Australia to consult widely with their organisations' membership and clients to identify issues affecting women, and to provide advice to the state government on policy decisions that affect women and on issues of systemic inequality.
- 5.39 The Northern Territory's Office of Women's Policy conducted women's forums in conjunction with Community Cabinet events across the territory. The forums were open to all women within the community and provided women with an opportunity to meet with the Chief Minister, the Minister for Women's Policy and the Minister for Family and Children's Services to discuss issues relevant to them and their communities.
- 5.40 The Australian Capital Territory's Minister for Women appoints the Ministerial Advisory Council on Women. The council provides strategic advice to the Territory Government on issues affecting women and opens up links between the Minister and women in the territory. The council's inaugural Women's Summit in August 2006 involved 25 representatives from community organisations and government agencies. The summit outcomes are used to help shape the Government's future policy agenda.

#### Engagement with Indigenous women

- 5.41 On 2 January 2008, the South Australian Aboriginal Advisory Council was established as an independent advisory body of Aboriginal people. The Council's role is to provide advice to the South Australian and Australian governments on programs and policies that affect Aboriginal people. The South Australian Government also appointed the first Commissioner for Aboriginal Engagement on 25 January 2008. The Commissioner serves as a 'voice' for the Aboriginal community in dealings with the South Australian Government. The Commissioner also provides independent advice to the South Australian Minister for Aboriginal Affairs and Reconciliation on Aboriginal matters. The Commissioner works alongside the Aboriginal Advisory Council and the Commissioner for Social Inclusion to reduce Aboriginal disadvantage.
- 5.42 Refer to paragraph 2.47 for information on the National Aboriginal and Torres Strait Islander Women's Gathering, and the Ministerial Conference on the Status of Women.

#### Building women's leadership

- 5.43 In March 2008, the Australian Government released *The leadership challenge: Women in management research report*.<sup>19</sup> The research identifies barriers that reduce women's participation at senior levels in public, private and tertiary sector organisations and the factors that contribute to loss of potential leaders. The research shows that work-life balance issues and the masculine culture of organisations inhibit women reaching senior executive positions. The Australian Government is using the research to guide future policies on women's leadership, occupational segregation and the gender pay gap.

- 5.44 The Australian Government Women's Leadership and Development program continues to focus on capacity-building for Australian women and wide consultation with women in the community. As part of the program, funding grants go to national women's non-government organisations for projects that contribute to public policy and/or service development, or to help national women's non-government organisations become more effective.
- 5.45 In June 2008, program grants of \$2.1 million were announced, which is a significant increase on previous rounds of Women's Leadership and Development program allocations. These grants are funding a range of projects that aim to improve women's leadership skills in a variety of ways. For example, one project is to develop and trial a leadership and social justice training program for young women to engage them in issues including social justice, human rights and gender equity. Another project will help Indigenous women in a remote Australian community strengthen their leadership and negotiation skills, to help them reinvigorate their community, and to establish more community control in resolving local issues. The United Nations Development Fund for Women Australia also has a grant to conduct gender analysis training workshops in each state and territory. This is consistent with the CEDAW Committee's 2006 Concluding Comments in paragraph 32 recommending Australia increase its funding to non-government organisations involved in the promotion of women's rights.
- 5.46 Australia is focused on building women's leadership in rural communities with initiatives like the pilot Young Women Leadership and Mentoring program, which provided mentoring for young women and sponsorship for the Rural Women's Awards. As well, Sports Leadership Grants for rural and remote women to help young women living outside the main cities to prepare for leadership and decision-making roles in Australian sport.
- 5.47 Australia supports leadership and self-esteem training opportunities for women—including women from ethnic and religious minorities and young women—and encourages them to take decision-making positions. In recent years, the Living in Harmony program and the National Action Plan to Build on Social Cohesion, Harmony and Security have worked with women in community groups to develop leadership and capacity building skills. Projects also bring together women from different parts of Australian society to form connections and develop friendships that cross cultural and religious boundaries. This is consistent with the Beijing Platform for Action, paragraph 195(a). For more information about the National Action Plan, see paragraph 7.26.
- 5.48 Participation of girls in sport is important for their physical and mental health, as well as their social development and full participation in Australian society. Living in Harmony program projects between the Australian Government and people involved in iconic Australian sporting fields—such as cricket, surf life saving and football—are assisting young women and girls from diverse cultural and religious backgrounds to participate fully in sport, further demonstrating the Australian Government's commitment to the Beijing Platform of Action, paragraphs 276(d) and 280(d).
- 5.49 Victoria's Women's Leadership Forums and Training program for Women with Disabilities identified the leadership needs of women with disabilities. In 2005–06, the Victorian Government established the Victorian Women with Disabilities Network Advocacy Information Service to influence mainstream providers and disability organisations to become more gender aware and responsive, and to support leadership and advocacy skills development among women with disabilities.
- 5.50 The Women's Community Leadership Grants program was announced in 2001 at the 2nd Annual Victorian Women's Summit: Supporting Women as Community Leaders. The grants program aims to benefit women from all backgrounds who want to develop their own leadership skills or those of their community. The overall focus of the grants is on seeding initiatives that result in meaningful change and the development of leadership potential. From 2002 to 2006, 130 grants were made.

- 5.51 In 2008, the Victorian Government will deliver a leadership project for women from culturally and linguistically diverse backgrounds to raise the profile of this group of women in their local government areas and increase their participation in decision-making.
- 5.52 The Tasmanian Government intends to hold a Tasmanian Rural Leaders' forum in 2009. Rural women will be encouraged to attend and participate. Apart from helping these women build industry links, the wider aim of the forum is to increase rural women's representation on boards and committees.

#### Indigenous Leadership program

- 5.53 The Australian Government's Indigenous Leadership program is an innovative and flexible initiative designed to build the leadership capacities of Indigenous men and women. It offers participants a journey of self-discovery and development that will enhance their leadership abilities for themselves, their families, their communities and their nation.
- 5.54 The aim of the program is to develop a 'critical mass' of Indigenous leaders who can lead by example in their community. The program delivers leadership development training, and advanced leadership development opportunities across Australia.
- 5.55 Throughout the program, participants are supported to plan and take action on issues of significance to them and their community.
- 5.56 The Indigenous Women's program provides grants for activities in local communities that directly respond to the particular needs and circumstances of local Indigenous women. The Indigenous Women's program is a grants program aimed at enhancing Indigenous women's leadership, representation, safety, wellbeing and economic status. It is administered through local Indigenous Coordination Centres in urban, rural and remote areas of Australia.
- 5.57 In 2006, the New South Wales Office for Women held a special event on Indigenous women in leadership which brought together business and community leaders to celebrate the achievements of Indigenous women and encourage women to nominate for boards and committees.
- 5.58 The Australian Capital Territory Government provides leadership development opportunities for female Indigenous students through the Aboriginal and Torres Strait Islander Leadership/Mentoring program.

#### Recognition of Australian women

- 5.59 The Australian Government continues to raise the profile of women in the Australian of the Year Awards and the Australian Honours system, so that more women are recognised for their achievements. However, men continue to dominate in both award systems. In the Australia Day 2008 Order of Australia Honours, 32.3 per cent of those honoured were women. A broad awareness-raising strategy is under way to ensure women's organisations and the community are made more aware of the honours nomination processes.
- 5.60 In 2005, the New South Wales Premier established the New South Wales Woman of the Year Award to raise the profile and recognition of women's contributions to their communities and public life. So far the program has seen members of parliament and the community nominate more than 380 women. In 2005 a program of grants to New South Wales local councils was established to help councils host and promote International Women's Day activities and events in their communities. In 2008, 122 councils took up grants, an increase from 52 councils in 2005.
- 5.61 The Victorian Honour Roll of Women—an ongoing Victorian Government initiative—recognises women's significant contributions to their communities and to the lives of other women. In 2003, 22 women were added to the Honour Roll (22 in 2004, 18 in 2005, 24 in

2006, 30 in 2007 and 30 in 2008). The total number of women currently on the Honour Roll in 2008 is 420.

# 6 Article 8:

## International representation and participation

- 6.1 The Australian Government is a strong supporter and participant in positive and active engagement at international forums to influence international debates, policies and programs towards achieving gender equality globally. Progress on gender equality is an integral part of reaching the Millennium Development Goals. For more information about the Millennium Development Goals, see paragraphs 2.35 and 2.36.

## Australian women's international participation

### Department of Foreign Affairs and Trade

- 6.2 At June 2008, women comprised 52.1 per cent of the Department of Foreign Affairs and Trade employees, an increase from 48.1 per cent in 2004. Women make up 26.6 per cent of the department's senior executive service, up from 23.5 per cent in 2004. Just over 43.0 per cent of the department's employees posted overseas are women, which is a slight increase from 38.9 per cent in 2004. Of Australia's 91 people serving overseas as heads of mission or post, 22 are women.
- 6.3 One of the three current Australian Permanent Representatives to the United Nations is a woman. Data on the number of women appointed to represent Australia on United Nations bodies are not available at this time.
- 6.4 Women hold key positions in the Office of Trade Negotiations in the Department of Foreign Affairs and Trade and are well represented on delegations to negotiations, including at the World Trade Organization. At the time of writing, the department's senior agricultural negotiator in the World Trade Organization Doha round was a woman.

### Austrade—the Australian Government's trade agency

- 6.5 In June 2008, women made up 19.4 per cent of Austrade's Senior Executive Staff located overseas.

### AusAID—Australian Agency for International Development

- 6.6 In 2008, women comprise 59 per cent of AusAID employees, up from 57.3 per cent in 2004. Of AusAID employees posted overseas, 50.78 per cent are women, down from 61 per cent in 2004. However, the total number of women working in overseas posts has increased from 38 in 2004 to 65 in 2008.

### Department of Immigration and Citizenship

- 6.7 In 2007–08, women comprised 51 per cent of the Department of Immigration and Citizenship's 160 overseas representatives. This is a large increase compared to the period 2003–05 when the percentage of women representing the department overseas was 42 per cent.

### Department of Defence

- 6.8 Women currently make up 13 per cent of the permanent Australian Defence Force (approximately 7,000 of 52,500) and 5 per cent of personnel deployed on military operations (approximately 200 of 3,500). Women also represent 10 per cent of Australian Defence Force personnel (approximately 85 of 850) and 18.5 per cent of Department of

Defence public servants (approximately 25 of 135) currently on overseas assignments. These numbers and percentages have remained consistent since 2003.

#### Australian Federal Police

- 6.9 As at May 2007, women comprised 19.3 per cent of Australian Federal Police overseas representatives. This is slightly down from 23.3 per cent in 2003–02.

#### Peacekeeping

- 6.10 Recognising the vital role of United Nations peacekeepers in protecting civilians from violence, including sexual violence, the Australian Government is committed to women's representation in peacekeeping missions. Nearly 20 per cent of Australian police personnel involved in peacekeeping missions are women. Not only are women deployed by Australia, they also hold senior roles within these missions.

### Australian women at international forums

- 6.11 The Australian Government supports and promotes the participation of women at international forums with a focus on women's issues, in particular the United Nations Commission on the Status of Women, and the Asia–Pacific Economic Cooperation Women Leaders' Network.
- 6.12 The Executive Director of the Office for Women routinely leads the Australian Government delegation to the Commission on the Status of Women, often with participation of the Australian Sex Discrimination Commissioner. The Government continues to support the participation of representatives from non-government organisations at the Commission, with four delegates attending in 2008. In 2009, the Government will fund participation of one female non-government expert and one female Indigenous delegate at the Commission.
- 6.13 In 2007, Australia hosted the 12th meeting of the Asia–Pacific Economic Cooperation Women Leaders' Network, bringing together over 400 women leaders, representing business, government, academia and civil society. Several senior Australian women from government, and the judicial, academic and business sectors represented Australia at the 13th Women Leaders' Network meeting.
- 6.14 State and territory governments also support women's participation at international forums—for example, the Victorian Government supported women to attend the four-yearly World Congress of Rural Women held in South Africa in April 2007. The Victorian Office for Women's Policy assisted in sourcing and securing philanthropic support to assist two Indigenous women to attend the congress. The aim of the congress is to discuss universal and wide-ranging issues confronting rural women and to share experiences of success in addressing these issues.
- 6.15 In 2007, the Northern Territory Government offered Remote Workforce Development Scholarships to provide employees from remote localities with access to professional development activities. Scholarships were awarded to two female Indigenous Community Police Officers to attend the 45th International Association of Women Police Conference in Denver, Colorado. This year Darwin is hosting the conference, which is expected to attract more than 500 interstate and international police members and visitors.

# 7 Article 9:

## Nationality

- 7.1 Many diverse cultures and religions make up Australian society, and Australian Government programs are designed to respond to Australia's cultural diversity, in partnership with other levels of governments and community organisations. Australia's Migration program and Humanitarian program do not discriminate on the basis of race or religion. This means anyone from any country can apply to migrate or resettle, whatever their ethnic origin, gender or language background.

## Migration

- 7.2 Australia's permanent immigration program has two components—Migration, for Skilled, Family and Special Eligibility Stream migrants; and Humanitarian, for refugees and others with humanitarian needs. Recent developments in Australia's migration policies and programs address a number of the CEDAW Committee's 2006 Concluding Comments in paragraphs 22, 23, 28, 29 and 34 about immigrant, refugee and minority women and girls.

### End of offshore processing centres

- 7.3 Following the November 2007 election, the Australian Government moved quickly to end the policy of transferring asylum seekers to offshore processing centres in Nauru and Manus Province, Papua New Guinea. The remaining asylum seekers in these offshore processing centres were recognised as refugees and resettled in Australia by February 2008.

### End of the Temporary Protection visa regime

- 7.4 On 13 May 2008 the Minister for Immigration and Citizenship announced the end of Temporary Protection visa (TPV) arrangements in favour of permanent protection. In his announcement, the Minister publicly acknowledged the adverse effect of TPV arrangements on women and children, particularly in relation to family reunion.
- 7.5 The TPV was abolished on 9 August 2008. From this date, all people found to be owed Australia's protection under the 1951 Convention and 1967 Protocol Relating to the Status of Refugees will be granted a Permanent Protection visa (PPV). The Government has also acted to resolve the status of people currently holding TPVs by providing access to permanent residence. This change will give these people the same benefits and entitlements as a PPV holder, including family reunion and access to a similar range of support services to Australian citizens, without the need to reassess protection obligations. These changes to Australia's protection policies address the concerns expressed in the CEDAW Committee's 2006 Concluding Comments in paragraphs 22 and 23 about TPV holder's access to family reunion.

### Humanitarian program—Domestic violence and asylum seeker policy

- 7.6 Refugee women who are victims of domestic violence may apply for a Protection visa in their own right. Each person included in an application may make additional claims for protection at any stage of the Protection visa process, including during merits review. This is consistent with the CEDAW Committee's 2006 Concluding Comments in paragraph 23, recommending steps be taken to remove any adverse impact of refugee law on women, ensuring they can access protection in their own right in situations of domestic violence.
- 7.7 Australia supports the incorporation of a gender perspective in asylum policies, practices and training. Guidelines on gender-related persecution, including domestic violence, are

available to Protection visa decision-makers to assist them in sensitively and effectively recognising and assessing gender issues. When assessing gender-related claims, decision-makers are also encouraged to take into account the information in Australia's 2002 paper *Gender-Related Persecution (Article 1A(2)): An Australian Perspective for the United Nations High Commissioner for Refugees Expert Round Table Series*.

- 7.8 Protection visa applicants who are unsuccessful at merits review may ask the Minister for Immigration and Citizenship to exercise discretionary public interest powers to substitute a more favourable decision in the public interest. Matters taken into account by the Minister in considering these requests include gender issues and domestic violence.

#### Women at risk

- 7.9 Australia maintains its Woman at Risk visa category, which provides resettlement in Australia for women who are living outside their home country without traditional support mechanisms such as the protection of a male relative and are in danger of victimisation, harassment or serious abuse because they are female. This category recognises the priority the United Nations High Commissioner for Refugees gives to the protection of refugee women in particularly vulnerable situations. Places allocated to this subclass of visa remain at 10.5 per cent of the offshore refugee allocation, which for 2008–09 was increased to 6,500, up from 6,000 in 2007–08. Since the establishment of this category in 1989, more than 8,000 visas have been granted.

#### Migration program—Family violence provisions

- 7.10 Family violence provisions in the Migration Regulations 1994 allow people applying for permanent residency under partner visas and several Skilled Stream visas to continue with their applications after the breakdown of their relationship when family violence has occurred. The provisions were introduced in response to community concerns that some spouses and partners might feel compelled to remain in abusive relationships rather than end the relationship and be forced to leave Australia.

#### Improving the

##### Temporary Business (Long Stay) 457 visa

- 7.11 The Temporary Business (Long Stay) 457 visa is used for employers to sponsor overseas workers to work in Australia on a temporary basis. At present, the main option for 457 visa holders who are victims of family violence is to qualify for further visas in their own right or to leave Australia when their 457 visa ceases.
- 7.12 The Australian Government is committed to improving the integrity and responsiveness of temporary working visas, releasing a discussion paper in June 2008 seeking stakeholder feedback on reforms to the 457 visa. It is expected that a proposed range of legislative measures will be introduced into parliament in late 2008.

#### Cultural and post-arrival orientation

- 7.13 Australian governments at all levels seek to prevent all forms of discrimination against migrant women. In 2004, the Australian Human Rights Commission set up the Muslim Women's project—Living Spirit—in response to discrimination against Arab and Muslim women wearing the hijab.
- 7.14 Settling in a new country can place significant strain on relationships, particularly when Australian cultural norms and expectations of the role of women are different to the previous experiences of migrants and humanitarian entrants.
- 7.15 The Department of Immigration and Citizenship has a range of initiatives to inform new migrants and humanitarian entrants about their rights under Australian law, including the right to gender equality. The initiatives also include providing information on support services if migrant women need assistance. This goes towards addressing the concerns

outlined in the CEDAW Committee's 2006 Concluding Comments in paragraphs 28 and 29 about discrimination against refugee, migrant and minority women and girls.

- 7.16 The department provides a pre-embarkation orientation program for refugee and humanitarian entrants preparing to settle in Australia. The Australian Cultural Orientation program is the beginning of the settlement process. Topics covered during the course include an overview of Australia, including government; geography and climate; cultural adjustment; travel to Australia; settling in; Australian law, values and citizenship; and access to trauma and torture counselling. A special family day session is also provided, which covers issues associated with resettlement, including the shift in family dynamics.
- 7.17 Post-arrival orientation services and resources include:
- The Integrated Humanitarian Settlement Strategy which provides initial, intensive settlement support and orientation to newly-arrived humanitarian entrants.
  - The Beginning Life in Australia booklet—which provides information on Australian law, customs and values, including the freedom, dignity and equality of men and women in Australia; respect for Australia's democratic way of life; and access to mainstream services. Each state and territory has its own version of the booklet, which is available in English and 37 community languages.
  - Australia: a new home—an information DVD in six African languages, developed for African humanitarian entrants, which covers topics such as accommodation, health services and emergencies, education, budgeting, working in Australia, and Australian law and order.
  - Longer-term settlement support available under the Settlement Grants program—which funds community organisations to provide practical assistance to recently arrived migrants.
  - A new policing project—which involves police working with other stakeholders, to identify and encourage initiatives that build relationships between police and humanitarian communities and educate new arrivals about Australian law.
- 7.18 Work is also under way at the state and territory government level to assist the resettlement of refugees in Australia. For instance, in 2005 the Victorian Government provided \$4.7 million over four years for a Refugee Support Package initiative. The initiative targets support to Victoria's recently-arrived refugees and humanitarian entrants by removing barriers to opportunities, offering assistance to access existing services, empowering refugees to increase their participation in the community, and providing better coordination of service delivery to refugee and humanitarian entrants.

## Female genital mutilation

- 7.19 All state and territory governments have enacted legislation making it a criminal offence to perform female genital mutilation on any person, or to remove a child from a state or territory in which they live for the purpose of performing female genital mutilation. Most health professionals are required to report when they believe children are at risk of female genital mutilation. All health professionals are aware of this requirement and that female genital mutilation in Australia is illegal.
- 7.20 The Australian Government has implemented a national education program on female genital mutilation, conducted by departments of health in individual states and territories. The program's aims include preventing female genital mutilation in Australia with an emphasis on community education, information and support; and assisting women and girls living in Australia affected by, or at risk of, female genital mutilation to minimise adverse health outcomes and psychological harm.

- 7.21 Australia co-sponsored a resolution on ending female genital mutilation at the 52nd session of the United Nations Commission on the Status of Women in February 2008. For more information about female genital mutilation, see paragraph 10.68.

## Beijing Declaration and Platform for Action

- 7.22 The Australian Government continues to take account of its obligations under the Beijing Declaration and Platform for Action (BPFA) as suggested under the CEDAW Committee's 2006 Concluding Comments, paragraph 34, and has taken action towards fulfilling these obligations.
- 7.23 BPFA, paragraph 83(p)—Australia believes that both school- and community-based education programs, which focus on mutual understanding of and respect for Australia's cultural and religious diversity, effectively combat racism and discrimination. The Living in Harmony program aims to promote respect, fairness, inclusion and a sense of belonging for everyone. The program delivers a range of funding and information activities, some of which target the specific needs of women. For more information about the Living in Harmony program, see paragraph 3.13.
- 7.24 BPFA, paragraph 107(a)—All Australian women have the right to informal education programs that support and enable them to acquire knowledge and take responsibility for their health. For example, a Living in Harmony program project is responding to social isolation affecting some young mothers from refugee and other backgrounds. The project brings together a group of young women to participate in educational and support activities around parenting, sexual health and other health issues.
- 7.25 BPFA, paragraph 124(g)—Strategies are in place to assist law enforcement agencies to respond sensitively to the needs of women of ethnic and religious minorities who experience violence. Some of the Living in Harmony program projects bring together women from different cultural and religious backgrounds with local law enforcement personnel to build networks of understanding and communication.
- 7.26 BPFA, paragraph 124(k)—In a socially cohesive society, it is important that men's and women's social and cultural patterns of conduct have no prejudices, customary practices and other practices based on the idea of the inferiority of women or the stereotyping of roles. A National Action Plan to Build on Social Cohesion, Harmony and Security partnership between a peak Muslim women's organisation and the Australian Government recently developed a resource to address the misinterpretation and misapplication of Islam. This resource will be distributed through schools, universities, public libraries, government departments and elected officials.

# 8 Article 10:

## Education

- 8.1 Australia is committed to ensuring that all Australian students, regardless of gender, ethnicity, disability or geographical location, receive a world-class education. For information about Australia's education system, see paragraphs 556 to 581 of Australia's Common Core Document, June 2006.
- 8.2 Australia has strategies in place at all levels of its education system to address the CEDAW Committee's 2006 Concluding Comments in paragraph 28 that some groups within Australia are vulnerable to multiple forms of discrimination. The Australian Government recently reinforced its commitment to equal access to education with a \$5.9 billion Education Revolution funding package over five years, and establishment of a multi-billion dollar Education Investment Fund. The Australian Government also committed \$535 million over five years to provide universal access to quality early childhood education programs to all children in the year before formal schooling by 2013, and \$337 million to further improve quality of, and access to, early childhood education and care, particularly for disadvantaged children.
- 8.3 Over the past 30 years, women's participation in all levels of education has increased and girls and women are achieving at higher levels than boys and men in school and higher education. Since Australia's last report on CEDAW in 2003, Australian females have become better educated. In May 2003, 45.6 per cent of women aged between 15 and 64 years reported having a non-school qualification. By May 2007, this had increased to 50.6 per cent.<sup>20</sup>
- 8.4 In May 2008, the Australian Government announced a new Education Tax Refund to help Australian working families with the cost of education. About 1.3 million families (with 2.7 million students) will be eligible for the refundable tax offset, which is expected to benefit Australian families by more than \$1 billion a year.
- 8.5 The Australian Government is also working in partnership with state and territory governments to develop a rigorous, first-rate national curriculum for all Australian students from kindergarten to Year 12 in the key learning areas of English, mathematics, the sciences and history. To oversee the development of this national curriculum, the Australian Government will establish a national curriculum board no later than 1 January 2009. The national curriculum will provide a clear and explicit agreement about the curriculum essentials all young Australians should have access to, whatever their gender or socioeconomic background, or the location of their school.

## Access to and participation in education

### Early childhood education

- 8.6 All Australian children will have access to early childhood education as part of the Australian Government's commitment to ensure that, by 2013, all children in the year before formal schooling will have access to quality early childhood education programs delivered by a degree qualified early childhood teacher, for 15 hours per week, 40 weeks of the year. The funding is also intended to support the delivery of programs in a manner that better meets the needs of parents and at a cost that is not a barrier to access. The timing and mechanisms for delivery of universal access are being developed together with

state and territory governments under the auspices of COAG.

- 8.7 The immediate foci are to improve the accessibility and quality of early childhood education and child care, and to build the quality and supply of early childhood education and care workforce. A particular priority is to improve access for those children with current low participation rates, particularly Indigenous children. This commitment will be underpinned by a number of initiatives, including the development of a nationally consistent early years learning framework, the introduction of national quality standards for child care and preschool in June 2009, up to 260 additional child care and early learning centres; improved national data; and a national early childhood workforce strategy.

#### Primary and secondary education

- 8.8 In Australia, school attendance is compulsory up to the age of 15 or 16 years, depending on state or territory requirements. Generally, the first non-compulsory level of education in Australia is the first of the final two years of high school or college (years 11 and 12). For more information about Australia's education system, see Australia's Common Core Document, June 2006, paragraphs 556 to 559.
- 8.9 School apparent retention rates from years 7 and 8 to Year 12 for both boys and girls have decreased slightly since 2005. However, girls are more likely than boys to continue to Year 12. In 2007, the gender difference in the retention rate was 11.3 percentage points (80.1 per cent for girls and 68.8 per cent for boys).<sup>21</sup>
- 8.10 Socioeconomic status also affects completion rates. Girls and boys from low socioeconomic backgrounds are less likely than other children to complete Year 12, and Year 12 completion rates for girls and boys from high socioeconomic backgrounds are higher than the national averages.<sup>22</sup> The Australian Government is committed to ensuring that all students are benefiting from schooling, especially those from disadvantaged backgrounds, and is working with state and territory governments and the non-government school sector to develop strategies to address the issues faced by low socioeconomic status school communities. All Australian governments are also working together to develop and implement reforms to the teacher workforce, including allocating the right teachers and school leaders to schools with high needs.
- 8.11 The Indigenous student retention rate to Year 12 in 2007 (42.9 per cent) was significantly lower than the non-Indigenous student retention rate (75.6 per cent). However, unlike the retention of non-Indigenous students, the numbers of Indigenous students continuing to Year 12 has increased since 2003. There was also an increase in Indigenous Year 12 enrolments from 3,427 students in 2005 to a record 4,311 students in 2007.<sup>23</sup>
- 8.12 The Australian Government is investing \$99 million over five years for additional teachers to help educate Northern Territory children who are not currently enrolled in school. A further \$19.1 million will be provided in 2008–09 to build a quality teaching workforce, to provide additional classrooms and to expand existing literacy and numeracy programs. New secondary boarding colleges will also be established in the Northern Territory at a cost of \$29 million over four years, and the School Nutrition program will continue to be funded (\$7.4 million in 2008–09). This program helps to boost school attendance and improves children's concentration and engagement in learning. The collaborative efforts of all Australian governments in the areas of low socioeconomic status school communities and the teaching workforce (referred to above) will also help to address Indigenous educational outcomes. For information on closing the gap on Indigenous disadvantage see paragraphs 2.41 to 2.43.
- 8.13 South Australia's Strategic Plan sets a variety of targets for education, including two Indigenous-specific targets—that Indigenous cultural studies be included in the school

curriculum by 2014 with the involvement of Indigenous people in design and delivery; and that there is an increase each year in the proportion of Indigenous children reading at age-appropriate levels at the end of Year 1.

- 8.14 In 2007, all students in years 3, 5 and 7 assessed using state and territory-based literacy and numeracy monitoring programs, were measured against the national benchmarks for reading, writing and numeracy. Most children in years 3, 5 and 7 achieved at the benchmark levels or better in reading, writing and numeracy. In each of reading, writing and numeracy, about 7 per cent of Year 3 students, up to 11 per cent of Year 5 students, and up to 20 per cent of Year 7 students did not reach the respective benchmark levels. The proportion of girls who were at the benchmark levels or better was higher than for boys across all years and states and territories. There was no gender difference in numeracy outcomes.<sup>24</sup>
- 8.15 In May 2008, for the first time, all students in years 3, 5, 7, and 9 in all states and territories attending government and non-government schools sat National Assessment program—Literacy and Numeracy tests in reading, writing, language conventions (spelling, grammar and punctuation) and numeracy.
- 8.16 The national minimum standards, which replace the national benchmarks, reflect the level of achievement for students to be able to make progress at school. Most children in years 3, 5, 7, and 9 were at or above the national minimum standards. On average 93 per cent of Year 3 students, 92 per cent of Year 5 students, 93 per cent of Year 7 students, and 91 per cent of Year 9 students achieved at or above the national minimum standard.<sup>25</sup> Results disaggregated by student background characteristics are not available until the Ministerial Council on Education, Employment, Training and Youth Affairs releases the report (expected December 2008).
- 8.17 The national minimum standards and the national benchmarks are not comparable as they are set from different assessment regimes and use different methodologies.
- 8.18 The proportion of years 3, 5 and 7 Indigenous students who achieved at or above the benchmark levels in reading, writing and numeracy was significantly below the proportion of non-Indigenous students.<sup>26</sup>
- 8.19 In the 2008–09 Budget, the Australian Government allocated \$577.4 million over four years to develop a national action plan for literacy and numeracy. The plan will focus on students most in need of educational support, and will be developed in partnership with the states and territories and the Catholic and Independent schools sectors. As part of the Action Plan, the Australian Government has allocated \$56.4 million over four years towards delivery of literacy and numeracy programs for under-achieving Indigenous students and development of Individual Learning Plans. These measures will play a large part in working towards COAG's endorsed goal to halve the gap in literacy and numeracy achievement between Indigenous and non-Indigenous schoolchildren within the next decade.
- 8.20 The New South Wales Government released its Boys' and Girls' Education strategy in 2008. The strategy identifies effective ways for schools to respond to the diverse learning needs of boys and girls and to provide the social support strategies necessary to ensure all boys and girls achieve their potential. It also provides strategic advice to schools relating to the elimination of all forms of sex-related discrimination and harassment, including homophobia. The New South Wales Government runs a range of school-based initiatives, which support teaching and learning while challenging gender stereotypes, including its Girls and Information and Communications Technology project, which has the implicit aim of overcoming the stereotypical view that information and communications technology is a predominantly male domain.
- 8.21 The Queensland Government has an inclusive education policy, which is supplemented by

guidelines for specific issues, such as gender equity in school sport and support for pregnant and parenting students. The Health and Physical Education curriculum offers opportunities for students to explore identity and relationships, including an understanding of sexuality issues.

- 8.22 The Tasmanian Government has implemented programs to help young people stay engaged in education and training. While most programs are co-educational, some are developed to respond to the particular needs of girls—for example, Youthbuild, which is delivered in partnership with the Housing Industry of Australia, runs programs for Grade 10 girls interested in the building industry. Tasmania also provides distance learning for young mothers to ensure that pregnancy and parenthood do not unnecessarily interrupt their education.
- 8.23 The Western Australian Government's Women in Leadership strategy aims to foster excellence in public sector leadership; develop a culture where both women and men share responsibility for promoting women in the organisation; build women's knowledge of, and confidence in, their leadership and management capabilities; foster professional development; and support women in leadership positions.

### Higher education

- 8.24 Public spending on higher education in Australia remains well below levels in other developed countries. In 2007, the Organisation for Economic Co-operation and Development (OECD) found that Australia's total public expenditure on higher education was 1.1 per cent of Gross Domestic Product, compared to the OECD's country members' mean of 1.3 per cent (based on 2004 data).<sup>27</sup>
- 8.25 To help address this, the Australian Government's new Education Investment Fund is receiving an initial allocation of around \$11 billion once the 2007–08 and 2008–09 Budget surpluses have been realised, to be spent on higher education and vocational education and training facilities.
- 8.26 More women than men now participate in higher education. In 2006, women accounted for 54.8 per cent of all higher education students<sup>28</sup> and Indigenous women represented 65.8 per cent of all Indigenous higher education students.<sup>29</sup> In 2006, more women than men were enrolled in courses at the Bachelor level. As a proportion of all students, women's representation (at 70.2 per cent) was higher than men's (at 65.5 per cent). Of all students, women undertaking post-graduate courses comprised 25.5 per cent of students in comparison to 29.9 per cent of men.<sup>30</sup> More women than men are now gaining higher education qualifications. In 2007, among those whose highest qualification was a Bachelor degree, women outnumbered men between the ages of 20 and 54 years.<sup>31</sup>
- 8.27 Higher education in Australia is segmented by gender. Women's higher education study has traditionally been concentrated in three main areas—health, education, and society and culture. There continues to be a wide gap between the number of men and women enrolled in these fields of study. In 2006, nearly twice as many women as men were enrolled in society and culture courses. Women's enrolments in health and education courses outnumbered men's by just over 2.5 to 1. In health courses, most women were undertaking nursing, and in the education field women were over-represented in teaching.<sup>32</sup> In 2006, men outnumbered women in information technology and engineering courses by over 4 to 1 and 5.5 to 1 respectively.
- 8.28 The Australian Government previously recognised women as educationally disadvantaged in non-traditional areas of study and provided funding under the Higher Education Equity program to help address this problem. Participation targets of 15 per cent in engineering and 40 per cent in other non-traditional courses were set.<sup>33</sup> Targets were met or exceeded, except for information technology and engineering. In Australia's last report on CEDAW in 2003, Australia outlined a number of strategies to increase the number of

women in the information technology industry following the release of the paper *Women in IT—what are the barriers?*<sup>34</sup> While the number of women in information technology courses decreased by 44 per cent between 2003 and 2006, the number of male students also decreased by 31 per cent.<sup>35</sup> In June 2006, information technology was identified as an area with skills shortages in Australia.

- 8.29 The Australian Research Council provided funding for a study (released in 2008) on the gender-based disparities that exist in participation in information, communication, and computing technologies, with a 2004 review of Australian university participation rates identifying women as an equity target group in this field. The project focused on students' experiences and decisions at secondary school in three states to ascertain why so few girls choose to enter university-level information, communication and computer technology courses, and what strategies could be implemented in schools to address their under-representation.
- 8.30 In 2007, of all Bachelor graduates looking for full-time employment, 85.6 per cent of men and 83.9 per cent of women were in full-time employment. A further 11.6 per cent of female Bachelor graduates looking for full-time work were employed either on a part-time or casual basis, and the remaining 4.6 per cent were not working.<sup>36</sup> For more information about women in the workforce, see paragraphs 9.1 to 9.65.
- 8.31 Full-time employment prospects were least favourable for graduates in the fields of study where there is a high concentration of female graduates—that is, in humanities, languages, visual and performing arts, social sciences, and life sciences.<sup>37</sup>
- 8.32 In 2007, the median starting salary for female graduates was \$42,000, up from \$40,000 in 2006, and the median salary for female graduates was 93.3 per cent of male graduate earnings. The gender gap in graduate starting salaries narrowed to a record 2.5 per cent in 2005, but a slower increase in salaries for female than male graduates has resulted in a gap slightly wider than that in 2003 (95.5 per cent).<sup>38</sup> For more information on the gender pay gap, see paragraphs 9.9 to 9.12.

## Education for disadvantaged groups

- 8.33 The Australian Government is strongly aware of the CEDAW Committee's concerns in paragraph 28 of their 2006 Concluding Comments that students from disadvantaged groups face multiple disadvantage and discrimination. In this context, the Government is particularly targeting five disadvantaged groups—Indigenous students; students from low socioeconomic/low-income backgrounds; students from rural and isolated areas; students with disability; and students from culturally and linguistically diverse backgrounds. Funding for these groups is provided under the Higher Education Support program. The program also aims to help overcome educational disadvantage associated with gender.
- 8.34 In 2003, the Australian Government increased Indigenous Support program funding by \$10.1 million over three years from 2005 to further improve the participation and success of Indigenous men and women in higher education. In 2008, another \$34 million was allocated to the program.
- 8.35 In 2005, the Australian Government also funded the new Students with Disabilities Support program. This program helps eligible higher education providers undertake activities that help remove barriers to access for students with disabilities.
- 8.36 The Queensland Government has improved training opportunities for women with disabilities through access to computers and/or assistive/adaptive technologies. Men and women with disabilities are provided with equipment through the Vocational Education and Training Disability Support Service.
- 8.37 Under the Higher Education Equity Support program women and men continue to be

supported where they meet any one or more of the general equity characteristics—that is, if they are Indigenous, from a low socioeconomic status background; from a regional or remote area; a person from a culturally or linguistically diverse background; or if they are a student with a disability. Women (and men) can also get assistance if there are identified instances of educational disadvantage associated with gender, including access to non-traditional areas of study.

- 8.38 The Australian Government continues to fund the Workplace English Language and Literacy program and the Language, Literacy and Numeracy program for unemployed people. For more information on the Language, Literacy and Numeracy program, see under 'Primary and secondary education' in paragraphs 8.8 to 8.23. The Workplace English Language program targets workers whose language, literacy and/or numeracy levels place them at risk of losing their jobs; prevent them from participating in further training or promotion; and/or hinder them from doing their job effectively. Workers assisted by this program are from English and non-English speaking backgrounds and from Indigenous backgrounds. Each year since 2003, the program has assisted up to 18,000 workers—with over 40 per cent being female. Of the 7,000 females participating in the program, around 2,500 are from a non-English speaking or Indigenous background.
- 8.39 The Queensland Government has ensured humanitarian refugee and immigrant women are provided with equal access and opportunities to English language training through flexible timetabling, intensity and locations; bi-lingual tutoring; Home Tutor and Distance Learning programs; and child care, with information provided and translated into 17 languages. Transition programs target specific groups, including breastfeeding mothers.
- 8.40 The New South Wales Government runs programs specifically for disadvantaged groups of women including the Healing our Sisters—Building our Skills workshop focused on vocational education and training for Indigenous women and women with mental illnesses in custody; women-only programs and classes in information technology; and the Tasting Success Women Chefs' Mentoring program designed to help women who have experienced disadvantages in relation to their employment embark on a career that brings them to senior leadership positions in the hospitality industry.

## Vocational education and training

- 8.41 The main focus of vocational education and training (VET) in Australia is to give Australians the opportunity to gain the skills they need to enter the workforce for the first time, re-enter the workforce, retrain for a new job, or upgrade their skills for an existing job. In the 2008–09 Budget, the Australian Government committed new measures totalling \$1.9 billion over five years to VET.
- 8.42 VET, like higher education, is segmented by gender, with women more likely to enrol in management and commerce, society and culture, food, hospitality, and personal services courses. They are less likely to enrol in the fields of engineering and related technologies, architecture, and building.<sup>39</sup>
- 8.43 In 2007, the number of women enrolled in VET courses was 794,213, a decrease of 0.2 per cent from 2006. However, women accounted for 47.7 per cent of VET students in 2007, an increase from 47.5 per cent in 2006.<sup>40</sup>
- 8.44 In 2007, Indigenous students reached record representation in VET, accounting for 4.3 per cent of all students, up from 4.0 per cent in 2006.<sup>41</sup> In 2007, women accounted for 46.6 per cent of all Indigenous VET students.<sup>42</sup> The pass rates for Indigenous students, people with disability and people from culturally and linguistically diverse backgrounds are growing, but continue to be lower than the pass rates reported for all students.<sup>43</sup>
- 8.45 VET employment outcomes are similar for men and women. For example, among the 2006 VET graduates, the proportions finding employment after completing their courses

went up by 7.1 per cent for males and by 6.9 per cent for females.<sup>44</sup> In comparison to non-Indigenous VET graduates, Indigenous VET graduates are less likely to be employed and more likely to be unemployed or not in the labour force after graduation.<sup>45</sup>

- 8.46 The New South Wales Government developed the Technical and Further Education NSW Women's Strategy 2004–10 to improve access, participation and outcomes for women students in its institutes of Technical and Further Education (TAFE). All TAFE institutes in the state are required to implement the strategy and to report on progress each year. From 2003 to 2007, the overall proportion of women's enrolments increased from 47 per cent to 48 per cent of all enrolments in TAFE New South Wales. Enrolments by women from most equity groups also increased—for example, as a proportion of all women enrolled, enrolments of mature-age women (aged 45 to 64 years) increased from 18 per cent to 22 per cent; women from culturally and linguistically diverse backgrounds increased from 21 per cent to 25 per cent; women with disability increased from 9 per cent to 10 per cent; and Indigenous women increased from 4 per cent to 5 per cent.
- 8.47 The Victorian Government has created training and employment opportunities for women through Access Training and Employment Centre funding, where women are provided with advice on training needs and opportunities to encourage them to enter emerging and non-traditional industries.
- 8.48 The Australian Capital Territory Government has developed a strategic priorities program run through VET, jointly funded by the Australian Government. Through this program, VET projects target women in equity groups. These groups are identified both nationally and locally, to address industry skills' shortages and inclusiveness, and to attract and retain workers in the workforce. The program also funds initiatives that give women opportunities to have their existing skills and knowledge formally recognised.
- 8.49 In Tasmania, the number of women enrolled in VET from 2003 to 2006 increased from 15,700 to 18,000.<sup>46</sup> In 2006, 43.2 per cent of enrolments were female, with more females than males enrolled in VET at Advanced Diploma and Certificate IV level. Female enrolments were on par with male enrolments at Diploma level.<sup>47</sup> VET participation of women aged 15 to 64 years remains slightly below that of men from 2003 to 2006, including for women identifying as Indigenous or identifying as having a disability. Courses targeting women—especially disadvantaged women, Indigenous women and women with disability—are helping to address these inequalities.
- 8.50 In Western Australia, women account for 46.3 per cent of VET enrolments, 49.4 per cent of traineeships, and 55.3 per cent of higher education enrolments. In 2003, Indigenous women made up two-thirds (66 per cent) of the Indigenous student population in higher education. Western Australia's VET provides leadership, initiatives, and a range of grants to engage and retain women in further education and training, including in non-traditional areas of work.
- 8.51 The Queensland Government released the Queensland Skills Plan in 2006 and provided new industry and community engagement models to address the diverse range of women's vocational, education and training and skill needs. The models have been implemented and include skills alliances, skills formation strategies, centres for excellence, regional and industry forums, and cross-government skilling partnerships.

## Apprenticeships and traineeships

- 8.52 Australian Apprenticeships (apprenticeships and traineeships) combine training with practical work to provide a nationally recognised qualification in both traditional and non-traditional trades. The number of Australian Apprenticeships completed by females has increased from 60,700 in 2004 to 62,800 in 2007. The total number of female Australian Apprentices in-training decreased over the same period—from 134,600 to 133,600.<sup>48</sup> As at

30 December 2007, women made up 33 per cent of those in training and 43 per cent of commencements.<sup>49</sup> Australian Apprenticeships undertaken by women are concentrated largely in the intermediate clerical, sales, and service worker occupation group and women are under-represented in the tradespersons and other related workers field.<sup>50</sup>

- 8.53 Between December 2000 and 2007, the number of Indigenous Australian Apprentices in training grew from 5,270 to 11,910, and the proportion of apprentices that are Indigenous increased from 1.85 per cent in 2000 to 2.94 per cent in 2007. Of all Indigenous apprentices in training in 2007, 38 per cent were female. Not only was there an upward trend in the number of Indigenous Australian Apprentices between December 2000 and December 2007, but the level of participation in higher qualification levels (that lead to a qualification or trade) also improved. However, Indigenous Australian Apprentices are still less likely than non-Indigenous Apprentices to undertake higher level courses.<sup>51</sup>

## Scholarships and grants

- 8.54 The Australian Government introduced the Commonwealth Scholarships program (previously called the Commonwealth Learning Scholarships program) in 2004 to help students from low socioeconomic status backgrounds, particularly those from regional and remote areas and Indigenous students, with higher education costs. From 1 January 2008, 1,000 Indigenous Access Scholarships each year will also help Indigenous Australians wanting to access higher education, particularly students who need to move away from regional and remote areas to study.
- 8.55 From 1 January 2008, the Australian Government provided an extra \$91.4 million over four years to increase the number of Commonwealth Scholarships from around 8,500 to 12,000 each year. This increase included introducing scholarships for undergraduate students enrolled in associate degree courses and Indigenous students enrolled in courses that mean they can go on to higher education.
- 8.56 The Australian Capital Territory Government runs the Audrey Fagan Scholarship program, which supports women leaders by providing financial assistance for further study. Scholarships are open to women in leadership positions working in law enforcement, care and protection, allied health areas, or women who provide professional or social support in areas involving domestic violence or victim support.
- 8.57 The Queensland Government has established the Australian South Sea Islander Community Foundation, which provides scholarships for Australian South Sea Islander students to help with their undergraduate university studies. By 2008, 12 of the 24 students who were successful in gaining \$15,000 scholarships were women.
- 8.58 In 2007, the Northern Territory Government expanded the number of study awards to reflect the needs of Territory women. There are now three Chief Minister's Study Scholarships for Women awarded each year—A Higher Education Study Scholarship for Women of \$15,000 with a laptop computer; and two Chief Minister's VET Study Scholarships for Women of \$2,000.

## Student income support

- 8.59 The Australian Government continues to provide funding for government income support payments under the Student Allowances Scheme. Eligible higher education students can receive income support through AUSTUDY or Youth Allowance payments. Indigenous Australians may be eligible for ABSTUDY payment. In 2005–06, women made up 55 per cent of the 266,000 full-time students who received Youth Allowance.<sup>52</sup> Forty-seven per cent of the students who received AUSTUDY were women,<sup>53</sup> and 54 per cent of the students on ABSTUDY were women.<sup>54</sup>

- 8.60 When applying for a government-funded student loan, women must meet the same eligibility criteria as men. Since Australia's last report on CEDAW in 2003, the student loan scheme has changed. From 1 January 2005 the Higher Education Loan program subsumed previous schemes, and a new loan scheme was established to help eligible domestic undergraduate students undertake some of the study towards their Australian higher education qualification overseas. Another measure introduced since the last report is a new VET Fee Higher Education Loan program scheme, which provides loans for fee paying students undertaking Diploma and Advanced Diploma courses that are accredited as vocational education and training awards, and that have significant credit transfer arrangements to higher education.

## Teaching staff

- 8.61 In 2006, women comprised 79.8 per cent of all primary school teachers and 56.6 per cent of secondary school teachers. In 2007, for academic staff, women represented approximately 23 per cent in the Above Senior Lecturer category and almost 54 per cent in the Below Senior Lecturer category.
- 8.62 The Australian Government has contributed \$190,000 to support the Australian Vice-Chancellors' Committee Action Plan for Women Employed in Universities 2006–10. The action plan's objectives are to encourage all universities to integrate equity strategies and performance indicators into their institutional plans; significantly improve the representation of women in senior roles; monitor the entry patterns of women into academia; and respond to barriers to sustained entry.

## Educational information on sexual and reproductive health

- 8.63 The Australian Government funds the National Family Planning program to provide education on sexual and reproductive health to primary and secondary students, (as well as teachers, parents, health care professionals and the broader community). The program provides information on delaying sexual activity until it can be undertaken in safe and informed circumstances, and provides advice on all forms of contraception. Under the Public Health Outcome Funding Agreements, curriculum planning, training and resource development of school-based programs, including those relating to sex and relationships education, are determined by state and territory government and non-government education authorities and individual schools.
- 8.64 In addition, the Australian Government has funded the development and distribution of a number of youth specific education resources. For example, funding was provided for the development of the Talking Sexual Health school-based education package, which is used in many jurisdictions. Talking Sexual Health assists young people to develop the knowledge, skills and strategies they need to respond to HIV/AIDS, sexually transmissible infections and blood-borne viruses in the social context in which they live and make decisions. Talking Sexual Health is inclusive of all young people and addresses the impact of sexually transmissible infections on reproductive health. For more information about family planning and reproductive health, see paragraphs 10.54 to 10.67.

# 9 Article 11:

## Employment

- 9.1 The Australian Government respects the choices of Australian parents about their decisions to work or stay at home to care for family members. The Government believes Australia must value the unpaid work of caring, predominantly done by women, as well as supporting opportunities for their increased workforce participation.
- 9.2 The number of Australian women in the labour force has reached record levels over recent years. Despite growth in women's labour force participation, Australia is ranked twentieth out of 30 OECD countries for the participation of women in the workforce, behind the United States, the United Kingdom and New Zealand. Relative to men, women's labour force participation and earnings are lower, especially for Indigenous women.
- 9.3 The Australian Government is concerned about the lower workforce participation rates of Australian women compared to other countries and is committed to achieving reform in the areas that impede women's chances to take up job opportunities. Workplace arrangements should deliver flexibility for employers and employees, fair wages and conditions, productive work practices, and a balance between work and family responsibilities.
- 9.4 Tax cuts that started in July 2008 are an important first step to longer-term tax and welfare reforms, which will provide more women with opportunities to work. To address barriers to workforce participation faced by women with young children, the Australian Government is also making quality child care more affordable and more accessible.
- 9.5 Since Australia's last report on CEDAW in 2003, the workplace relations system has undergone significant change. Most recently, following the 2007 national election the Australian Government announced significant changes to the workplace relations system, designed to achieve greater fairness and flexibility for Australian employers and employees. The new system is expected to be fully operational by 2010. Among other things, National Employment Standards will be introduced which will include a safety net of minimum conditions, providing for additional unpaid parental leave, and the introduction of a right for parents to request flexible working arrangements such as part-time work and working from home arrangements until their child reaches school age. This will help facilitate mothers' workforce participation.

## Women's labour force participation

- 9.6 As at June 2008, around 4.83 million women were employed in the labour force, representing 45.1 per cent of Australia's total labour force.<sup>55</sup> The participation rate for women reached 58.3 per cent in June 2008, up from 55.5 per cent in November 2003.<sup>56</sup> The unemployment rate for women has fallen from 6.0 per cent in November 2003 to 4.5 per cent in June 2008.<sup>57</sup> Despite the growth in women's labour force participation, it remains substantially lower than men's participation (72.5 per cent in June 2008). The unemployment rate of 4.5 per cent for women also remains higher than the unemployment rate for men (4.0 per cent in June 2008).<sup>58</sup>

## Gendered segmentation of the workforce

- 9.7 The labour force in Australia continues to be segmented by gender. For instance, in May 2008 men comprised 86 per cent of total employment in the non-service based industries

of construction, mining and electricity; gas; and water supply. In contrast, women comprised nearly 80 per cent of total employment in health and community services, and 70 per cent of total employment in education. Nearly 60 per cent of employed women worked in the service-based industries of health and community services, retail trade, property and business services, and education.<sup>59</sup>

- 9.8 In December 2006, the Office for Women, in partnership with the Minerals Council of Australia, produced *Unearthing New Resources*, a publication that examines barriers to women in the mining industry and includes strategies to attract and retain female employees in the minerals industry. A series of seminars were held in capital cities to promote the research findings to mining companies.

## Gender pay gap

- 9.9 The Australian full-time average weekly ordinary time earnings in February 2008 were \$1202.70 for men and \$1,008.10 for women, representing a gender gap of 16.2 per cent.<sup>60</sup>
- 9.10 In January 2008, the Equal Opportunity for Women in the Workplace Agency released the first Gender Distribution of Top Earners report, which examined the remuneration of the five most highly paid executives in the top 200 companies on the Australian Stock Exchange. The report found that women occupy 7 per cent of the top-earner positions (80 positions out of 1,136). In chief executive officer positions, a female earns two-thirds of her male counterpart's salary.<sup>61</sup>
- 9.12 The Australian Government is committed to achieving pay equity. Soon after coming into office the Government began to phase out the existing workplace relations legislation and introduced the Workplace Relations Amendment (Transition to Forward with Fairness) Act 2008, as the first step to achieving pay equity. The Australian Government has asked the Australian Industrial Relations Commission to prepare modern awards to ensure they provide a fair and flexible minimum safety net. In preparing modern awards, the Commission has been asked to have regard to the need to eliminate discrimination including on the grounds of sex, marital status and family responsibilities and to promote the principle of equal remuneration for work of equal value.
- 9.13 Furthermore, on 26 June 2008, the Australian Government asked the House of Representatives Employment and Workplace Relations Committee to inquire into and report on pay equity and associated issues related to increasing female participation in the workforce. Issues to be considered in the inquiry include the adequacy of current data to reliably monitor employment changes that may impact on pay equity issues; the need for education and information among employers, employees and trade unions in relation to pay equity issues; current structural arrangements in the negotiation of wages that may impact disproportionately on women; and the need for further legislative reform to address pay equity in Australia.
- 9.14 See also information on the Equal Opportunity for Women in the Workplace Agency, which can be found in paragraphs 2.22 to 2.24.

## Working to improve women's workforce participation

- 9.15 The Australian and state and territory governments have a range of initiatives aimed at improving women's workforce participation, including programs specifically targeting disadvantaged women. Since Australia's last report on CEDAW in 2003, a number of new policies and strategies have been implemented to support increased labour force participation.
- 9.16 The Employment and Workplace Relations Legislation Amendment (Welfare to Work and other Measures) Act 2005 and the Family and Community Services Legislation

Amendment (Welfare to Work) Act 2005 came into effect on 1 July 2006. The legislation introduced part-time participation requirements for parents on parenting payment when their youngest child turns six years of age. With an allocation of \$11 million over four years, a high-level inter-departmental committee, including the Executive Director of the Office for Women, is evaluating the Welfare to Work measures. Based on early Welfare to Work evaluation, more principle carer parents are finding work. Some of this effect could be attributed to good economic conditions and changes in payment conditions, but there is strong evidence that the introduction of new part-time participation requirements also made a significant contribution.

- 9.17 In June 2008, the Australian Government established a participation taskforce to examine whether there are better ways of balancing participation requirements for parents with their family and community responsibilities. As part of its considerations, the taskforce met with parent groups and considered a number of issues raised by parents about their participation requirements. The report has been provided to the Government and the recommendations are currently being considered.
- 9.18 The Australian Government contracts a range of employment service providers that support jobseekers, including women with and without children, to obtain work or to develop their capacity to undertake paid employment. The level of service provided to jobseekers is targeted according to their relative level of disadvantage in the labour market. Parents and carers on income support can access additional services to aid their transition into part-time paid employment. From 1 July 2009, new employment services will be introduced in Australia, which will provide better, more tailored assistance to disadvantaged jobseekers and place greater emphasis on helping employers fill job vacancies.
- 9.19 In response to skill shortages experienced across the Australian economy the Government has committed to deliver 630,000 new training places over five years in areas of skill shortage. Of the total additional vocational education and training places funded over the next four years, more than 238,000 have been allocated to people who are outside the workforce, including parents on income support.
- 9.20 State and territory governments run a range of programs and initiatives to help women who are returning to the workforce after caring for children on a full-time basis. The Australian Capital Territory Government's Women's Return to Work Grants program helps women prepare for, find and keep jobs after full-time child rearing responsibilities. The Victorian Government's program, Jobs For Victoria, also involves initiatives to help women re-enter the workforce.
- 9.21 Each year as part of International Women's Day, the Northern Territory Government gives a grant of \$1,000 each to four Territory women who have had a long absence from the workforce, to support them to undertake accredited training. The Queensland Government supports women's professional development opportunities through mentoring programs and promotes flexible work practices for mothers in the workplace.

#### Caring responsibilities and labour force participation

- 9.21 Caring responsibilities continue to affect women's labour force participation. A labour force survey in 2007 found women comprised 61.5 per cent of the 1.65 million Australians who wanted a job or preferred to work more hours. Among those women who wanted a job or preferred more hours, 44.1 per cent were not available to start work within the next four weeks. For 40 per cent of these women, caring for children or for other adults were the main reasons given for not being available or actively looking for work or more hours.<sup>62</sup>
- 9.22 Another survey found that 38 per cent of Australian women who were employed before giving birth left their job after the birth. The main reason given for leaving work was to 'care for child'.<sup>63</sup> The first year of an infant's life is when mothers are least likely to be employed.

Data from 2004 show that less than one-quarter of all mothers with infants aged between three and five months were employed. This proportion increased to just over half of all mothers when the child had reached one year of age. Men's labour force participation rates are independent of these factors.<sup>64</sup>

### Balancing work and family

- 9.23 Balancing work with family responsibilities is a key issue for working women. When a child is born, mothers are more likely than fathers to take leave from work to care for their child. Most mothers take leave for six months or more. A 2005 survey showed that among Australian parents with children up to the age of 12 years, 73 per cent of mothers compared to 34 per cent of fathers reported using one of a number of working arrangements to help with child care responsibilities. Flexible working hours and working part-time were the most popular working arrangements.<sup>65</sup>
- 9.24 Women are more likely than men to be employed part-time, especially when they have dependent children. In April 2008, 71.1 per cent of all part-time workers were women. At the same time, part-time employment comprised 44.9 per cent of total employment for women.<sup>66</sup> An Equal Opportunity for Women in the Workplace Agency research report released in April 2008 showed that 45 per cent of women with children under the age of 13 years who are working part-time say they would work more hours in paid employment if they had better access to child care.<sup>67</sup> For more information on the Australian Government's commitment to child care refer to paragraphs 9.31 to 9.35.
- 9.25 The Australian Government is supporting flexible working arrangements for working parents with a number of non-legislative strategies. These include funding assistance to small businesses to help them meet the set-up costs of family-friendly working arrangements; providing business and industry-specific information to support family-friendly working arrangements; and publicly recognising organisations with outstanding flexible working arrangements through the National Work and Family Awards and Equal Opportunity for Women in the Workplace Agency's annual Business Achievement Awards.
- 9.26 The states and territories have implemented programs to encourage work-life balance. South Australia's Strategic Plan in 2004 (updated in 2007) includes a 'target' to improve the quality of life of all South Australians through maintenance of a healthy work-life balance, enabling more men to have time for family commitments and more women to participate in paid work while better balancing family commitments. South Australia also established the Parliamentary Select Committee Inquiry into Balancing Work and Life Responsibilities. The South Australian Government will respond to the committee's April 2008 report later in the year.
- 9.27 Launched in November 2003, the Victorian Government's Action Agenda for Work and Family Balance outlined initiatives to encourage work and family balance. It includes supporting industry to adopt practices that achieve better work and family balance, and demonstrating good practice in Victorian public sector employment. Findings from the Victorian Government's research project, Work and Family Balance in Regional Victoria on workplace conditions, benefits and balancing work and family responsibilities, is helping the state government and local governments to better assist families in regional areas balance work and family responsibilities. To promote quality part-time work, the Victorian Government has also released the Quality Part-Time Work Guidelines to help managers implement this type of work.
- 9.28 In 2006, the Queensland Government amended its Industrial Relations Act 1999 to provide employees with a 'right to request' their employer to extend unpaid parental leave from 52 to 104 weeks, and permit an employee to return from parental leave on a part-time basis until their child reaches school age. The amendments also mean that each year, an employee may use up to 10 days of personal leave, including accrued leave, to care for members of their immediate family or household who are sick or need care and

support.

- 9.29 The Western Australian Government has undertaken a number of initiatives to foster and support work–life balance, including promotion of flexible work arrangements as a key attraction and retention strategy for large and small employers; and providing publications, resources and seminars. The Western Australian Department of Health has established the State Health Advisory Committee on Work Life Balance and Creating Family Friendly Workplaces. The committee is developing a policy framework to enable cultural change in the workplace to attract and retain quality staff in the public health care system.
- 9.30 Collective agreements across the Australian Capital Territory Government include a range of provisions which enhance work and family balance. They include the doubling to 10 days of leave for domestic partners on the birth of a child, an increase of up to three years in unpaid leave following the birth of a child, and the right to part-time employment for up to three years after maternity leave.

## Supporting women with family responsibilities

### Child care

- 9.31 The Australian Government helps families participate in the community's social and economic life by assisting them with child care costs through the Child Care Benefit and the Child Care Tax Rebate. Child Care Benefit is a payment made to families to help with the costs of approved or registered care. In July 2008, the Child Care Tax Rebate was increased from 30 per cent to 50 per cent of working families' out-of-pocket expenses for approved child care up to a limit of \$7,500 per child per year.
- 9.32 Child care in Australia includes a number of different care types with different regulatory and funding mechanisms. A range of child care services receive Australian Government funding, including long day care, family day care, outside school hours care, mobile child care, and multifunctional Indigenous children's services.
- 9.33 To increase the supply of child care, the Government has committed to provide up to 260 early learning and care centres, which will be built on school grounds or community land where possible. Providing up to 13,000 full-time additional places, the centres will be established by 2014.
- 9.34 Jobs, Education and Training Child Care Fee Assistance provides extra help with the cost of approved child care for eligible parents (mostly women) to undertake activities such as job search, work, study or rehabilitation to help them enter or re-enter the workforce. Funding for this fee assistance will be extended, from up to one year study for multi-year courses, to up to two years.

### Child Care Support program

- 9.35 In addition to the support provided to families, the Child Care Support program supports a diverse range of child care services. Funding is provided to establish child care services in high need rural, regional and Indigenous communities, as well as to help children with special needs.

### Paid maternity leave

- 9.36 The Australian Government is not at present in a position to take the measures required by CEDAW's Article 11(2) to introduce 'maternity leave with pay or with comparable social benefits' throughout Australia.
- 9.37 Australia already has workplace arrangements and a social security safety net that jointly provides a comprehensive system of support for families at the time of birth of a child, and ensures that support for families is broad-based, practical and long-term. In particular, the \$5,000 Baby Bonus recognises the extra costs associated with the birth or adoption of a

child, including the loss of income while on unpaid maternity leave. More than one million Australian families have benefited from the payment since its introduction in 2004.

- 9.38 In 2008, the Government asked the Productivity Commission to consider models to improve support for parents in the labour force with newborn children. The inquiry will consider the economic, productivity and social costs and benefits of paid maternity, paternity and parental leave for parents, employers and the community. The Productivity Commission's report is due in February 2009. Following completion of the inquiry the Australian Government may, if appropriate, review Australia's reservation to Article 11(2).
- 9.39 The Australian Bureau of Statistics' Forms of Employment Survey November 2007 shows that in 2007, 45.4 per cent of female employees had access to paid maternity leave entitlements and 39.0 per cent of male employees had access to paid paternity leave entitlements. However, a further 21.3 per cent of employees did not know if they were entitled to paid maternity or paternity leave.<sup>68</sup> The Department of Education, Employment and Workplace Relations' Workplace Agreements Database shows that at March 2008 over half of the women employed under current national collective agreements (51.1) have access to paid maternity leave.
- 9.40 The Equal Opportunity for Women in the Workplace Agency reported that in 2007, 48.9 per cent of surveyed employers provided paid maternity or primary carer's leave, up from 35.6 per cent in 2003. In 2007, the agency reported that 38.5 per cent of its surveyed reporting organisations offered paid paternity leave or secondary carer's leave, up from 14.7 per cent in 2001.<sup>69</sup>

## Preventing workplace bullying and discrimination

- 9.41 At the start of 2008, the Equal Opportunity for Women in the Workplace Agency launched its new Bullying and Harassment Prevention online training program. Employers can customise the program to their particular workplaces and policies, and protect employers, especially women, from bullying and discrimination in the workplace. In 2006, the Australian Public Service Commission published *Respect: Promoting a culture free from harassment and bullying in the APS*, a guide for public service leaders and employees to help foster a better understanding of respect, including strategies to address harassment and bullying.

## Indigenous women's employment

- 9.42 Australia recognises that Indigenous employment participation is low and many communities cannot access job opportunities. Consistent with the CEDAW Committee's 2006 Concluding Comments in paragraph 30 about the inequality experienced by Indigenous women, the Australian Government is committed to closing the gap between Indigenous and non-Indigenous Australians, and has set targets including halving the gap in employment outcomes within a decade.
- 9.43 In 2007, the estimated labour force participation rate for Indigenous women aged 15 years and over was lower (47.9 per cent) than for men (65.1 per cent).<sup>70</sup> After a steady decline in the participation rate of Indigenous men and women in remote areas from 2002 to 2005, the participation rate increased for both in 2006, particularly for women (from 39.5 per cent to 45.1 per cent), but fell again in 2007.
- 9.44 The employment-to-population ratio of Indigenous females in remote areas decreased 17 percentage points between 2002 and 2005, and after increasing 5 percentage points in 2006, has fallen slightly to 38 per cent in 2007. However, the Indigenous labour force participation rate for women living in remote areas continues to be lower than for Indigenous women in major cities (52.0 per cent), and in regional areas (49.0 per cent).<sup>71</sup>

- 9.45 In 2007, the estimated unemployment rate for Indigenous women (14.7 per cent) was higher than the unemployment rate for Indigenous men (13.5 per cent). In 2003, the unemployment rate for Indigenous women was 20.2 per cent, suggesting a large decline in unemployment among Indigenous women over the four-year period. Despite this favourable trend, the unemployment rate of Indigenous women remains over three times the national female unemployment rate. The participation of Indigenous Australians in the Community Development Employment projects program reduces unemployment levels in Indigenous communities as program participants are classified as employed in national labour force statistics.
- 9.46 The Australian Government is developing a new strategy—the Indigenous Economic Development strategy—to build the strong foundations necessary for sustainable Indigenous economic development across Australia. Nation-wide consultations started in May 2008.
- 9.47 State and territory governments also have initiatives to improve the labour force participation of Indigenous Australians. For example, South Australia’s Strategic Plan is working to reduce the gap between the Indigenous and non-Indigenous unemployment rates. The state government has also set targets to increase the participation of Indigenous people in the South Australian public sector, spread across all classifications and agencies, to 2 per cent by 2010 and maintain or better those levels through to 2014.
- 9.48 The Australian Government funds Community Development Employment projects to provide paid work primarily for unemployed Indigenous people living in remote and rural areas. The scheme funds Indigenous community organisations to pay participants working on community projects.<sup>72</sup> As of 30 June 2008, 7,019 Indigenous women were participating in Community Development Employment projects, compared to 11,555 Indigenous men.
- 9.49 The Australian Government has developed a proposed model for a reformed Community Development Employment projects program and consultations on this began in October 2008.
- 9.50 The gross median weekly individual income of Indigenous Australians is about 59 per cent of the median weekly individual income of non-Indigenous Australians, and Indigenous women earn less than Indigenous men. These disparities largely reflect the lower incomes of employed Indigenous Australians—especially the lower incomes of Indigenous women—and the large share of the Indigenous population, particularly women, that is either unemployed or not in the labour force.<sup>73</sup>

## Workforce participation of women with disability

- 9.51 The Australian Government has focused on approaches, programs and policies that bring people with disability into the mainstream of economic and productive life by improving their access to employment and training services. Data indicate that in 2003,<sup>74</sup> just over half of people with disability participated in the labour force, compared to about four in five people without a disability. Men with disability had higher rates of labour force participation (59.3 per cent) than women with disability (46.9 per cent). Employed women with disability are also more likely to be employed part-time, compared to employed men with disability who are most likely to be employed full-time.
- 9.52 In January 2008, the Australian Government announced an investment of \$3.7 billion over three years from 1 July 2009 in a new generation of employment services. The new employment services system will mean more tailored assistance for jobseekers based on their level of disadvantage; will increase early assistance to the most disadvantaged jobseekers; and will better meet the skill needs of employers. Under the Employer Incentives strategy, the Australian Government also offers a number of incentives to encourage employers to employ people with disability, including help for deaf workers and

with workplace modifications and recruitment.

- 9.53 The Australian Government is developing a national mental health and disability employment strategy, which will outline how policy and programs across the Australian and state and territory governments can better operate together to help people with disability and mental illness find and keep work.
- 9.54 The Northern Territory Government runs the Australians Working Together grants program (funded by the Australian Government), which provides financial support for pilot programs to help employment-disadvantaged Territorians, including people with disability, migrants and refugees, and young women at risk of long-term unemployment to access training and employment opportunities. In 2008, six of the eight funded programs had high female participation.
- 9.55 South Australia's Strategic Plan outlines targets to double the number of people with disabilities employed in the public sector by 2014.

## Supporting women from culturally and linguistically diverse backgrounds in employment

- 9.56 A number of state and territory government initiatives and policies aim to help women from culturally and linguistically diverse backgrounds into paid employment. To better regulate and protect outworkers, particularly in the clothing industry, which is dominated by women from such backgrounds, new programs and regulations have been introduced. In South Australia, the Fair Work (Clothing Outworker Code of Practice) Regulations came into effect on 1 March 2008, creating standards for outworker practices and a tool to monitor the practices in that state. Similar work to provide protection to outworkers was undertaken in New South Wales in 2005 and is also under way Victoria, with the Outworkers (Improved Protection) Act 2003.
- 9.57 The New South Wales Office for Women recently supported three partnership projects with non-government organisations which provide resources to help disadvantaged women in the workforce, including a project with Asian Women at Work that aims to increase awareness of employment rights among vulnerable groups of women from Asian- and Arabic-speaking backgrounds.
- 9.58 The Queensland Government's Muslim Labour Force Participation project encompasses gender-specific programs, such as the Muslim Child Care Work Placement program, and targets identified vocational pathways for Muslim women. Through its Multicultural Assistance program, the Queensland Government also provides grants to a number of community organisations to support projects including the Developing Leadership and Management Expertise project to build leadership capacity among young Muslim women and the Queensland Women's Working Service to deliver Your Rights at Work: A Seminar for Women.
- 9.59 Other work being done includes a Western Australian Government collaborative research and pilot project, Good Practice in the Assessment, Skills Gap Training and Employment of Overseas Trained Nurses 2006, which aims to improve the utilisation of skilled culturally and linguistically diverse migrant and refugee nurses in the workforce, facilitating the economic independence of these cohorts.

## Other state and territory government women's workforce participation measures

- 9.60 The New South Wales Office for Women's Policy supports the Lucy Mentoring program, which assists young women in higher education by providing advice, networks and

experience to help them take on leadership and senior positions in the private and public sectors. Ongoing evaluations and a longitudinal evaluation study indicate that the program is having positive long-term impacts on participants.

- 9.61 The Northern Territory Government provides yearly funding to the Northern Territory Working Women's Centre to provide free and confidential information, advice and representation to women about work-related matters. The Employment Disadvantaged Pathways project was established to respond to recommendations from Creating Effective Pathways to Employment and Training for the Employment Disadvantaged in the Northern Territory on how to help groups of employment-disadvantaged people, including women.

## Rural and remote women

- 9.62 For information about rural and remote women and employment, see paragraphs 12.11 to 12.13.

## Women serving in direct combat duties in the Defence Force

- 9.63 The Australian Government maintains its reservation to the application of CEDAW under Article 11, which covers the restriction of women from serving in direct combat roles in the Australian Defence Force. The Sex Discrimination Act 1984 exempts the Australian Defence Force from the operation of the Act so far as it relates to the prohibition of women serving combat duties. The Sex Discrimination Regulations define combat duties as 'duties requiring a person to commit, or participate directly in the commission of, an act of violence against an adversary in time of war'.
- 9.64 In 2005, the Australian Government reviewed the roles of women in the Australian Defence Force and confirmed its long-standing policy. However, that year the Government did alter its policy on employing women in support roles in infantry, armoured and artillery units. For several years, the Australian Defence Force has progressively broadened women's roles. Women are now eligible to serve in approximately 90 per cent of Australian Defence Force employment categories, up from 73 per cent in 2003.
- 9.65 Increasing the number of women in the defence forces and their length of service are priorities under the Defence Strategic Workforce Plan 2007–17. The Chief of the Defence Force has established an external women's reference group to present alternative and innovative strategies and options to break down current barriers to women joining and continuing to serve in the Australian Defence Force. For more information about women in defence, see paragraph 6.8.

# 10 Article 12:

## Health

- 10.1 The Australian Government recognises that by improving the health of all Australian women, the health of the whole community is improved. In Australia, women generally fare much better than men on many indicators of health and wellbeing, including life expectancy. However, more effort is needed, especially to further improve the health of Indigenous women, women with disability, older women and women living in rural and remote areas.
- 10.2 Women are the greatest health consumers, and make up the greatest proportion of health service providers and carers in the Australian community.<sup>75</sup> On average, women live for 4.8 years longer than men, so women are more likely than men to experience health conditions common to old age.<sup>76</sup>
- 10.3 In consultation with state and territory governments and the health and community sectors, the Australian Government is developing a national policy on women's health. The policy will address the specific health needs of Australian women, which is in line with the CEDAW Committee's recommendation in paragraph 27 of its 2006 Concluding Comments. The policy will focus on prevention, will be based on the principle that gender is a key determinant of health, and that the experience of being male or female in society affects people's health and how it is managed.
- 10.4 Acknowledging the importance of nurses and midwives to the community and the health system, the Australian Government appointed a chief nursing and midwifery officer for Australia in June 2008. The officer will raise the profile of nurses and midwives within government and ensure that the Australian Government is kept informed about nursing and midwifery issues at a national and international level. The officer will also contribute to the Government's Maternity Services Review, which was announced in 2007.
- 10.5 As well as working with the Australian Government to address the specific health needs of women, state and territory governments have implemented strategies and programs in their own jurisdictions. Strategies developed since Australia's 2003 report include South Australia's Women's Health Action Plan 2006–07.
- 10.6 New South Wales is currently developing a women's health implementation plan, which builds on the existing Strategic Framework to Advance the Health of Women, and Victoria has its second Women's Health and Wellbeing Strategy 2006–10, building on the Women's Health and Wellbeing Strategy 2002–06.
- 10.7 In response to a review of maternity services,<sup>77</sup> the Queensland Government established a statewide maternity and neonatal clinical network and a new maternity unit. The network will be responsible for developing and implementing statewide initiatives, quality and safety benchmarking processes and improving clinical service planning. In 2007, the Northern Territory Government opened a new birthing centre in the Royal Darwin Hospital. The Australian Capital Territory Government is establishing a new women and children's hospital, which will include a neonatal intensive care unit, a paediatric unit and a maternity unit. The Western Australian Government's policy framework, *Improving Maternity Services—Working Together Across Western Australia*, outlines plans to develop more community-based care services, including new birth centres, and expand government-funded home birth places.

## Australia's health care system

- 10.8 Australia has a mixed public and private health care system. The core feature is public, taxation-funded health insurance under Medicare<sup>78</sup> which provides universal access to subsidised medical and pharmaceutical services, and free hospital treatment as a public patient. In Australia medical practitioners have two choices for billing services. They can bill patients privately or they can 'bulk bill' Medicare. If a practitioner agrees to the bulk billing method of paying for their services, patients assign their right to a Medicare benefit to the practitioner, who accepts the schedule fee as full payment for the service. The practitioner (or any other person or company) cannot make any additional charge for the service. A private health system assists people who choose to take out private health insurance with access to hospital treatment as private patients and with access to dental and allied health services. For more information about Australia's health care system, see paragraphs 508 to 511 in Australia's Common Core Document, June 2006.

## Women's health in Australia

- 10.9 Between 2000 and 2005, health spending per capita in Australia increased in real terms by 4.5 per cent per year on average, a growth rate slightly lower than the OECD average of 5 per cent.<sup>79</sup>
- 10.10 In 2006, the overall life expectancy at birth in Australia stood at 81.1 years, more than two years higher than the Organisation of Economic Co-operation and Development average. Australia has the fourth highest life expectancy among the organisation's member countries, following Japan, Switzerland and Iceland.<sup>80</sup> Life expectancy for a girl born in 2004 to 2006 was 83.5 years compared to life expectancy of 78.7 years for boys.<sup>81</sup> Female life expectancy has increased by 2.4 years from 1994 to 1996 and by 9.1 years since 1976.<sup>82</sup>
- 10.11 In 2004–05, most Australian women (84.5 per cent) rated their health as excellent, very good, or good.<sup>83</sup> The leading disease groups accounting for the burden of disease in females ('lives lost from premature mortality' or 'lived with ill-health/disability') in 2003 were malignant cancers, cardiovascular disease, mental disorders, nervous system and sense organ disorders, chronic respiratory disease, diabetes, and musculoskeletal conditions.<sup>84</sup> It is estimated that disability affects about one in five Australians and rates are higher for women than for men after age 65 years.<sup>85</sup>
- 10.12 The risk of maternal death during pregnancy and the six weeks following birth is very small in Australia. From 2003–05, there were 65 maternal deaths nationally in Australia.<sup>86</sup> However, Indigenous maternal mortality rates were two and a half times higher than for other women. There were 21.5 deaths per 100,000 Indigenous women giving birth, compared to 7.9 per 100,000 for non-Indigenous women.<sup>87</sup>

## Disadvantaged groups of women

### Indigenous women

- 10.13 The Australian Government shares the CEDAW Committee's concerns about lower life expectancy among Indigenous women, included in the Committee's 2006 Concluding Comments in paragraph 30. The life expectancy at birth for Indigenous women is 64.8 years; and for Indigenous men it is 59.4 years.<sup>88</sup> In the 2008–09 Budget, the Australian Government committed \$334.8 million towards closing the 17-year life expectancy gap between Indigenous and non-Indigenous Australians within a generation, including \$101.5 million extra for maternal and child health services.
- 10.14 Furthermore, on 3 July 2008, COAG agreed to sustained engagement and effort by all governments over the next decade and beyond to achieve the Closing the Gap targets (health, housing, education and employment) for Indigenous people. As a first step, COAG

agreed in principle to a National Partnership with joint funding of around \$547.2 million over six years to address the needs of Indigenous children in their early years. The National Partnership will include more funding to improve the antenatal care provided to mothers of Indigenous babies.

- 10.15 In July 2008, the Australian Government established the National Indigenous Health Equality Council, which will advise the Government on developing and monitoring health-related goals and targets designed to help close the life expectancy gap and reduce the unacceptably high rates of child mortality in Aboriginal and Torres Strait Islander people.
- 10.16 As a first priority, the Government has asked the council to consider workforce development issues and make recommendations in respect of workforce development and sustainability.
- 10.17 The National Indigenous Health Equality Council will also provide national leadership in responding to the Government's commitment to closing the gap on Indigenous disadvantage by providing advice to Government on working towards the provision of equitable and sustainable health outcomes for Indigenous Australians.
- 10.18 In 2004–05, 26 per cent of Indigenous women reported their health as fair or poor.<sup>89</sup> Eighty-five per cent of Indigenous women reported at least one long-term health condition, compared to 77 per cent of Indigenous men. Compared to non-Indigenous women, Indigenous women were more than 10 times as likely to report having kidney disease, more than four times as likely to report having diabetes or high sugar levels, and nearly twice as likely to report having asthma.
- 10.19 Indigenous women were more likely than Indigenous men to report high or very high levels of psychological distress (32 per cent compared to 21 per cent). After adjusting for age, Indigenous women are twice as likely as non-Indigenous women to report high or very high levels of psychological distress.
- 10.20 On 20 March 2008, the Australian Government and representatives of the Aboriginal and Torres Strait Islander Peoples of Australia signed a statement of intent to work together to achieve equality in health status and life expectancy between Indigenous and non-Indigenous Australians by the year 2030.
- 10.21 Current health initiatives, which will help to increase Indigenous people's health and life expectancy, include:
  - the Healthy for Life program—to improve the quality and availability of child and maternal health services and to prevent, detect and manage chronic disease
  - the New Directions: An Equal Start in Life for Indigenous Children program—to improve the health and education of Indigenous children and their mothers through access to comprehensive mothers' and babies' services, programs to address rheumatic fever, and accommodation for Indigenous women from remote areas who need to travel to regional centres to give birth
  - the New Directions Mothers and Babies program—to improve Indigenous women's access to antenatal and postnatal care and improve Indigenous children's health
  - the Health@Home Plus program—to improve health and wellbeing outcomes for Indigenous children and their families through the provision of a nurse-led home visiting program
  - the Social and Emotional Well Being strategy 2004–09—to guide improvements in Indigenous people's mental health and their social and emotional wellbeing
  - an investment of over \$19 million over three years for a national Indigenous health workforce training plan—to encourage more Indigenous people to take up careers in

the health sector.

- 10.22 The states and territories have also implemented many services to address the health needs of Indigenous women. For example:
- The New South Wales Government has implemented the Aboriginal Maternal and Infant Health strategy and the Alternate Birthing Services program.
  - The Victorian Government runs the Koorie<sup>90</sup> Maternity Services program.
  - The Queensland Government has implemented the new Indigenous Health Package and the Healthy Women's initiative focusing on Indigenous women in rural and remote areas.
  - The Northern Territory Government employs nurses and Indigenous Health Workers as Women's Health Educators and runs the successful Strong Women Strong Babies Strong Culture antenatal education program.
  - The South Australian Government is developing culturally appropriate maternity services for Indigenous women and an antenatal educational resource to increase access to culturally appropriate antenatal education.
  - The Western Australian Government runs the Kulunga Research Network to improve outcomes on issues ranging from fetal alcohol syndrome to Indigenous self-esteem. The comprehensive Western Australian Aboriginal Child Health Survey analysed the complex range of factors affecting Indigenous children's health and wellbeing in the state.

#### Rural and remote women

- 10.23 As geographic remoteness increases, so do the rates of mortality and morbidity among females in Australia.
- 10.24 In February 2008, the Australian Government completed an audit of health workforce shortages in rural and regional Australia. The Government will use the findings to guide the ways to improve health services in rural areas.
- 10.25 The Medical Specialist Outreach Assistance program addresses the comparatively higher burden of disease of people in rural and remote communities by reducing waiting lists for patients to get treatment. A range of specialists travel to rural and remote locations to provide fertility, sexual health, and general gynaecology and obstetric services. In 2006–07 more than \$970,000 was allocated to these types of services in all states and the Northern Territory. This funding enabled more than 9,100 women in rural, remote and very remote locations to consult with a specialist.
- 10.26 The Australian Government continues to fund the Rural Women's General Practice Service and it is providing up to \$247 million over four years from 2007–08 to 2010–11 for the Royal Flying Doctor Service. The flying doctor service primary and community health care services for women include pre-natal and post-natal support, cervical screening, breast and skin examinations, family planning consultations, health promotion, counselling, and child health services, such as immunisation programs.
- 10.27 In 2008, the Rural Health Specialist Obstetrician Locum Scheme received a funding increase of \$5.9 million over three years to provide women in rural areas with more access to quality obstetric care.
- 10.28 The Northern Territory Government ensures pregnant women in remote areas receive support from primary health care staff in their own communities through visiting medical practitioners and a number of specialist remote midwives. Programs like the Patient Assistance Travel Scheme assists patients from remote areas to access emergency and specialised health care. As well, specialisation in medicine and continuing advances in

sophisticated equipment and technology have led to centralised facilities operating from major centres.

- 10.29 New South Wales has implemented initiatives under the NSW Rural Health Plan which have had a positive impact on many women's lives, with more services now being offered closer to where people live, including specialist services in regional centres that were previously only available in cities. The Rural Antenatal Care project is a new initiative for pregnant women living in rural and remote areas, which provides free antenatal care for pregnant women in shared care arrangements between obstetricians, general practitioners and midwives.
- 10.30 The Queensland Government is committed to improving access to health information and services for rural women, including for Indigenous women living in remote communities.
- 10.31 Under the Rural and Remote Women's Health program, operated by the Royal Flying Doctor Service, a visiting general practitioner provides services to women in rural and remote Queensland. Also, women in 72 communities across rural and remote Queensland have access to women's health clinics. The Mobile Women's Health Nurses Service provides a range of women's health services, particularly cervical screening to women living in rural and remote areas of Queensland. Current areas of work within Queensland Health relate to improving rural maternity services, including planning for a mobile antenatal and postnatal outreach service.
- 10.32 The South Australian Women's Information Services conducts outreach visits to rural areas to meet with service providers and rural women's health nurses, links rural women to service providers through its toll-free information line, provides information 'hubs', and distributes information on financial literacy and domestic and family violence. The Rural Women's Telephone Counselling Service offers confidential information, referrals and phone counselling for women who live outside metropolitan areas.
- 10.33 The Western Australian Country Health Service is the single biggest Area Health Service in the state, and the largest country health system in Australia. It services an area of some 2.55 million square kilometres with a combined regional population of 454,000 people, including 44,900 Indigenous people.

#### Migrant women

- 10.34 Migrants bring to Australia their own unique health profiles. Research has found that most migrants enjoy health that is at least as good as, if not better than, that of the Australian-born population. Immigrant populations often have lower death and hospitalisation rates, as well as lower rates of disability and lifestyle-related risk factors.<sup>91</sup>
- 10.35 In 2004, the Australian Government established the Community Partner's program, an aged care program for Australia's culturally and linguistically diverse communities, providing \$23 million over four years. The program builds links between people from the community and helps aged care service providers understand the needs of older people within them.
- 10.36 State and territory governments provide a range of health programs and services for migrant and refugee women. The Tasmanian Government funds the Bi-cultural Community Health program, which addresses health issues affecting refugees, including female genital mutilation and other harmful traditional practices. There are refugee clinics in the north and south of Tasmania to support new arrivals, and liaison officers work in the major hospitals. The Tasmanian Government has also supported educational projects for young refugees focusing on education about their rights and responsibilities in relation to sexual health and relationships.
- 10.37 The Queensland Government has provided funding to the Queensland Refugee Health Service, which will start in 2008 with six refugee health clinics. The service will provide a

coordinated statewide health service for refugees, special humanitarian entrants and asylum seekers. Through its Multicultural Assistance Program, the Queensland Government also provides grants to a number of community organisations for projects, including recent projects to address migrant and refugee women's health needs, support for African refugee families, seminars on female genital mutilation and violence against women, and the development of an information handbook for women from Cambodia and the Cook Islands.

- 10.38 An annual audit of services conducted by the New South Wales Government in 2006–07 showed that \$45.7 million was spent on specific health services targeting ethnic communities. In the same period, the New South Wales Health Care Interpreter Service provided 412,477 occasions of service, most of which were to women.

### Women with disability

- 10.39 The Australian Bureau of Statistics conducts the Survey of Disability, Ageing and Carers every five years. The most recent survey occurred in 2003. The survey collects information on people with disability, older people (aged 60 years or over), and people who care for an older person or a person with disability.<sup>92</sup>
- 10.40 Based on the survey results, an estimated 3.9 million Australians (20 per cent of the population) had some form of disability in 2003. Accident or injury was the top known cause of disability for males (18 per cent); disease, illness or hereditary causes led for females (16 per cent). Males were more likely than females to have work-related disabilities (15 per cent versus 6 per cent).

### Older women

- 10.41 In response to population ageing, Australia is committed to improving older people's health. At age 65, Australia's females can now expect to live to 86.4 years old.<sup>93</sup> Over 90 per cent of the gain in increased life expectancy for females is estimated to be time spent with disability, including 58 per cent of the gain being spent with profound or severe limitation.<sup>94</sup>
- 10.42 Coronary heart disease and cerebrovascular disease (notably stroke) were the two leading causes of death, accounting for about 30 per cent of all deaths among older males and females in 2005. These diseases are also major causes of disability among older Australians.<sup>95</sup>
- 10.43 Every year the Australian Government spends some \$5 billion combating cardiovascular disease, mostly through the Medicare Benefits Schedule and through the Pharmaceutical Benefits Scheme, but also through a wide range of other programs, such as the National Health and Medical Research Council.
- 10.44 The Australian Capital Territory Government funds community-based exercise programs to improve older women's participation in physical activity to reduce the risk of health problems.

## Health issues for Australian women

### Antenatal and postnatal depression

- 10.45 Around one in 10 Australian women experience depression during pregnancy, and almost one in five experience it in the weeks and months after giving birth. From 2008–09, the Australian Government is providing \$55 million over five years to implement a national perinatal depression plan.

### Cancer

- 10.46 Australia has national population screening programs for breast, cervical and bowel cancers. Screening services are free to women in the target age group (for breast

screening) and to men and women participating in bowel cancer screening. Medicare rebates are available for costs associated with cervical screening.

- 10.47 The number of women in Australia diagnosed with breast cancer continues to increase; it is the most prevalent form of cancer in women. More women, however, are now surviving the illness. Breast cancer is the most common cancer experienced by Indigenous women, but the incidence rate is lower than for the non-Indigenous population.<sup>96</sup>
- 10.48 Early detection through population-based screening and effective follow-up treatment has been a major contributing factor to breast cancer survival. The Australian and state and territory governments continue to fund BreastScreen Australia (the national population-based mammogram screening program) and run awareness raising campaigns.
- 10.49 In the 2008–09 Budget, the Australian Government committed \$12 million over four years to recruit, train and employ 30 new breast cancer nurses in rural and remote areas. The Government has also allocated \$31 million over four years to reimburse up to \$400 for both new and replacement external breast prostheses for women who have had a mastectomy because of breast cancer.
- 10.50 In early 2008, the Australian Government launched a media campaign alerting women to the symptoms of ovarian cancer. The campaign was in response to a survey, which showed that many women are unaware of the warning signs of Australia's most fatal gynaecological cancer. In the 2008–09 Budget, the Australian Government committed \$5.1 million over three years to the National Centre for Gynaecological Cancers.
- 10.51 The Australian and state and territory governments continue to fund the National Cervical Screening program. Since it began, the number of new cases of cervical cancer has fallen, as has the death rate. In 2004, 718 new cases of cervical cancer were detected and in 2005, 216 deaths were due to cervical cancer. During 2005 and 2006, Pap smears were provided to 3.5 million women aged 20 to 69 years, representing 61 per cent of all women in the age group.<sup>97</sup>
- 10.52 Over four years from April 2007, \$571 million has been allocated to fund inoculation of girls aged 12 to 18 years with the human papillomavirus (HPV) vaccine, Gardasil, with a catch-up program available until June 2009 to women aged 18 to 26 years. The vaccine protects against most types of HPV that can lead to cervical cancer. The Australian and state and territory governments continue to publicise and reinforce the importance of regular Pap smears to ensure early detection of cervical cancer and precancerous cervical abnormalities.<sup>98</sup>

## Mental health

- 10.53 The Australian Government recognises that mental health is a major problem for the Australian community and is committed to reforming the mental health system. In February 2006, COAG agreed to a national action plan on mental health. The plan provided a strategic framework that emphasised coordination and collaboration between government, private and non-government providers to deliver a more seamless and connected care system so that people with mental illness could participate more in the community. For more information about Australian Government mental health initiatives, see paragraphs 552 to 555 in Australia's Common Core Document, June 2006.

## Sexually transmissible diseases

- 10.54 Notifiable sexually transmissible infections (STIs) in Australia include HIV, gonorrhoea, infectious syphilis and chlamydia. In general, the notification rates of these infections are increasing.
- 10.55 During the period 2001 to 2007, using data adjusted for multiple reporting, there was a 43 per cent increase in the number of new HIV diagnoses in Australia. However, Australia has low HIV/AIDS prevalence in all populations, including among gay and other

homosexually active men, injecting drug users and women self-identifying as sex workers, when compared with other countries. Of the 983 cases of newly diagnosed HIV infection in Australia in 2007, 140 cases or around 17 per cent were in women.

- 10.56 The population rate of diagnosis of gonorrhoea increased by 29 per cent over the period 2002 to 2006 but fell by around 11 per cent between 2006 and 2007. Approximately 34 per cent of the reported 7,604 cases in 2007 were in women. Infectious syphilis cases increased from a population rate of 3.1 in 2004 to 6.6 in 2007 per 100,000 population. Approximately 11 per cent of the reported 1,379 cases were in women. Within females, women aged 20–29 years had the highest numbers of reported cases of gonorrhoea.
- 10.57 Chlamydia was the most frequently reported notifiable condition in Australia in 2007, with 51,867 reported diagnoses. The population rate of diagnosis was 245 per 100,000 population, representing a 7 per cent increase over the previous year. Young, sexually active people are overwhelmingly the most at risk. Because untreated chlamydia can lead to infertility in infected women, the increased incidence and high prevalence in women aged between 15 and 29 years is of serious concern.<sup>99</sup>
- 10.58 The National Sexually Transmissible Infections Strategy 2005–08 guides the Australian Government's approach to prevention of sexually transmissible infections. The strategy is being reviewed in 2008.

#### Family planning

- 10.59 The Australian and state and territory governments fund family planning and antenatal services, which generally provide free sexual and reproductive advice. State and territory governments are responsible for legislation relating to the performance of abortions. Each jurisdiction has different legislation governing the circumstances when pregnancy can be terminated. The Australian Government respects the rights of state and territory governments to manage legislation relevant to their jurisdictions, and has not announced any plans to intervene in abortion legislation.
- 10.60 The need for a termination is essentially a matter for the professional clinical judgment of the medical practitioner concerned, acting in accordance with state and territory laws. Doctors have an obligation to advise patients of the possible physical and mental effects that might occur as the result of any medical procedure, including termination of pregnancy. It is ultimately an individual woman's decision, made in consultation with her treating medical practitioner, whether to terminate her pregnancy.
- 10.61 The Australian Government is aware of the current debate on decriminalisation of abortion in Victoria. In Victoria, law reform to decriminalise abortion is currently before the Parliament. In Western Australia, the Acts Amendment (Abortion) Act 1998 repealed four sections of The Criminal Code and enacted a new section 199 to remove offences relating to procuring abortion and placed regulations in the Health Act 1911 to regulate the performance of abortion. This amendment allows abortions when the woman has given informed consent; the woman will suffer serious personal, family or social consequences; or serious danger to the woman's physical and mental health will otherwise result. Abortion has been decriminalised in the Australian Capital Territory.
- 10.62 The Australian Government funds a range of family planning organisations and national bodies to promote women's choice and access to sexual and reproductive health services. Medicare ensures that all Australians have access to free or subsidised treatment by eligible health practitioners. For an individual to be eligible for a Medicare rebate, the termination must be provided in line with state and territory law.
- 10.63 Women experiencing an unintended pregnancy, or who are uncertain about whether to continue with a pregnancy, are able to access subsidised Pregnancy Support Counselling from an eligible general practitioner or psychologist, social worker or mental health nurse. The National Pregnancy Support Helpline also provides professional and non-directive

advice 24 hours a day, seven days a week. The Western Australian Government also provides free counselling services for unplanned pregnancies.

- 10.64 Estimated national figures show that the number of induced abortions in Australia in 2003 was about 84,000. The highest number of induced abortions was estimated among women aged between 20 and 24 years and the lowest among girls aged younger than 15 years. The estimated induced abortion rate peaked at 21.9 in 1,000 women aged between 15 and 45 years in 1995 and has steadily declined since 1996.<sup>100</sup>
- 10.65 In 2006, there were 10,552 births to mothers aged younger than 20 years, accounting for 4.0 per cent of all births. As a proportion of all births, teenage births have declined since 2003.<sup>101</sup> In 2006, the teenage fertility rate of Indigenous teenage women was more than five times the fertility rate of non-Indigenous teenage women.<sup>102</sup>
- 10.66 In response to high teenage pregnancy rates comparative to other Australian jurisdictions, the Tasmanian Government has funded a multi-agency teenage pregnancy prevention initiative, Making Choices, that aims to increase young women's awareness of pregnancy, relationship and parenting options.
- 10.67 The abortion drug, RU486, is not approved for marketing in Australia but individual doctors can apply to prescribe and supply it. Since April 2006, approval has been given to 33 doctors for the use of RU486 as Authorised Prescribers subject to state and territory law and to stringent conditions, including that the authorisation is closely monitored by the ethics committee of the hospital in which the practitioners work. Before the Australian Therapeutic Goods Authority<sup>103</sup> can register a medicine for use for a specific clinical indication, it must receive, evaluate and approve an application from a sponsor. The agency has not received any application to register RU486 in Australia. The agency is not able to compel a manufacturer of a medicine or any other party to sponsor an application for registration in Australia.

#### Female genital mutilation

- 10.68 It is a criminal offence to perform female genital mutilation in Australia. For information about female genital mutilation, see paragraphs 7.19 to 7.21.

# 11 Article 13:

## Economic and social participation

- 11.1 In Australia, women are free to participate in all aspects of social and economic life. The Australian Government respects the choices of Australian parents to work or to stay at home to care for family members—Australia values and supports unpaid work and caring roles. The Government is also committed to giving women opportunities to increase their workforce participation. For more information about women’s economic participation, see paragraphs 9.1 to 9.65.
- 11.2 Australian men and women continue to have equal rights to access bank loans, mortgages and other forms of financial credit. Access to Australian Government income support and financial assistance is based on personal circumstances, not on sex.

## Unpaid work and its effect on economic and social participation

- 11.3 Since Australia’s last report on CEDAW in 2003, the Australian Bureau of Statistics has undertaken another time use survey. The results showed that gender inequalities in unpaid work in Australia persisted in 2006 and the extent of the inequalities has changed very little over time.<sup>104</sup> For more information about the time men and women spend in unpaid work, see paragraphs 3.2 to 3.3.

## Caring for children, people with disabilities and the elderly

- 11.4 Women continue to take on a significant proportion of caring responsibilities for children and adults, which still affects their capacity to participate in economic life to the same extent as men.
- 11.5 About 2.6 million Australians provide care to others who need assistance because of old age, disability or medical condition. Seventy-one per cent of primary carers of children, young people with intellectual and developmental disorders, and elderly relatives are women.<sup>105</sup> In 2003, most (58.2 per cent) female primary carers spent 20 hours per week or more caring for an elderly person or a person with disability. Of these, 39.5 per cent spent more than 40 hours per week in their caring role.
- 11.6 Compared to women without caring responsibilities, female primary carers had a lower labour force participation rate, a lower median gross income per week, and were more likely to have a government pension or allowance as their principal source of income.<sup>106</sup> Female carers have increasingly become part of the ‘sandwich generation’, providing care for both children and adults, such as ageing parents and spouses. For more information about the effect of women’s caring on economic participation, see paragraphs 9.21 to 9.40.
- 11.7 As well as affecting women’s economic participation, research indicates that compared to female non live-in carers, female live-in carers have more negative outcomes in mental health, less social support, higher stress, more sleep problems and physical symptoms, and heavier use of health services.<sup>107</sup>

## Volunteering

- 11.8 The Australian Government acknowledges the generous and valuable contribution that

volunteers make to our society. Since 2001, the Government has provided over \$62 million to around 29,000 community organisations to support their volunteers.

- 11.9 Women undertake volunteering to a greater extent than men. In 2006, 36 per cent of women compared to 32 per cent of men volunteered. With few exceptions, the gender difference persisted regardless of birthplace, family status, labour force status, or the areas where people lived. The median time spent in voluntary work per year was 60 hours for women and 52 hours for men. Women aged 35 to 44 years were in the age group most likely to volunteer (48.2 per cent). This age group includes a large number of parents with dependent children who had a volunteer rate of 50 per cent compared to 32 per cent for female partners without dependent children.<sup>108</sup>

## Australian Government financial assistance

- 11.10 More women than men are welfare dependent. Parenting Payments, Carer Payments and Partner Allowances are paid predominantly to women. Both the number and percentage of female Disability Support Pension recipients continue to gradually increase. However, females represent less than 44 per cent of all people receiving the Disability Support Pension.

### Family benefits

- 11.11 The Australian Government is firmly committed to a strong social security safety net for individuals and families, including families headed by a female sole parent. In Australia, approximately 87 per cent of sole parent families are headed by women. Over 90 per cent of income support recipients who are principal carers of children are women. In 2003–04, government pensions and allowances were the principal source of income for 61 per cent of one-parent families.<sup>109</sup>
- 11.12 Australia has a comprehensive family payment system, structured to provide substantial financial assistance to families. The system also supports families' choices about work and family responsibilities. The primary family assistance payment is the Family Tax Benefit, delivering around \$16 billion per year in assistance to families (see Australia's 2003 report on CEDAW and paragraphs 344 to 346 of Australia's Common Core Document, June 2006). Recognising the extra costs incurred at the time of a birth or adoption of a baby, the Government pays parents a one-off payment, known as the Baby Bonus (see paragraph 9.37). The Australian Government also pays Parenting Payments to eligible parents, grandparents, foster carers and sole parents.

### Financial assistance to older Australians

- 11.13 Australia continues to provide financial assistance to older Australians. The Age Pension is paid as a safety net for seniors with few other resources and supplements the income of seniors with more resources. Of 1,952,686 people paid the Age Pension in 2006–07, just over half were women.
- 11.14 Since Australia's last report on CEDAW in 2003, seniors have received extra support, including the Utilities Allowance to help older Australians who are on income support pay regular bills, such as gas and electricity.
- 11.15 Pensioners may also receive a range of add-on allowances including Pharmaceutical Allowance, Telephone Allowance, and Remote Area Allowance (to help people living in remote areas). Pensioners also have access to a range of concessions and subsidies, including for health care and pharmaceuticals, public transport, council/municipal rates, electricity, and motor vehicle registration.

### Financial assistance for carers

- 11.16 There are two main forms of financial assistance to carers—Carer Payment for people who, because of the demands of their caring role, are unable to support themselves through substantial workforce participation; and Carer Allowance, for people who provide daily care and attention in a private home to a person with disability, a severe medical condition, or who is frail aged.
- 11.17 Each year since 2004, the Australian Government has paid a lump sum bonus of \$1,000 to Carer Payment recipients and \$600 to Carer Allowance recipients. From June 2008, Carer Payment recipients started to receive an annual Utilities Allowance of \$500.

#### Financial assistance for people with disability

- 11.18 The Australian Government provides Disability Support Pensions to eligible people irrespective of gender. From June 2008, Disability Support Pensioners started to receive an annual Utilities Allowance of \$500. Like other pensioners, eligible Disability Support Pensioners receive a range of add-on allowances, concessions and subsidies.

#### Other financial assistance

- 11.19 The Australian Government provides other types of financial assistance to eligible people, including the War Widows Pension, Service Pension and Crisis Payment (a one-off payment designed to help people who are in severe financial hardship). Crisis Payment is payable to victims of extreme circumstances (typically natural disaster victims), domestic violence, recently released prisoners and humanitarian entrants.
- 11.20 The Australian Government has committed to investigating measures to strengthen the financial security of seniors, carers and people with disability, including a review of the Age Pension, Carer Payment and Disability Support Pension, as part of its inquiry into Australia's Future Tax System. The Pension Review will investigate the appropriate levels of income support and allowances, the frequency of payments, and the structure and payment of concessions or other entitlements. The Pension Review will be completed by the end of February 2009. The report on the review will inform the broader inquiry into Australia's Future Tax System, which will conclude by the end of 2009.

## Support services and assistance

#### Carer support services

- 11.21 The Australian Government supports services for carers of frail older Australians and younger people with disability through the joint Australian and state and territory government-funded Home and Community Care program. The program funds a number of services, such as respite, counselling and support, specifically designed to help carers. In 2007–08, the Australian Government contributed over \$1 billion nationally for Home and Community Care services.
- 11.22 The Australian Government's National Respite for Carers program is provided through the Department of Health and Ageing. Around 600 respite services across Australia provide respite care, information and other support for carers. The program also funds 54 Respite and Carelink Centres that help carers access emergency and short-term respite and provide information about local carer support services. In 2006–07, around 129,800 carers were assisted under the program.
- 11.23 Residential respite is also available to carers through residential aged care facilities. In 2007–08, the Australian Government provided just over \$188 million to subsidise costs for facilities that provide respite for carers. The Government also funds the Respite Support for Carers of Young People with Severe and Profound Disabilities program. The Respite and Information Services for Young Carers program also helps carers aged up to 25 years who are at risk of leaving education prematurely.
- 11.24 The House of Representatives Standing Committee for Family, Community, Housing and

Youth is conducting an inquiry into support for carers. The inquiry aims to provide a greater understanding of the challenges facing carers and their support needs. The committee will report in early 2009.

### Support for people with disability

- 11.25 The National Disability strategy is a major Australian Government commitment that will provide an overarching policy statement and framework outlining priority actions nationally and for state and territory governments. The strategy will address the complex needs of people with disability and their carers and build strategies and innovations to move away from crisis management to early intervention. It will deliver a whole-of-government, whole-of-life approach to disability issues and will incorporate the principles of the United Nations Convention on the Rights of Persons with Disabilities. The National Disability strategy will be an important cornerstone of the Australian Government's commitment to promoting social inclusion for all Australians.
- 11.26 The Commonwealth Disability strategy is a strategic framework for including participation by people with disability in Australian Government policies, programs and services by removing barriers. The strategy is currently being reviewed in response to recommendations from an independent evaluation report released in November 2006 and will be aligned with the objectives of the National Disability strategy.
- 11.27 In 2008 the Australian Government established the Disability Investment Group to explore innovative funding ideas from the private sector that will help people with disability and their families access greater support and plan for the future.

### Other measures to help people with disability

- 11.28 The Disability Discrimination Act 1992 provides that all publicly accessible buildings should be accessible to people with disability, unless altering the building to provide access would cause unjustifiable hardship. In 2006, a proposal for Disability Standards for Access to Premises was put to the Australian Government to codify building requirements to comply with the Disability Discrimination Act 1992 in order to improve availability and provide greater certainty about how to provide non-discriminatory access. An advisory group was also established in late 2007 to consider the proposal and make recommendations on a number of unresolved issues. The Government is presently considering the advisory group's report and is likely to make a decision on the proposal later in 2008.
- 11.29 The Disability Standard for Accessible Public Transport 2002 (Transport Standards) establishes minimum accessibility requirements with which operators and providers of public transport conveyances, premises and infrastructure must comply. The Transport Standards are currently under review to examine whether discrimination has been removed as far as possible, according to the compliance requirements of the Transport Standards, and will assess the need for amendments to the Transport Standards. The review will involve consultation with all levels of government, including the states and territories, and interested people.
- 11.30 These measures provide a response in some measure to the CEDAW Committee's 2006 Concluding Comment in paragraph 27 regarding the development of infrastructure needed to ensure that disabled women have access to all health services.

### Housing assistance

- 11.31 The Australian Government recognises that access to affordable and appropriate housing is essential to all Australians and that women, particularly those with children, are particularly vulnerable.
- 11.32 A new Housing Working Group, chaired by the Australian Government Minister for Housing, will report to COAG on measures to address the problems of housing

affordability and homelessness. The Australian Government is implementing a range of new initiatives, including first home saver accounts, a housing affordability fund and a national affordability scheme.

- 11.33 The Australian Government supports women and children who are homeless or at risk of becoming homeless as a result of domestic violence through the Supported Accommodation Assistance program. From 1 January 2009, funding for the Supported Accommodation Assistance program will be incorporated into a new national affordable housing agreement. Under the new A Place to Call Home initiative, the Government will invest \$150 million over five years to provide 600 new houses and units for homeless people across the country. For information about housing and domestic violence, see paragraphs 14.71 to 14.73.
- 11.34 In late 2008, the Australian Government will release a white paper on homelessness that will set out a national action plan for reducing homelessness over the next decade.
- 11.35 The New South Wales Government provides a range of housing programs and products to help people most in need including Priority Public Housing assistance, which can help women at risk of homelessness. In 2006–07, women headed over 61 per cent of households in subsidised public housing in the state, and over 34 per cent of women receiving priority housing were escaping domestic violence. Almost 60 per cent of older public housing tenants were women. Current and future initiatives under the Housing and Human Services Accord provide housing assistance and support to women exiting prison, young women leaving out-of-home care, young parents, and women at risk of homelessness.

## Improving Australian women's financial security and knowledge

### Superannuation

- 11.36 Compared to men, women in Australia are less likely to have superannuation and more likely to have lower superannuation savings.
- 11.37 In 2003, the Australian Government introduced the superannuation co-contribution scheme to help people on low incomes save for their retirement. Under the scheme the Government matches (up to a maximum of \$1,500 per year) eligible people's after-tax personal contributions to superannuation. Women in particular have benefited from this initiative. During 2006–07, 59 per cent of people who received a co-contribution were female.<sup>110</sup>
- 11.38 In 2004, the Australian Government removed the restrictions on contributing to superannuation for individuals aged less than 65 years who were not in the workforce. This means women can now make voluntary contributions to superannuation even when they are not working.

### Financial literacy

- 11.39 A survey in 2005 found that women were over-represented in groups displaying lower levels of financial literacy in Australia, and that lower levels of financial literacy were related to lower retirement savings balances.<sup>111</sup> In 2005, the Australian Government established the Financial Literacy Foundation to work in partnership with governments, industry and community organisations to advance financial literacy in Australia.
- 11.40 In response to a recommendation in a House of Representatives Committee report,<sup>112</sup> the Financial Literacy Foundation and the Australian Government Office for Women (in consultation with a national women's secretariat, Security4Women) produced a free resource to help women of all ages and income levels to build their money management

skills. Launched and distributed in April 2008, the Women Understanding Money resource covers essential and practical information on important financial topics from budgeting to investing and making the most of superannuation.

- 11.41 In 2007, the Australian Government Office for Women also released *Your guide to effectively communicating superannuation and financial literacy messages to women*, a summary guide to help policy-makers, financial counsellors and the financial services industry effectively communicate superannuation and financial literacy messages to women during key stages of their lives.
- 11.42 The South Australian Government funds education for women about personal finances, including superannuation sessions and a variety of publications, delivered by the Women's Information Service. The service has also worked with the state's Office for Consumer and Business Affairs to provide community education on consumer rights and product safety. The South Australian Government's Social Inclusion initiative considers innovative ways to address some of the state's most difficult social problems and has a strong emphasis on providing opportunities for the most vulnerable members of the community to participate in the state's social and economic life.
- 11.43 In 2008, the Northern Territory Government launched *Building on Our Strengths: A Framework for Action for Women in the Northern Territory 2008–12*. The plan identifies participation and leadership and economic security as key areas needing ongoing work and outlines priority government actions to advance the lives of all territory women.
- 11.44 The Western Australian Government recently undertook a thorough research and consultation process to identify priority issues facing women in the community. Achieving life-long economic security emerged as a key theme women want addressed. *Superwoman Women and Superannuation—Securing your Future*, is a booklet that aims to help women think about the retirement lifestyle they want; work out how much money they will need; and help develop an action plan for their financial future. Further, since 2003, the Western Australian Government has managed a community grants program, which provides funding for women's groups and community organisations for short-term projects that strengthen the social and economic wellbeing of women.
- 11.45 The Victorian Government developed a financial literacy training program for women and commenced delivery in September 2008 to help women become more financially secure throughout their working lives and in retirement. Over the next four years, over 2,500 adult women of different ages—including women from diverse cultural and linguistic backgrounds, Indigenous women and women from rural and regional Victoria—are expected to attend literacy workshops across the state. An online website training tool will supplement the workshops.

### Women in small business

- 11.46 All levels of government encourage and help women in small businesses. In New South Wales, women account for nearly one-third of all business operators and are co-partners in approximately 60 per cent of small businesses. The New South Wales Department of State and Regional Development supports business women through the Women in Business Mentor and Workshop programs for participants to increase their business skills; growth strategy workshops to provide women business owners with networking opportunities and business skills; and an e-learning Women in Business initiative to help women in remote and regional locations start up businesses.
- 11.47 The Victorian Government has launched the Showcasing Women in Small Business program, which helps female small business operators understand and access business finance. The program holds seminars and distributes information on accessing finance. To date, the program has assisted more than 3,000 women around Victoria to better understand finance.

- 11.48 In Western Australia, there are an estimated 196,000 small businesses with around 35 per cent of those currently operated by women. The Small Business Development Corporation assists women in business access the right information, the right people and the right networks. The corporation has recently launched the online Women in Business Network.
- 11.49 The Women in Business Micro-Credit program is a joint program run by the Tasmanian Government and the No Interest Loan Scheme network of Australia. The program is designed to increase business planning and management skills among women and provide start-up financial assistance packages to successful applicants. The Tasmanian Government also provides grants to enable women to participate more fully in economic and social life, including the Women's Development Small Grants program which funds projects to promote equal opportunities for women.

## Leisure activities

- 11.50 Results from the 2006 Australian Time Use Survey showed that men still spend more time than women in recreation and leisure activities. Between 1997 and 2006, the time spent in recreation and leisure activities reduced for both men and women, although the decrease was greater for women than for men. This means that the gender gap in leisure activities has widened from 29 minutes per day to 32 minutes per day.<sup>113</sup>
- 11.51 Time Use Research Fellowships research also shows that as women spent significantly more time than men in unpaid work in the home, women spent much less time in leisure regardless of the hours spent in paid employment and the day of the week.<sup>114</sup> The research also found that a significantly higher proportion of women's leisure activities than men's are conducted in combination with unpaid work. Compared to men, women's leisure activities are shorter in duration and are more often interrupted by child care and housework demands.<sup>115</sup>

## Participation in sports and physical recreation

- 11.52 As part of its ongoing effort to increase women's participation in sport and leisure activities, the Australian Government's support for women and sport projects at the Australian Sports Commission exceeded \$4 million from 2003 to 2008. Additional resources are provided in the areas of coaching and officiating, Indigenous sport, and disability and after school sport initiatives that include elements to address gender issues. Since 2005, the Australian Sports Commission's Building a Better Sport: Better Management Practices framework has also guided work to identify an improved model of management and cultural change within sporting organisations to address gender inequity.
- 11.53 The Sport Leadership Grants for Women program has distributed more than \$2 million to 15,500 women throughout Australia since 2003. The grants are for accredited sport leadership training in coaching, officiating, sport administration and management, and governance. Grants target five key areas—women in high performance coaching and officiating, Indigenous women, women in disability sport, and women in general sport leadership. Over half of distributed funds reached women in rural and remote areas.
- 11.54 The Disability Education program responded to the need for training and resource material for national and state and territory sport organisations, coaches, teachers, and community leaders to help them include people with disabilities. Since July 2003, around 21,000 people across Australia have completed the training. Many participants are associated with the disability and education sectors, which traditionally have a high proportion of female representation. Sports CONNECT (formerly project CONNECT) also involves 30 national sport organisations working towards the common goal of making sport more inclusive of people with disabilities.
- 11.55 The Indigenous Sport program aims to increase the number of Indigenous Australians

participating in structured sport programs, and to develop Indigenous people's coaching and officiating skills. From July 2003 to March 2008, 190,566 Indigenous females (158,354 girls and 32,212 adult women) participated in structured sporting programs. Over 1,400 women completed accredited coaching/officiating courses and had financial support to attend national or international sporting events under the Elite Indigenous Travel and Accommodation Assistance program.

- 11.56 In 2006–07, the Australian Government commissioned research to examine how culturally and linguistically diverse women participate in sporting activities, such as coaching, playing, refereeing and administration. The research found that barriers to this group of women participating in sport included socio-cultural issues, difficulty in accessing appropriate facilities, lack of resources, and personal barriers. The research results will provide input to Australian Government policy, which aims to support and encourage these women to participate more in sport.<sup>116</sup>
- 11.57 State and territory governments have programs in place to encourage and support women in sport. For example, in New South Wales, the Women's Sports Leaders Scholarship program has provided scholarships to over 400 women since 1997. The program will be extended to include new Indigenous and Multicultural Women's Sports Leaders programs. Community-based participation programs for women and girls have included the Arabic Girls Multi-Sport program, Austswim and Wims swim swimming courses for women of all ages and from a range of cultural backgrounds, a girls surfing program, and Sport in Focus which aims to increase the numbers of qualified female coaches, officials and administrators. The New South Wales Government has also delivered 'come and try' sports clinics to introduce girls to a new range of sports, and special sports development camps for girls with disability aged from 11 to 18 years.
- 11.58 The Queensland Government conducted 17 successful women and girls' events in 2005 and 2006 in collaboration with Womensport Queensland and the Australian Council for Health and Physical Education and Recreation. The Government is currently developing an 'active' women's and girls' web-based resource to provide practical and user-friendly information.
- 11.59 The Northern Territory Government provides funding to run an ethics program, which provides advice, resources and training to help sport and recreation organisations develop strategies to address harassment and discrimination in their organisations. There is a general code of conduct principle within the Northern Territory Institute of Sport that encourages employment of women coaches, which is traditionally a male-dominated area.
- 11.60 In the Australian Capital Territory, women's participation in physical activity and organised sports is a component of two new initiatives in 2008–09. The Australian Capital Territory Government will provide additional funding for the Sports Loan Subsidy Scheme within the Sport and Recreation Grants program. This program offers opportunities to sport organisations to move towards self-sufficiency in funding capital work improvements. The loans' initiative promotes access to services and facilities to support healthy active lifestyles for all community members through well-designed and maintained sporting facilities.
- 11.61 In 2007–08, the South Australian Government awarded scholarships with a total value of \$30,000 to seven female coaches from a variety of sports under the Women's 2008 High Performance Coaching and Officiating Scholarship program.
- 11.62 The Victorian Government has focused on positive portrayals of women in sport and community life, especially at the 2006 Commonwealth Games in Melbourne, and has been encouraging women and girls to participate in sport and active lifestyles, decision-making and leadership roles such as coaching, officiating and sports administration.
- 11.63 The Tasmanian Government supports women in sport by funding programs targeting

women, including the Get Active program. Introduced in 2004, Get Active aims to enhance the health and wellbeing of women and girls through physical activity. The program specifically seeks to engage women and girls who are not currently physically active and who may have experienced barriers to physical activity, such as lack of confidence, body image, concern for personal safety, costs of participation, transport issues and myths about the dangers of physical activity. In December 2007, the Tasmanian Government launched the Community Recreation Grants program providing funding to address barriers to participation in sport including gender and lack of support structures.

# 12 Article 14:

## Women in rural and remote areas

- 12.1 Most of Australia's population is concentrated in two widely separated coastal regions—the southeast and east, and the southwest. Of the two regions, the southeast and east is the largest in area and population. The population within these regions is concentrated in urban centres, particularly the state and territory capital cities.
- 12.2 Australia is committed to improving services and infrastructure available to rural and remote areas. Some women living in these areas face greater challenges than urban women, including barriers to employment. Indigenous women living in rural and remote areas also have a disproportionate level of disadvantage on a wide range of indicators. For more information about Indigenous women, see the 'Indigenous' entries in Articles throughout this report.
- 12.3 Under the 2008–09 Budget, the Australian Government allocated \$176 million to the Better Regions program which aims to provide important community infrastructure and services in regional Australia. The Government will also spend \$271 million over four years to fund the Australian Broadband Guarantee to ensure all Australians, particularly those in regional and rural areas, have equitable access to broadband services.
- 12.4 Significant parts of Australia are drought affected, leading to great hardship for many rural and remote farming communities. Recognising this, the Australian Government is conducting a national review of drought policy with the aim of supporting farmers to better prepare for a changing climate and to increase profitability, sustainability and self-reliance, including an assessment of the drought's social impacts, to help prepare farmers and local communities for climate change. The review should lead to an improved drought policy by July 2009.
- 12.5 In 2006, the Victorian Government announced the Rural Women, Drought and Climate Change initiative, which acknowledges the significant role rural women play in communities affected by drought and climate change. In 2007, the Victorian Rural Women's Reference Groups on drought and climate change were established in five rural regions and facilitated opportunities for rural women to share information and develop supportive networks to deal with the issues. A statewide conference of national importance on women managing drought and climate change will be delivered in 2009 as part of the initiative.
- 12.6 In South Australia, as part of an overall drought response, the state's Office for Women provided women-specific drought initiatives, which included organising 20 women's gatherings in rural towns enabling women to network and get information; establishing information hubs in rural areas, and providing funds to support ongoing rural women's networks.

## Age and sex distribution in rural and remote areas

- 12.7 Rural and remote Australia differs from urban Australia in its age and sex distribution. The urban population has proportionally fewer people in two age groups—those aged 2 to 17 years and those aged 42 years and over. In contrast, rural and remote Australia has proportionally fewer people aged 18 to 41 years. The largest differences exist for young adults aged 21 to 25 years. This is because many young people are moving to Australian cities to continue their education, for employment opportunities, to achieve independence, or change their lifestyle. In urban areas, there are more women than men, but in rural and

remote Australia, on average, men outnumber women. However, the state and territory sex ratios vary.<sup>117</sup>

## Rural women's initiatives

### National Rural Women's Summit and National Rural Women's Network

12.8 In Labor's Plan for Primary Industries, the Australian Government committed to strengthening the capacity of rural women to participate in policy debate affecting their communities. More than 80 women from rural and remote Australia attended the National Rural Women's Summit hosted by the Australian Government in Canberra on 27–28 June 2008. The summit identified and discussed the scope of issues affecting rural women and their communities and developed a series of recommendations to respond to these issues. The Australian Government will establish a national rural women's network in the context of existing representative structures, taking into account the summit's recommendations on the role and scope of the network.

### National Rural Women's Coalition

12.9 The National Rural Women's Coalition is a collaborative national voice for women living in regional, rural and remote Australia and is one of the National Women's Secretariats. For more information on the National Women's Secretariats, see paragraph 5.32.

### Regional Women's Advisory Council

12.10 Since Australia's last report on CEDAW in 2003, the independent Regional Women's Advisory Council has continued to draw to the Australian Government's attention the issues affecting rural women and their communities. The council encourages informed debate and influences decision-making in seven key areas—encouraging life-long learning, ensuring appropriate and accessible health care, reducing family violence, promoting diversity and inclusion, expanding women's representation, encouraging community engagement in the water debate, and promoting economic development.

## Rural women and employment

12.11 In rural and remote areas, employment opportunities may not be as frequent or varied because of smaller and less diverse economies. As a result, the employment profile of rural women is very different from women in urban areas.

12.12 At the time of the 2006 Census, the labour force participation rate of women aged 15 to 64 years in rural Australia was 68.4 per cent, compared to 79.8 per cent for men in rural areas. The rate was 69.7 per cent for women in major urban areas. In 2006, similar to urban women, women employed in rural Australia were concentrated in the retail trade, health care and social assistance, and the education and training industries. However, in rural areas, 13.9 per cent of employed women worked in agriculture, forestry and fishing compared to only 0.3 per cent of employed women in major urban areas.<sup>118</sup>

12.13 Self-employed women comprised 21.5 per cent of total female employment in rural areas in 2006. This was more than double the proportion for women in urban areas (9.9 per cent). At least in part, this may reflect the fact that women in rural areas tend to be concentrated in the agriculture, forestry, and fishing industries—that is, many may be self-employed on family farms. Almost half of the self-employed women work in the agriculture industry.<sup>119</sup> The income derived by rural business women across Australia is around \$1.2 billion per annum. Most women running these businesses are multi-skilled, often managing a challenging mix of responsibilities including family life, caring for children, assisting on the farm, providing traditional support to community activities, participating in networks, as well as running a growing business.<sup>120</sup>

## Increasing opportunities for regional, rural and remote women

- 12.14 The Australian Government Women in Export program aims to ensure women in business are aware of, and have access to, the full range of services from Austrade (the Government's trade agency). This can help women become successful and sustainable exporters, by encouraging them to export, identifying women exporters as role models for other women, and working with existing women's networks. Activities include holding Women in Export seminars around Australia, encouraging existing women's networks to focus more on export opportunities, and leading the inaugural Women's Business Mission to India.
- 12.15 The former Agriculture Advancing Australia initiative supported rural and remote women by offering opportunities through several programs such as the Advancing Agricultural Industries program and FarmBis. These programs included training in leadership, business and natural resource management; between 2005 and 2008, 6,872 women completed 11,874 FarmBis training courses
- 12.16 From 2004 to 2008, the Tasmanian Government facilitated the Regional Women in Business Week and published the Spirit of Business, both of which provide guidance for rural women in their business enterprise. In 2008, the Tasmanian Women in Rural Industries program helped establish an interactive website and Internet training for rural women. The program has also set up a public database so that rural women can network with industry and share knowledge, skills, achievements and business practices.
- 12.17 In 2008, the Australian Government's Women's Leadership and Development program once again funded a number of projects targeting rural and remote women. This included a project providing leadership training and mentoring for up to 45 women from rural areas, and another project, which provided support for medical women in rural and remote areas to attend the Medical Women's International Association Western Pacific Congress in October 2008.
- 12.18 The New South Wales Department of Primary Industries' Rural Women's Network promotes rural women's leadership through a two-day leadership program and annual Rural Women's Awards. The Rural Women's Network supports the annual Rural Women's Gathering and provides information for rural women through a quarterly newsletter, a monthly email update, and a website.
- 12.19 Queensland's 10-year Blueprint for the Bush strategy aims to create a liveable, prosperous and sustainable rural community. From 2008, as part of the strategy, the Queensland Government will be coordinating a rural women's symposium each year for three years to enhance rural service, programs and policy.
- 12.20 In partnership with the Victorian Office of Women's Policy, the Victorian Government's Rural Women's Network Coordination Unit provided rural and regional grants for the Women's Community Leadership Grants program, which ran between 2002 and 2006 and provided 129 women's leadership grants. The Victorian Government continues to support the Rural Women's Network to promote networking among women and provide opportunities for the exchange of information and ideas. Key communication links are provided across rural Victoria through a free quarterly newsletter, the Rural Women's Network website, and the telephone and mail.
- 12.21 The South Australian Government supports the Women's Agricultural Bureau, the annual Rural Women's Gatherings, and elements of the Rural Women's Award.
- 12.22 The Western Australian Government continues to sponsor the Rural, Remote and Regional Women's Network, which has over 5,800 individual members across the state. The network's role is to bring women together from rural, remote and regional Western Australia to recognise, promote and expand the contribution they make to their communities.

#### Indigenous women, education, employment and health

12.23 For information about Indigenous women and education, see Article 10, about Indigenous women and employment, see paragraphs 9.42 to 9.50, and about Indigenous women's health, see paragraphs 10.13 to 10.22.

#### Rural women, education and health

12.24 For information about rural women's education, see paragraph 8.33, and about rural women's health, see paragraphs 10.23 to 10.33.

# 13 Article 15:

## Equality before the law

- 13.1 Women in Australia are equal before the law, including when they enter contracts and loans, administer property, and when they travel. The Australian Government continues to work to refine legislative protections for women and improve access to the legal system.

## Judicial education and reform

- 13.2 As outlined in Australia's last report on CEDAW in 2003, all members of the Australian judiciary can access education programs that increase their awareness of gender and the legal system and the impact of judicial decisions on women. The Australian Government funds the Australasian Institute of Judicial Administration and the National Judicial College of Australia, both of which provide programs that broaden participants' knowledge of gender issues, and help to address gender bias in the legal system. Several state and territory governments also run gender awareness training through their own judicial education programs. The Queensland Government has launched the Equal Treatment Bench Book, which provides judges with information to ensure that court proceedings are managed in ways that are fair to all litigants and other participants, whatever their circumstances. The bench books cover gender equality, ethnic diversity and Indigenous people. The Western Australian Government also commissioned an Equal Treatment Bench Book in 2007 to ensure a person's cultural or other social background does not disadvantage them in court.

## Family Court of Australia

- 13.3 The Family Court of Australia continues to apply the Family Law Act 1975 and some matters under other legislation such as the Marriage Act 1961 and child support legislation.
- 13.4 The court is working to improve the way that separation and marriage dissolution is managed and ensure that the welfare of children of separating couples is paramount. In 2004, the Family Court, in partnership with the Department of Immigration and Citizenship, began an initiative aimed at improving services to culturally and linguistically diverse clientele. As part of the Living in Harmony program, the court runs community-based information sessions about family law for people from a number of emerging communities, including from Eritrea, Ethiopia, Somalia, Sudan, Afghanistan and Iraq. These sessions help women, many of whom are asylum seekers, to access family law services provided by the family law courts.

## Evaluation of the family law reform package

- 13.5 The Attorney-General's Department and the Department of Families, Housing, Community Services and Indigenous Affairs have joint responsibility for the implementation of the family law reform package and its evaluation. The package includes changes to the law, new services (including the Family Relationship Centres, Family Relationship Advice Line and Family Relationships Online), expanded Early Intervention Services, and expanded Post Separation Services.
- 13.6 In 2006 the Australian Institute of Family Studies was commissioned to evaluate the extent to which the package as a whole has been effective in achieving the objectives of the reforms. The evaluation and associated longitudinal research will measure the initial and continuing impacts of the reforms on Australian families, including those that have experienced, or are experiencing, family violence. The Australian Government expects to receive the evaluation report in late 2009.

## Federal Magistrates Court

- 13.7 The Federal Magistrates Court continues to help litigants resolve a range of federal legal matters. In particular, the Court is a low cost forum for women seeking enforcement of anti-discrimination law and resolution of family law disputes.

## Legal aid

- 13.8 Providing legal aid is a core element in promoting access to justice. It allows disadvantaged members of the community in need of legal assistance to obtain legal services. The Australian Government funds state and territory legal aid commissions to provide legal assistance to disadvantaged people in matters arising under Commonwealth law, mostly family law. Legal aid commissions are independent statutory bodies established under state and territory legislation. In 2007–08, commissions provided 36,782 grants of assistance for Commonwealth law matters. Overall, women received 62.5 per cent of these grants. Of the 33,525 grants for family law, women received 64.7 per cent.
- 13.9 In 2007–08, the Australian Government provided \$178 million in legal aid funding. Of this, \$151 million was spent on family law matters.
- 13.10 The Commonwealth Legal Aid Priorities and Guidelines reflect the Australian Government's commitment to ensuring that women have equal access to justice and legal assistance. Along with a range of other matters, such as those involving children, women at risk of violence are given high priority.
- 13.11 The Commonwealth understands that some legal aid commissions offer services targeted at assisting women, for example training for practitioners regarding domestic violence and specialised information services.
- 13.12 State and territory governments often have specific programs for women through their legal aid services, such as Queensland's Women's Legal Aid Specialist Unit, which provides legal advice, information, representation and specialist social work support to women, as well as working to increase women's access to legal aid services. The unit also oversees the Violence Against Women strategy, administers the Brisbane Court Assistance program and delivers training for legal aid staff, non-government organisations and private legal practitioners on best practice guidelines for working with women affected by violence. Queensland's Legal Aid also implemented recommendations from the Rural Women's Legal Awareness project report, such as providing targeted information and training in legal aid services for Filipino women who are victims of domestic violence.
- 13.13 The New South Wales Government's Legal Aid agency has a civil law division which, in addition to providing core legal aid assistance and services, also provides human rights law, including sexual harassment, sex discrimination, victims' compensation and relationship debt. The New South Wales Government also provides funding to the Women's Family Law Support Service—a partnership project with the non-government sector, which will provide critical additional support to women who are separating from their partners and have experienced domestic violence.
- 13.14 The South Australian Government launched the Women's Information Service Family Court Support program in 2005 to provide support, companionship and information to women going through the Family Court, particularly to domestic violence and abuse victims.

## Community legal services

- 13.15 The Australian Government continues to fund 127 community legal centres across Australia. This includes funding for Women's Legal Services, Indigenous Women's Outreach projects and Rural Women's Outreach Lawyer Services. In 2007–08, funding for the three types of services amounted to nearly \$5 million.

- 13.16 In April 2008, a one-off boost of \$10 million was allocated to the Commonwealth Community Legal Services program, particularly to help community legal centres meet increased demand for their services. Over \$4 million of the funding is to provide increased support to family law work in community legal centres.
- 13.17 As part of the Northern Territory Emergency Response, an extra \$574,500 was allocated to three women's legal services in the Northern Territory in 2007–08, and again in 2008–09. The legal services provide information and advice to women in Indigenous communities and in some circumstances may give legal assistance to women wanting to protect their children.
- 13.18 In 2006–07, community legal services provided assistance to 81,311 female clients (59 per cent of the total number of clients seen). As a proportion of the total number of female clients, 4 per cent reported low English proficiency, 4 per cent reported an Indigenous background, and 10.0 per cent reported having a disability. Women accounted for 2.8 per cent (2,264) of clients reporting low English proficiency, 4.5 per cent (3,683) of clients reporting an Indigenous background, and 8.4 per cent (6,821) of the total female clients reporting a disability.

## Women in the criminal justice system

- 13.19 State and territory governments have primary responsibility for the criminal justice system. The Australian Government is committed to working with the states and territories to address issues including discrimination against women in prison and the particular justice-related issues of women from Indigenous and culturally and linguistically diverse backgrounds.
- 13.20 Australia's Sex Discrimination Act 1984 gives responsibility for investigating complaints of sexual discrimination to the Australian Human Rights Commission. The Commission tries to help parties involved in discrimination allegations reach a mutually agreeable solution through conciliation. If conciliation is not possible, the Commission is responsible for instituting proceedings through the courts.
- 13.21 The Victorian Government established the Women's Correctional Services Advisory Committee to provide an external source of advice to government on the delivery of correctional services to women. The Victorian Government has also developed the Better Pathways: An Integrated Response to Women's Offending and Re-offending strategy, which aims to address the increasing numbers of women entering prison in Victoria. The strategy includes 37 initiatives to reduce women's offending and re-offending, imprisonment, and victimisation.
- 13.22 In May 2004, the Western Australian Government opened the Boronia Pre-Release Centre for Women, which supports low security women prisoners preparing to reintegrate into the community and offers rehabilitation activities and work placements tailored to the women's needs.
- 13.23 In 2007, the Northern Territory Government established the Women in Prison Policy Action Group within the Darwin Correctional Centre. The group includes correctional centre staff and management who meet every two months to discuss and address recommendations that came from the 2006 Northern Territory Ombudsman's review into the operations of the centre's women's facility. Most of the Ombudsman's recommendations have been addressed (including improved infrastructure) and correctional services have commenced the implementation of the women in prison policy.
- 13.24 The Australian Capital Territory Government's recent introduction of the Children and Young People Bill 2008 takes account of recommendations from the 2005 Human Rights Audit of Quamby Youth Detention Centre, which identified the need to recognise the special needs of female detainees. In 2007, with a view to setting human rights

benchmarks before a new facility is established, the Human Rights Commission undertook an audit on the operation of the Territory's correctional facilities. The audit focused on the treatment of vulnerable detainee populations, such as Indigenous people, women, people with disability (including mental illness), people from culturally and linguistically diverse backgrounds, and gay, lesbian, bisexual, transgendered and intersex people.

### Indigenous women

- 13.25 As at 30 June 2007, 614 Indigenous women were in custody in Australian prisons. Despite Indigenous Australians making up around 2 per cent of Australia's population, Indigenous women made up 30.9 per cent of the overall female prison population. This represents an increase from 29.6 per cent in 2006. At 30 June 2006, Indigenous women were 23.1 times more likely than non-Indigenous women to be imprisoned. Between 2002 and 2006, the imprisonment rate for Indigenous females increased by 34 per cent.
- 13.26 The Legal Aid for Indigenous Australians program provides professional and culturally sensitive legal aid services for Indigenous Australians. The program funds a network of Indigenous Legal Aid service providers to deliver legal services at 84 permanent sites, court circuits and outreach locations in metropolitan, rural and remote areas across Australia.
- 13.27 The Australian Government also funds 31 Family Violence Prevention Legal Services units, which are mostly located in regional and remote areas. The main focus of the units is to provide culturally appropriate assistance to Indigenous adults and children who are victims of family violence, including sexual abuse. The units' primary function is to provide legal assistance, casework, counselling and court support services.
- 13.28 The Australian Government has allocated \$4.2 million towards Indigenous-specific community legal education projects in rural and remote communities. By providing information about legal and human rights, including how to access a range of support services, this initiative aims to empower Indigenous Australians in remote and rural communities to report and challenge violence and child abuse.
- 13.29 Under the Commonwealth Community Legal Services program, funding is provided to eight organisations across Australia specifically to operate Indigenous Women's projects that provide legal services for Indigenous women. The projects provide assistance to Indigenous women across a wide range of legal issues including family law, tenancy, domestic and sexual violence, and consumer rights law. They also provide a variety of other services including community development and community legal education, and outreach services to rural and/or urban fringe communities. The projects can offer an alternative source of legal assistance where there are conflict of interest issues with Indigenous Legal Services and/or Family Violence Prevention Legal Services. Indigenous Women's projects can also help other mainstream service providers offer culturally appropriate legal services to Indigenous women.
- 13.30 In 2007, the Queensland Government released its Vulnerable Person Policy. The policy states the Queensland Government's commitment to improve the provision of justice services to ensure those people who are vulnerable in the criminal justice system, including Indigenous people and people from culturally and linguistically diverse backgrounds, are respected, supported and receive equitable and fair treatment, regardless of their circumstances or capacity and regardless of whether they are victims, witnesses or defendants. Additionally, in 2004, the 'recent complaint' rule, which provided that a complaint about a sexual assault is only admissible where the complaint is recent, that is, made at the first reasonable opportunity, was abolished.

# 14 Article 16:

## Family life, marriage and violence against women

- 14.1 The Australian Government is committed to supporting the needs of Australian families. Families need to be supported in their efforts to balance the pressures of work and family life. The Government is committed to strengthening family life by ensuring access to health services, educational opportunities, modern infrastructure and community services.
- 14.2 The Australian Government has zero tolerance towards violence against women, supports women and children affected by violence, and provides services to help them recover from their experiences. In 2008, the Australian Government announced the formation of a national council charged with the responsibility for providing expert advice to Government on measures to reduce the incidence and impact of domestic and family violence and sexual assault on women and their children. The National Council is developing an evidence-based National Plan to Reduce Violence against Women and their Children, a draft of which is due to be delivered in December 2008.

## Protecting and improving family life

- 14.3 The Australian Government has continued its strong support for families. During the reporting period, economic, tax and welfare reforms, and social assistance packages have been implemented that have helped improve the standard of living for families. The 2008–09 Budget delivered a \$55 billion working families package comprising targeted initiatives in tax, child care, education, housing, and other essential components of family budgets. For more information about support for families, see paragraphs 9.31 to 9.34 and 11.21 to 11.35.
- 14.4 A key priority for the Government is to develop policy that achieves a balance between increased labour force participation and optimal child development. In 2007, the Office of Work and Family in the Department of the Prime Minister and Cabinet was established to undertake policy analysis, research and public engagement to improve economic and social outcomes for families. For more information about the Office of Work and Family, see paragraph 2.28.
- 14.5 The Australian Government is taking the lead in working with state and territory governments and the community sector to develop a national framework for protecting Australia's children, recognising that the safety and wellbeing of all Australian children is an issue that demands the attention of all levels of government. The framework, expected to be considered by COAG in December 2008, will clarify roles and responsibilities, and is likely to include practical, concrete actions to be undertaken by governments and community groups to better protect children. The framework is likely to focus on stronger prevention and early intervention strategies to better support vulnerable children and families. Better collaboration within and between governments will also be a priority. The framework is also likely to address issues for particular parts of our community, including children in out of home care and Indigenous children.
- 14.6 In 2004, the Stronger Families and Communities strategy was renewed and allocated \$490 million over four years to continue to encourage communities to develop new ways to strengthen families, with an emphasis on early childhood development. The Early Childhood—Invest to Grow initiative received \$70 million for early childhood programs. In 2005, extra funding was also provided to extend the Communities for Children and Local Answers strategy.

- 14.7 The Australian Government funds community-based organisations to provide Specialised Family Violence Services, which support families affected by family violence at various life stages—before marriage, during marriage, separation, divorce, remarriage, re-partnering, parenting, and retirement. These services are located in every state and territory in a range of rural, regional and metropolitan locations. The services offered include information and referrals, education, skills training, counselling, family therapy, behaviour change groups, and other support to people affected by family violence, as well as help for perpetrators of violent or abusive behaviour to change.
- 14.8 The National Action Plan to Build on Social Cohesion, Harmony and Security is a partnership between the Australian and state and territory governments, which addresses marginalisation and promotes dialogue among all Australians. The National Action Plan to Build on Social Cohesion, Harmony and Security specifically recognises the importance of supporting Muslim Australian women as strong and effective community leaders and includes projects that aim to engage them in dialogue about human rights and responsibility principles, the domestic framework for promoting racial, religious, cultural and gender equality in Australia and the legal remedies available for discrimination and vilification.

## Rights to enter marriage and rights within marriage

- 14.9 Since Australia's last report on CEDAW in 2003, no major changes in relation to marriage rights have taken place. For discussion about the definition of marriage, see paragraph 335 of Australia's Common Core Document, June 2006.

### Same-sex relationships

- 14.10 The Australian Government 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 sexuality, but does not support any legislation that mimics marriage or undermines existing laws that define marriage as being between a man and a woman.
- 14.11 The Australian Government is removing discrimination against same-sex couples and their children in Commonwealth laws. Following these reforms, same-sex relationships will be treated in the same way that opposite-sex de facto relationships are treated for the purposes of Commonwealth entitlements and programs. The general areas of laws that will be reformed include taxation, superannuation, social security, health, aged care, veterans' entitlements, workers' compensation, employment entitlements, immigration and other areas of Commonwealth administration.
- 14.12 The Australian Government has introduced legislation to allow de facto couples, including same-sex couples, to have their disputes about property upon relationship breakdown dealt with by the same federal courts that deal with these issues for married couples. This is likely to particularly benefit women as the current state- and territory-based laws do not accord the same rights to de facto couples as the Family Law Act 1975 does for married couples.
- 14.13 These laws were identified in the landmark Australian Human Rights Commission report, Same-Sex: Same Entitlements, and through an audit conducted by the Attorney-General's Department.
- 14.14 Several state and territory governments have implemented legislation addressing same-sex relationships. The Australian Capital Territory Government passed a Civil Partnerships Act 2008 in May 2008. Couples in the Australian Capital Territory, irrespective of the gender of either person, can enter into a legally recognised civil partnership and publicly affirm their commitment to each other.
- 14.15 In June 2008, the New South Wales Parliament passed the Miscellaneous Amendments

(Same Sex Relationships) Act 2008. The Act, which commenced on 22 September 2008, amends various pieces of New South Wales legislation to give equal rights to people in same-sex relationships, and their children.

- 14.16 The Tasmanian Government's Relationships Act 2003 provides legal recognition of significant personal relationships, including same-sex and caring relationships.
- 14.17 The South Australian Government introduced the Statutes Amendment (Domestic Partners) Act 2006 in 2006 which recognises non-married couples as a couple for legal purposes. Same sex de facto relationships are covered by the Act, as are people who live together as close companions or life partners, whatever their sexual relationship.
- 14.18 The Western Australian Government introduced the Acts Amendment (Lesbian and Gay Law Reform) Bill 2001, amended The Criminal Code and repealed the Law Reform (Decriminalisation of Sodomy) Act 1989 giving same-sex attracted individuals legal recognition in areas including anti-discrimination protection, inheritance rights, stamp duty exemption, a system for property division, accident and workers compensation, partner's state superannuation, recognition as next of kin, access to adoption, access to reproductive technology, and recognition as a parent of a non-biological child in some cases.

## Rights and responsibilities in relation to children

- 14.19 The Australian Government Child Support Agency manages the Child Support Scheme, which assists separated parents take responsibility for the financial support of their children.
- 14.20 Following a recent review of child support policy, Australia changed the scheme to ensure that it works in the best interests of children, takes into account the circumstances of both parents, and focuses on the needs and costs of children.
- 14.21 The scheme's changes aim to support shared parental responsibility, reduce conflict between parents about parenting arrangements, and ensure child support is paid in full and on time. Under the changes, the amount of child support payments is now based on:
- independent research into the costs of raising children
  - the combined income of both parents
  - the treatment of both parents' income in the same way
  - consideration of both parents' contributions to the cost of their children through care and contact
  - treatment of children of first and second families more equally.
- 14.22 In 2006, the Australian Government introduced amendments to its Family Law Act 1975, which included a new emphasis on the right of the child to know both parents and be protected from harm. The reforms reflected a presumption of shared parental responsibility after separation where this is in the child's best interests. They also include a compulsory dispute resolution requirement before parenting matters can be filed in court, with exceptions to ensure safety of all parties, particularly when there are allegations of family violence.
- 14.23 There is also a range of amendments to the counselling and dispute resolution provisions in the Act to better ensure that separating and divorcing parents have access to quality family counselling and dispute resolution services. The Australian Government is preparing new accreditation rules for family dispute resolution practitioners to take effect from 1 July 2009. These rules will require practitioners to have competencies in working with vulnerable parties and responding to family and domestic violence.

## Preventing and reducing violence against women

- 14.24 The Australian Government has zero tolerance towards violence against women and the priority is to reduce violence against women in all its forms. The 2008 Australian Crime and Violence Prevention Awards, a joint initiative of the Australian, State and Territory Governments, rewarded six projects that focussed on the prevention of domestic violence, youth and alcohol-related crime.
- 14.25 In 2005, the Australian Government Office for Women commissioned the Australian Bureau of Statistics to conduct a personal safety survey to collect information from a large sample (11,000 women and 4,500 men) about their experiences of violence. The survey found that around one in three Australian women experience physical violence and that almost one in five women experience sexual violence over their lifetime. It is also recognised that Aboriginal women are 40 times more likely to be a victim of family violence compared with other Australian women. International studies estimate that more than 80 per cent of women with intellectual disabilities have experienced some form of sexual abuse throughout their lifetime, and that women with disability are assaulted, raped and abused at least twice the rate of women without disability.<sup>121</sup>
- 14.26 A study undertaken by Access Economics, *The Cost of Domestic Violence to the Australian Economy*, stated that domestic violence cost Australia over \$8 billion in 2002–03 (including social costs and costs to the public and private sectors).<sup>122</sup>
- 14.27 Through the Office of the Aboriginal and Torres Strait Islander Social Justice Commissioner, the Australian Human Rights Commission has undertaken significant work to promote the human rights of women and children experiencing family violence and abuse. The Commission developed human rights principles for addressing family violence and abuse in Indigenous contexts, delivered community education and training around Australia, and published 'promising practices' of work being done to address family violence through the Commissioner's Annual Social Justice Report to the Parliament of Australia.

### Violence Against Women:

#### Australia Says NO campaign

- 14.28 In 2004, the Australian Government launched the Violence Against Women: Australia Says NO campaign. This included a media campaign and a national telephone help line. The help line received more than 85,000 calls between 2004 and 2008.
- 14.29 In 2005, the Government launched the Women's Safety Agenda to address the issues of domestic violence and sexual assault. The agenda included funds for training nurses and Indigenous Health Workers in regional and rural areas to help them identify and respond to domestic and family violence and for training the criminal justice sector to the sensitivities that accompany women's experiences of sexual assault.
- 14.30 In 2006–07, the Government provided grants to community-based organisations under the Domestic and Family Violence and Sexual Assault initiative to gather input for developing policies on domestic violence and sexual assault in Australia.

### National Council to Reduce Violence against Women and their Children

- 14.31 In 2008, the Australian Government announced the formation of a national council to provide advice to government on how to reduce the incidence and impact of domestic and family violence and sexual assault on women and their children.
- 14.32 In addition to delivering an evidence-based draft National Plan by December 2008, the National Council is providing leadership and guidance to achieve implementation of key elements of the Government's election commitments to improve women's safety. These

commitments include:

- Advocacy and education activities promoting non-violent relationships with women throughout regional and rural communities.
  - The Australian Government has invested an additional \$250,000 per year for four years (from 2007–08) to support White Ribbon Ambassadors expand their reach and influence into regional and rural communities.
- Engaging with Australia's youth, particularly teenage boys, to promote attitudes and behaviours that enable them to maintain respectful relationships.
  - The Australian Government has invested in social research with young people to inform the design of programs that will positively influence the attitudes and behaviours of high school students, especially boys. It will pilot programs from 2009 across a broad range of educational and social contexts to build evidence about which interventions are most effective in achieving attitude and behaviour change.
- Partnering with state and territory governments to identify best practice domestic violence and sexual assault laws and systems of response, in working to achieve greater harmonisation and consistency in the implementation of best practices.
  - The Australian Government has provided funding to the Australian Government Solicitor to audit domestic violence and sexual assault laws and identify best practice opportunities for consideration by Attorneys-General across jurisdictions.
- Investing in research focused on domestic violence related homicides through the National Homicide Monitoring program, to inform interventions that will protect women and their children from violence.
  - The Australian Government has boosted Australian Institute of Criminology funding to enhance the National Homicide Monitoring program. Work is progressing to identify individual and situational risk factors associated with domestic violence related homicides and identify early intervention and preventative strategies for high-risk individuals and communities, including Indigenous communities.
- Undertaking research to identify models and programs that are most effective in working with perpetrators of violence, to reduce their violence and its impacts on women and their children.
  - The Australian Domestic and Family Violence Clearinghouse has been funded to undertake new primary research on the effectiveness of financial support options for women fleeing domestic violence.
  - The Australian Centre for the Study of Sexual Assault has been funded to undertake research into perpetrators' potential grooming strategies.
  - The National Council is also designing a program of research and targeted consultation to establish the efficacy of practice models used to work with perpetrators and reduce their violence against women.

14.33 In addition to these election commitments, the Government is also:

- building evidence to inform the development of housing responses for women and their children fleeing domestic and family violence
- enabling specialist domestic violence and sexual assault service providers, through the Women's Services Network and the National Association of Services Against Sexual Violence, to pilot and evaluate innovative perpetrator treatment programs.

## State and territory government strategies to reduce violence against women

- 14.34 State and territory governments have implemented a range of strategies and programs to combat violence against women in their own jurisdictions.
- 14.35 The Tasmanian Government has implemented the Safe at Home initiative, which includes a variety of services working together to provide crisis response, counselling, legal assistance, court support, and intervention programs for offenders.
- 14.36 South Australia released its Women's Safety strategy in 2005, which is supported by a whole-of-government reference group and individual working groups created to develop responses to specific areas of need. These areas include Indigenous family violence, the impact of violence on women and employment, and violence against women from culturally and linguistically diverse backgrounds. The strategy has funded a number of community projects which address the diversity of South Australia's women, including rural, Indigenous, migrant and older women.
- 14.37 Queensland's Coordinating Efforts to Address Violence Against Women 2002–05, outlined in Australia's 2003 report, has now been carried forward into a new whole-of-government framework called the Women in the Smart State Directions Statement 2003–08. The framework is helping to improve existing responses to women and girls experiencing violence.
- 14.38 The Victorian Government independently evaluated its Women's Safety Strategy 2002–07. The evaluation endorsed this policy approach, which will continue to guide women's safety in Victoria in the future. In addition, Victoria is developing a violence against women and children prevention plan. This plan will focus on preventing violence before it occurs. Importantly, responses to violence, such as holding perpetrators accountable and improved protection for women, will be linked into the prevention plan. Both prevention activity and responding to violence will emphasise a strong anti-violence message to the community. Victoria will continue to work in partnership with non-government organisations through the statewide Steering Committee to Reduce Family Violence and the Statewide Steering Committee to Prevent Sexual Assault.
- 14.39 In February 2008, the New South Wales Government announced a new approach to tackling violence, which builds on work commenced under its Violence Against Women strategy. The new strategy includes a central violence prevention coordination unit to provide strategic coordination of statewide domestic and family violence initiatives, including projects that address the needs of Indigenous women, and a stronger regional focus by positioning regional coordinators in the police force. In 2004, New South Wales established the Criminal Justice Sexual Offences Taskforce to examine issues of sexual assault and how it is prosecuted. To date, all of the taskforce's legislative recommendations have been implemented. Reforms range from a clear definition of consent, and strategies to reduce the trauma to complainants of giving evidence in court. Court statistics show that between 2004 and 2006 the percentage of accused sex offenders found guilty increased from 35 per cent to 49 per cent.<sup>123</sup>
- 14.40 Western Australia's Family and Domestic Violence State Strategic Plan identifies three priority areas that underpin its strategic framework: prevention, protection and provision. The plan is currently being updated and, building on the previous plan, the Strategic Plan 2009–13 will be underpinned by principles that prioritise victim safety and perpetrator accountability. The plan will focus on a targeted approach to the integration of service delivery that is supported by a comprehensive community awareness campaign.
- 14.41 The Western Australian Office for Women's Policy, Department for Communities recently established the Western Australian Women's Safety Framework to address the safety of women in Western Australia. This includes the risks to infants, girls, young women, adult women, and seniors, including Aboriginal women and children. The aim of the framework

is to provide the foundation for how long-term policies and practical outcomes will be developed and to provide a basis for collaboration across agencies for sustainable safety improvements.

## Legal framework

- 14.42 State and territory governments have responsibility for laws relating to domestic violence and sexual assault and there are significant variations between the laws. The CEDAW Committee's 2006 Concluding Comments in paragraph 19 recommend Australia fully and consistently implement and enforce laws on violence against women. Recognising the need for national leadership to ensure state and territory laws are consistent, the National Council to Reduce Violence Against Women and their Children will consider how to better harmonise state and territory laws. For more information about the national council, see paragraphs 14.31 to 14.33.
- 14.43 Since 1975, the Family Court of Australia (a federal court) has continued to deal with issues relating to families and children. For more information about the Family Court, see paragraphs 13.3 to 13.4.
- 14.44 The Family Court has been instrumental in providing leadership and uniformity in tackling domestic and family violence issues, in particular, their impact on children. The court's Family Violence strategy addresses issues such as safety and security, providing information, staff training and induction, case management and mediation, and expert witnesses.
- 14.45 Several of the 2006 amendments to the Australian Government's Family Law Act 1975 assist courts when family violence allegations are made. They include less adversarial processes, deadlines for considering cases when family violence or child abuse issues are raised, and the ability to require state and territory child welfare agencies to provide reports on allegations of child abuse and family violence.
- 14.46 Over the past five years, state and territory governments have worked to strengthen and improve their legislation addressing violence against women.
- 14.47 Examples include New South Wales, where the Bail Act 1978 was amended in 2003 to provide additional protection for women who face repeated domestic violence incidents—if a person accused of a 'serious personal violence offence' has previously been convicted of such an offence, they will not be granted bail unless there are exceptional circumstances. The Government has also passed new legislation, which allows for identification of domestic violence offences on a person's criminal record—the Crimes (Domestic and Personal Violence) Act 2007.
- 14.48 The Victorian Government's Family Violence Protection Act 2008 allows women and children to remain in the family home following a violent incident while the perpetrator is removed. The Act also restricts cross-examination of victims by unrepresented defendants in family violence matters in court. Under the Crimes (Family Violence) (Holding Powers) Act 2006, police are now able to detain a person suspected of family violence for up to six hours. The Victorian Government also legislated two Acts to address sexual offences in 2006 and introduced the Crimes Amendment (Rape) Act 2007. The Acts make significant amendments to the provisions applying to sexual offences in Victoria and make it easier for witnesses to give evidence in sexual offence trials.
- 14.49 The South Australian Parliament passed a number of Acts in 2008, namely:
- The Criminal Law Consolidation (Rape and Sexual Offences) Amendment Act 2008—which reforms many offences, including persistent sexual abuse, unlawful sexual intercourse, incest, and offences with animals. Rape is defined more comprehensively, including a continuation of sexual intercourse when consent is withdrawn. It also

introduces a new offence of compelled sexual activity and defines reckless indifference to consent to sexual acts, as well as consent to sexual activity.

- The Statutes Amendment (Evidence) Act 2008—which reforms laws about the special arrangements that may be made for witnesses giving evidence, particularly from vulnerable witnesses including children and victims of serious offences. The Act reforms the way witnesses may be questioned, the manner in which judges warn or direct juries about the evidence of children, and restricts access to sensitive material that is to be used as evidence. The amendments also enable a victim to read impact statements by pre-recording them or for a representative to read them.
- The Victims of Crimes Act 2001 provides for an independent statutory officer—the Commissioner for Victim’s Rights—who is able to require a public agency or official to consult with him or her about steps the agency or official might take to further the interests of victims. After this consultation, the Commissioner may recommend that the agency or official issue a written apology to the victim. The Commissioner is required to have regard to the wishes of the victim.

14.50 Tasmania introduced the Family Violence Act 2004, which implements the Government’s Safe at Home Family Violence Policy. Among other things, the Act created protective orders that Tasmania Police or the Magistrates Court can issue, and two new offences, that of economic abuse, and emotional abuse or intimidation. These offences are in addition to the existing personal violence offences of assault, aggravated assault, indecent assault, stalking, and various sexual assault offences in other legislation. The Act also provides for rehabilitation program orders, which require offenders to attend a structured family violence treatment program. Tasmania is currently reviewing its Family Violence Act and the Safe at Home policy.

14.51 The Northern Territory Government introduced the Victims of Crime Assistance Act 2006 to establish schemes to help victims of violent acts with counselling and financial assistance. The Northern Territory Domestic and Family Violence Act 2007 (not yet commenced) is an Act to provide for the protection of people in a domestic relationship against violence. The legislation will simplify the processes associated with domestic violence orders to protect women and children.

14.52 In Western Australia, the Acts Amendment (Family and Domestic Violence) Act 2004 was proclaimed on 1 December 2004. The Act amends three pieces of legislation: the Restraining Orders Act 1997, The Criminal Code, and the Bail Act 1982 in order to afford greater protection to victims of family and domestic violence, with a particular focus on the needs and protection of children. Major changes include defining a family and domestic relationship to differentiate between act of family and domestic violence and act of personal violence. The Act includes ongoing emotionally abusive behaviour as a ground for a restraining order and recognises much more clearly the seriousness of the impact of family and domestic violence on children as both direct and indirect victims. Several amendments based on this recognition afford increased protection to children. The Act removes consent as a defense to breaching an order and in cases of a conviction for a violent personal offence victims will automatically be granted a life-long violence restraining order against the offender. The Act assigns police an obligation to investigate acts of family and domestic violence and gives stronger powers to police including the ability to take out 24- and 72-hour orders to remove a perpetrator of violence. The legislation has been reviewed and a report containing recommendations has been tabled in Parliament.

## Legal assistance and improved court processes

14.53 State and territory governments provide legal assistance to victims of violence through their legal aid programs. Some governments have also introduced court procedures to expedite

the complaint through the court system and provide better support for victims.

- 14.54 The Queensland Government's legal aid program has a specialist domestic violence unit providing domestic violence information, advice and representation predominately to women. Additionally, Legal Aid Queensland has developed the Indigenous Family Conferencing program, which aims to enhance access to family law (mediation) conferences for Indigenous clients to improve resolution of family law disputes, and to help avoid litigation and involvement of other agencies in disputes.
- 14.55 In New South Wales, the legal aid program funds the Domestic Violence Solicitor Scheme. The scheme provides specialised legal representation to female Apprehended Domestic Violence Order applicants through a grant of legal aid or on a pro bono basis. Under the legal aid program, the Government is currently developing an integrated criminal, family and civil law service delivery strategy aimed at improving the level, range and quality of legal services provided to people experiencing domestic violence. New South Wales has also implemented the Domestic Violence Integrated Court Model, which is designed to improve and expedite the treatment of domestic violence complaints in the court system. Following an evaluation, the New South Wales Government is expanding successful elements of the model to rural, regional and metropolitan locations across the state. The Women's Domestic Violence Court Advocacy program currently funds Women's Domestic Violence Court Advocacy Services across New South Wales. The program helps women and children obtain legal protection from domestic violence from local courts through a system of legal representation, specialised assistance and referrals to appropriate services for other legal and social/welfare needs. In 2009–10, a 64 per cent funding increase will lead to delivery of a more equitable range of services in terms of geographic access and access by specific client groups, such as Indigenous women and children, and women and children from culturally and linguistically diverse backgrounds.
- 14.56 The Victorian Government has invested \$75 million since 2005 to combating violence against women. Of this funding, around \$5 million supported court-focused initiatives, including Specialist Family Violence Services at four locations with specialist magistrates, court staff and police prosecutors; and the Workforce Development strategy, which trains magistrates and court staff in best practice in family violence matters. In 2004, the Victorian Government announced a further investment of \$34.2 million to reform the state's response to sexual assault. The main objectives of the reforms are to strengthen and improve the criminal justice system response to sexual assault cases, through specialisation, prevention and early intervention approaches to sexual assault, and improved support for and responsiveness to the needs of sexual assault victims. An extra \$8 million was allocated in 2008–09 for a specialist sexual assault prosecution unit in a regional city and video conferencing facilities in other areas of regional and rural Victoria.
- 14.57 A number of strategies have been implemented to ensure state and territory police services are equipped to better deal with violence against women. For example, the Victorian Government introduced the Victoria Police Code of Practice for Investigation of Family Violence, which provides options and direction on how police should respond to reports of family violence. From July 2004 to June 2005, the number of charges laid by police resulting from family incidents increased by 73.2 per cent, the number of family violence reports rose by 5.4 per cent, and the number of intervention orders sought by police increased by 72.2 per cent.
- 14.58 The Queensland Police Service established a domestic and family violence unit in October 2007. A domestic and family violence strategy, which takes a proactive approach to investigating domestic and family violence, has been approved for the police service.
- 14.59 South Australia Police has contributed to development of a domestic violence strategy to more effectively respond to domestic violence by building successful partnerships, recognising diversity, and working with the community to prevent domestic violence. The

policing strategy emphasises the importance of intervention, ensuring the safety of victims, and delivering effective responses to prevent further harm. The overall strategic approach seeks a balance of education, enforcement and victim support.

- 14.60 Western Australia's first specialised Family Violence Court was set up in 1999 to deal exclusively with family violence matters. The court offers family violence support services to help victims with family violence and court matters, aiming to break the cycle of violence by providing the option of programs to address the offender's violent behaviour before sentencing. The service includes members from the Department of Corrective Services, Western Australian Police, Relationships Australia, Victim Support Service and the Department for Child Protection. A specialist case management team and the police domestic violence investigation unit, support the court's operation. The Family Violence Court model is being expanded to a further six locations within the metropolitan area.

## Data on violence against women

- 14.61 The statistics provided in this section respond to the CEDAW Committee's 2006 Concluding Comments in paragraph 19 which request statistical information about violence against women. The Australian Bureau of Statistics reports that around one in three Australian women experience physical violence and almost one in five have experienced sexual violence since the age of 15 years. In 2004, the Australian Human Rights Commission released its first national survey on the incidence of sexual harassment in Australia, finding that 28 per cent of women had experienced sexual harassment. In July 2008 the Sex Discrimination Commissioner announced the commissioning of another national survey to track trends on the extent of sexual harassment in Australia. The research will be used to develop an education strategy aimed at reducing sexual harassment in the workplace.
- 14.62 The Australian Government Office for Women commissioned a full-time data analyst position at the Australian Institute of Criminology to work solely on sexual assault, especially in the area of 'hidden' reporting and recording of sexual assault—that is, when sexual assault is subsumed in another crime.
- 14.63 In 2005, the Australian Bureau of Statistics carried out a personal safety survey, which gathered data on men's and women's experiences of physical or sexual assault. In 2007, the Australian Government commissioned a report on an analysis of the Personal Safety Survey. The following statistics draw on the data in these two publications.

### Prevalence and nature of violence

- 14.64 In the 12 months before the Personal Safety Survey, 6 per cent of women (443,800) and 11 per cent of men (808,300) experienced violence. Two per cent (160,100) of women surveyed had experienced physical or sexual violence by their current partner, since the age of 15, and 15 per cent (1,135,500) had experienced violence by a previous partner since the age of 15. Women's serious injuries (fractures/broken bones, penetrative injuries, stabbings, shootings and miscarriages) were most often caused by an 'other known person' or a previous partner, with boyfriends/girlfriends/dates, strangers and current partners causing approximately 10 to 15 per cent of serious injuries.

### Accessing services and support

- 14.65 Violence was reported to the police by 28 per cent of males and 32 per cent of females who had experienced violence in the 12 months before the Personal Safety Survey.<sup>124</sup> Although these figures are still low, they have improved by 17.5 per cent for physical assault and 4 per cent for sexual assault since 1996. The most common reason women gave in 2005 for not reporting the physical or sexual assault to police was that they felt able deal with it themselves. Fear of their partner was another reason given.
- 14.66 Ten per cent of women who had experienced current partner violence, and 25 per cent

who had experienced previous partner violence, had taken out a restraining/violence order against a partner. Of women who had experienced current partner violence and taken out an order against their partner, 20 per cent had experienced further incidents of violence after the order was issued. Of women who had experienced previous partner violence and taken out an order against that partner, 42 per cent had experienced further incidents of violence after the order was issued.

14.67 Friends/neighbours were the most common social supports for people who had experienced violence, with 63 per cent (277,426) of female violence victims talking to friends/neighbours about the most recent incident of violence. More than 10 per cent of men and women who experienced violence in the last 12 months did not talk to anyone about the violence.

14.68 Seven per cent of men and 19 per cent of women who had experienced violence in the last 12 months sought professional help after the most recent incident of violence. About 90 per cent of women who had experienced sexual assault in the last 12 months did not access crisis support (90 per cent), legal help (91 per cent), or other support services including telephone help lines (91 per cent). For women who had experienced physical assault in the last 12 months, legal help was the most common service used (11 per cent).

Experience of violence in the last 12 months— type of violence in most recent incident (1996 and 2005)	1996	2005
Female experience of physical violence ('000)	404.4 (5.9%)	363.0 (4.7%)
Male experience of physical violence ('000)	Not applicable	779.8 (10.4%)
Female experience of sexual violence ('000)	133.1 (1.9%)	126.1 (1.6%)
Male experience of sexual violence ('000)	Not applicable	46.7 (0.6%)

Source: Data sourced from the ABS Personal Safety Survey, Cat. No. 4906.0, Table 5. 1996 data was drawn from the Women's Safety Survey and so data are not available for men.

Experience of physical assault during last 12 months— by male perpetrator (2005)	Female	Male
Stranger ('000)	35.5 (18.2%)	316.7 (73.7%)
Current partner ('000)	30.7 (15.7%)	— <sup>(a)</sup>
Previous partner ('000)	43.3 (22.2%)	— <sup>(a)</sup>
Family or friends	67.1 (34.4%)	48.4 (11.2%)
Other known persons <sup>(d)</sup>	29.3 (15.0%)	93.7 (21.8%)
Experience of physical assault during last 12 months (as at 2005)—by female perpetrator	Female	Male

Stranger ('000)	21.9 (32.9%)	13.0 (16.3%) <sup>(b)</sup>
Current partner ('000)	– <sup>(a)</sup>	5.0 (6.3%) <sup>(c)</sup>
Previous partner ('000)	– <sup>(a)</sup>	16.2 (20.4%) <sup>(c)</sup>
Family or friends ('000)	21.9 (33.0%)	36.0 (45.3%) <sup>(b)</sup>
Other known persons ('000) <sup>(d)</sup>	25.0 (37.5%)	9.3+ (11.7%) <sup>(b)</sup>

Source: Data sourced from the ABS Personal Safety Survey, Cat. No. 4906.0, Table 16.

(a) Nil or rounded to zero (including null cells).

(b) Estimate has a relative standard error of 25 per cent to 50 per cent and should be used with caution.

(c) Estimate has a relative standard error of greater than 50 per cent and is considered too unreliable for general use.

(d) Includes acquaintance or neighbour, counsellor or psychologist or psychiatrist, ex-boyfriend or girlfriend, doctor, teacher, minister or priest or clergy, prison officer and other known person.

## Domestic violence and homelessness

14.69 Domestic violence is a major factor contributing to homelessness in Australia, particularly for women. Women and children escaping domestic violence are one of the primary target groups of the Australian Government-funded Supported Accommodation Assistance program. For more information about the Supported Accommodation Assistance program, see paragraph 11.33.

14.70 According to a 2003–04 Australian Institute of Health and Welfare analysis, Australian Government funding enabled 32,700 women to use a supported accommodation assistance program service when escaping domestic violence. In 2005–06, 17.1 per cent of clients were Indigenous, and 17,000 Indigenous clients were supported through the program's services. Of the 1,300 agencies involved, 167 specifically target Indigenous clients, although these clients may access any of the agencies. The Australian Government continues to support the program with \$932 million allocated from 2005 to 2010, of which \$892 million is provided directly to state and territory governments.

### Women, domestic violence and homelessness research project

14.71 In 2008, the Australian Government commissioned research on strategies to prevent homelessness resulting from domestic and family violence and ensure that women who survive domestic and family violence, and their accompanying children, are provided with appropriate ongoing accommodation options and integrated wrap-around support.

14.72 The research report, *Women, Domestic and Family Violence and Homelessness: A Synthesis Report* was released on 30 September 2008. The findings of the report will be considered in the context of the development of the Australian Government's white paper on homelessness and the National Plan to Reduce Violence against Women and their Children.

14.73 The research revealed that there is no one, easy 'roll out' solution to domestic and family violence related homelessness. It found that the types of assistance and support needed depend greatly on the personal circumstances of women, such as health, social, cultural and geographic background. Another factor is the financial resources available to women, especially their capacity to be financially independent.

## Protecting Indigenous women and children

14.74 Family violence is causing significant destruction to the fabric of Indigenous communities. In the Northern Territory, where there is a high concentration of Indigenous people, there is an over-representation of women as victims of violent crime. Statistics from 2007 show that of all assaults on females, it is estimated that 80 per cent were Indigenous,<sup>125</sup> with Indigenous women more than eight times more likely to be assaulted compared to non-Indigenous women. Seventy-two per cent of these assaults were domestic violence related, and 66 per cent of assaults involved alcohol. In recent years, all levels of government have acknowledged the significance of this problem with a number of important inquiries and initiatives undertaken to help deal with its impact.

#### Northern Territory Emergency Response

14.75 The Australian Government initiated the Northern Territory Emergency Response in 2007 to protect Indigenous children from abuse and build the basis for a better future for Indigenous people. For more information about the emergency response including its review, see paragraphs 2.44 to 2.46.

14.76 The response includes a wide range of measures designed to protect children, make communities safe, and create a better future for Indigenous people in the Northern Territory, including:

- providing more police in remote communities
- bans on alcohol and pornography in prescribed areas
- increased night patrol services
- new and expanded safe houses for families experiencing violence
- additional child protection workers and Indigenous Family and Community workers
- youth diversionary programs.

#### Indigenous family violence initiatives

14.77 A number of programs are targeted at breaking the cycle of domestic violence in Indigenous families and reducing the risks for women of physical harm. The Australian Government's ongoing Family Violence Partnership program has \$10.3 million in project funding each year. Projects work across the spectrum providing education and awareness of family violence through to services for victims and perpetrators. These include setting up safe houses, night patrols, counselling services, perpetrator and education programs, and employing support workers.

14.78 The ongoing Family Violence Regional Activities program provides practical and flexible support for grassroots projects identified by Indigenous communities as a local priority to address family violence, sexual assault and child abuse. The program takes an holistic approach to addressing the safety of women and children in Indigenous communities in culturally-appropriate ways.

14.79 The Early Intervention program funds organisations to deliver programs that will lower or eliminate the prevalence of family violence in Indigenous communities. The Australian Government has chosen a number of locations as priority areas for early intervention, including building self-esteem, developing community role models, and addressing Elder abuse.

14.80 The Indigenous Community Legal Education program empowers Indigenous Australians in remote and rural communities to report and challenge violence and child abuse, by providing information about their legal and human rights, including how to access a range of support services. The program aims to reduce family violence in Indigenous communities by:

- providing legal education adapted to suit local communities
  - improving Indigenous Australians' understanding of Australian law
  - working with Indigenous communities to manage the relationship between customary law and human rights
  - educating and mentoring Indigenous young people and women
  - encouraging community members, particularly young people, women and Elders to speak out about family violence.
- 14.81 As well as participating in the initiatives outlined above, states and territories frequently run their own programs to address the needs of Indigenous women in their own jurisdictions—for example, in 2008–09 the Victorian Government allocated \$8.4 million over four years under its Indigenous family violence strategy towards a framework for an Indigenous community-led approach to preventing, reducing and responding to family violence in Indigenous communities. Under the South Australian Women's Safety strategy, a working group has been established to develop responses to Indigenous family violence.

## Migrant women

- 14.82 The Australian Government is working to help prevent violence against migrant women through various orientation and settlement education programs. For more information about these programs, see paragraphs 7.13 to 7.18.

## Women with disability

- 14.83 The National Council to Reduce Violence against Women and their Children will be specifically consulting with the peak non-government body representing women with disabilities in Australia—Women With Disabilities Australia. The Australian Government provided funding to this organisation to help develop the Resource Manual on Violence Against Women with Disabilities. The manual was published in 2007.

## Australia's international activity to prevent violence against women

- 14.84 The Australian Government has been particularly active in international forums to address violence against women, including the UN General Assembly's Third Committee and the Commission on Crime Prevention and Criminal Justice. Australia has co-sponsored several resolutions on eliminating violence against women and provided information to the United Nations Special Rapporteur on Violence Against Women on Australia's activities to eliminate violence against women in 2002, and again in 2008.
- 14.85 The Australian Government overseas aid agency, AusAID, is currently conducting an evaluation on interventions to deal with violence against women in five countries in the region—Fiji, Vanuatu, Solomon Islands, Papua New Guinea and East Timor. The evaluation seeks 'to build the evidence base to guide efforts to address violence against women and promote gender equality'—that is, what works and what does not work in programs used to reduce violence against women in Melanesia and East Timor. The evaluation will provide lessons from the region and recommendations for strengthening and increasing support to address violence against women. The report is due for completion in 2008.

# Endnotes

- 1 Prime Minister Kevin Rudd, Address to the International Women's Day Morning Tea, Old Parliament House, Canberra, 11 March 2008.
- 2 The remaining 2 per cent were joint/multiple applications; for example, a union lodged on behalf of members in a workplace.
- 3 New South Wales Anti-Discrimination Board 2007, New South Wales Anti-Discrimination Board Annual Report 2007.
- 4 In 2006–07, these numbered 197, or 82 per cent of sex-discrimination related complaints, New South Wales Anti-Discrimination Board Annual Report 2007.
- 5 State and territory offices for women are:  
New South Wales: Office for Women, in the Department of Premier and Cabinet  
Victoria: Office of Women's Policy, in the Department of Planning and Community Development  
Queensland: Office for Women, in the Department of Child Safety  
South Australia: Office for Women, in the Attorney-General's Department  
Western Australia: Office for Women's Policy, in the Department for Communities  
Tasmania: Women Tasmania, in the Department of Premier and Cabinet  
Northern Territory: Office of Women's Policy, in the Department of the Chief Minister  
Australian Capital Territory: Office for Women, in the Department of Disability, Housing and Community Services.
- 6 The Cabinet of Australia is a council of senior Australian Government ministers chaired by the Prime Minister. The strictly private Cabinet meetings usually occur once a week to discuss vital issues and formulate policy. Outside of Cabinet, there are a number of junior ministers responsible for specific policy areas, who report directly to senior ministers.
- 7 The Council of Australian Governments (COAG) is the peak inter-governmental forum in Australia, comprising the Australian Prime Minister, State Premiers, Territory Chief Ministers and the President of the Australian Local Government Association. The council's role is to initiate, develop and monitor implementation of policy reforms that are of national significance and require cooperative action by all levels of government.
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  - 30 Statistics do not include diplomas, other undergraduate courses, enabling and non-award courses.
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