



**Convention on the Elimination
of All Forms of Discrimination
against Women**

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**Committee on the Elimination of Discrimination
against Women**
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12 – 30 July 2010

**Responses to the list of issues and questions with regard to
the consideration of the combined sixth and seventh
periodic reports**

Australia*

1. Please provide further information on the process of preparing the report, including what Government departments and institutions were involved and whether the report was adopted by the Australian Government and presented to Parliament. Please also provide information on the nature and extent of the involvement of non governmental organisations, particularly women's organisations, in this process.

Australian Government's response:

Australia has a federal constitutional system in which legislative, executive and judicial powers are shared or distributed between the Commonwealth Government and six states – New South Wales, Queensland, South Australia, Tasmania, Victoria, and Western Australia – and two geographically internally self governing territories – the Australian Capital Territory and the Northern Territory. As the state and territory governments are responsible for many of the government activities that give effect to the Convention, the Commonwealth Government consulted with state and territory governments as well as Commonwealth departments in the preparation of Australia's combined 6th and 7th Report on the Convention on the Elimination of all Forms of Discrimination against Women (the Convention).

In 2008, the Australian Government undertook formal consultations with women from around Australia, in each state and territory capital city. At these consultations, the Australian Government Office for Women met with over 200 women representing 104 state-based and national women's organisations. The Australian Government Office for Women also convened four roundtables in Canberra in March and April 2008, to gain greater insight into issues concerning rural and remote women, women with disabilities, migrant and refugee women, and

Aboriginal and Torres Strait Islander women, as these marginalised groups were not strongly represented at the community consultation sessions. Fifty women representing 42 women's organisations from around Australia were funded by the Australian Government to take part in the roundtables. The Australian Government also funded non-government organisations to conduct their own consultations and prepare an independent 'shadow' report for the CEDAW Committee's consideration.

Australia's report was not tabled in the Australian Parliament prior to being lodged with the CEDAW Committee on 16 December 2008. However, it was endorsed by the Prime Minister of Australia and his Cabinet as well as the Ministers for Women's Affairs in each state and territory.

2. Please provide updated information on the statistical data disaggregated by sex and ethnicity pertaining to the main areas and provisions of the Convention. Please indicate what steps have been taken to establish regular collection and analysis of data to capture the real situation of women belonging to disadvantaged groups, especially older women and women with disabilities.

Australian Government's response:

The Australian Government Office for Women publication, *Women in Australia 2009*, contains relevant updated statistical data disaggregated by sex and an 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. *Women in Australia 2009*, is available at:

<http://www.fahcsia.gov.au/sa/women/pubs/general/womeninaustralia/2009/Pages/default.aspx>

In October 2009, the Commonwealth, State, Territory and New Zealand Ministers' Conference on the Status of Women approved the development of a set of high level national indicators on gender equality, to track and measure changes in the status of women over time, and inform policy and program development. The Australian Bureau of Statistics (ABS) also routinely disaggregates data by sex, including labour force, health and education related statistics.

In addition, the Australian Government has developed the Gender Equality Strategic Research Plan 2009-2012 which provides details on the government's priority areas for research over the next three financial years in the area of gender equality. It will assist researchers and policymakers in the Australian Government Department of Families, Housing, Community Services and Indigenous Affairs, and across other government and non-government agencies and organisations, to identify research questions that will inform government on areas where gender equality needs to be improved. The Australian Government has committed \$400,000 per annum to fund the research questions identified by the Gender Equality Research Plan.

Articles 1-4: Definition of Discrimination Against Women, Obligations to Eliminate Discrimination, the Development and Advancement of Women, and acceleration of equality between men and women.

The United Nations Human Development Report 2009 ranked Australia first in the world on its Gender-related Development Index and seventh in the world on its Gender Empowerment Measure. The World Economic Forum's *Global Gender Gap Report 2009* ranked Australia 20 out of 134 countries on its Gender Gap Index.

Article 5: Sex roles and stereotyping

In March 2007, the Australian Sex Discrimination Commissioner, a member of Australia's independent statutory Human Rights Commission, released a report titled *It's About Time: Women, men, work and family* (available at www.humanrights.gov.au), which makes the case for a new framework to support a balance between paid work and family responsibilities.

In March 2009, the Australian Government also established the National Advisory Group on Body Image to address the growing problem of negative body image amongst young people. The Advisory Group developed the *Proposed National Strategy on Body Image* which encourages the media, advertisers and the fashion industry to promote more positive body image messages.

Together, these initiatives are promoting a national dialogue on this important issue for Australian women.

Article 6: Suppression of the exploitation of women

On 17 June 2009, the Australian Government announced changes to Australia's anti-people trafficking strategy to provide improved support for victims. The changes simplify the framework, enable a wider range of victims to access support and improve services to victims and their families. As at 6 October 2009, a total of 141 clients have received assistance through the Australian Government *Support for Victims of People Trafficking Program* since 2004.

Article 7: Political and public life

The number of women in the Australian Parliament is the highest it has ever been. Today Australia has its first female Deputy Prime Minister and Governor General, there are seven female Ministers

and two female Parliamentary Secretaries. The current 42nd Parliament has more women than any previous parliament in Australia's history. Approximately one in three Australian parliamentarians is a woman.

Article 8: International representation and participation

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 per cent of the department's employees posted overseas are women, which is a slight increase from 38.9 per cent in 2004. As of October 2009, of Australia's 109 people serving overseas as heads of mission or post, 32 per cent are women.¹ In 2007, 40.9 per cent of Australians working at the United Nations were women.² One of the three current Australian Permanent Representatives to the United Nations is a woman.

Article 9: Nationality

Within Australia's migration program, the base target for the Women at Risk category within the 2009-10 Humanitarian Visa Program has increased from 10.5 per cent to 12 per cent of the refugee component. The visa recognises the priority given by the United Nations High Commissioner for Refugees to the protection of women in particularly vulnerable situations. Since its inception in 1989, around 9,500 visas have been granted under the Woman at Risk category. The Women at Risk component of the Humanitarian Program provides for the resettlement of vulnerable refugee

¹ Department of Foreign Affairs and Trade website, viewed 21 September 2009, <http://www.dfat.gov.au/homs/index.html>

² Office of the Special Advisor on Gender issues and Advancement of Women (OSAGI) website, viewed 21 October 2009, <http://www.un.org/womenwatch/osagi/fpgenderbalancstats.htm#ns>

women and their accompanying dependents who do not have the effective protection of a male family member.

Article 10: Education

The United Nations Human Development Report 2009 ranked Australia first in the world on its Gender-related Development Index (GDI). The GDI measures life expectancy, the adult literacy rate and the combined primary to tertiary gross enrolment rate and estimated earned income. More than half the students in higher education and just under half the enrolments in vocational education and training (VET) are women. Women represent approximately two-thirds of all Indigenous higher education students and just under half of all Indigenous VET students. This result is very pleasing and demonstrates that Australia's ongoing commitment to gender equality is yielding tangible results.

Article 11: Employment

The number of Australian women in the labour force has reached record levels over recent years. As at September 2009, around 4.92 million women were employed, representing 45.5 per cent of Australia's total labour force. The Australian Government is committed to improving women's economic security and independence by providing \$731 million over five years for a comprehensive paid parental leave scheme, to commence in January 2011. Paid parental leave will promote women's continued engagement in the workforce, which is of vital importance to women in securing their long term economic outcomes.

Article 12: Health

Breast cancer is the second most common cause of cancer related death in women in Australia. The lifetime risk of women developing breast cancer before the age of 75 years is one in 11. The Government will provide \$168 million over four years from 2009-10 to continue funding the Herceptin® program. The program provides free access to Herceptin® for patients affected by late-stage metastatic breast cancer. This is in addition to \$120 million over five years to replace BreastScreen Australia's older equipment with state of the art digital mammography equipment.

Article 13: Economic and social participation

Women continue to provide the largest amount of informal care and household work, on average women spend over 33 hours a week on household work and make up 71 per cent of primary carers of people who are frail, aged or have disabilities. The Australian Government will invest around \$13 billion to support 800,000 families to access affordable and high quality child care. The Government will also provide \$9.3 million over four years for an additional 250 Outside School Hours Care places for teenagers with disability or serious medical conditions. These programs support parents and carers, who want to return to work, extend their working hours or stay working.

Article 14: Women in rural and remote areas

The National Rural Women's Summit was held in Canberra on 27–28 June 2008, involving 82 women from rural, regional, remote areas, including Indigenous women, and producing a report with 123 recommendations. The report can be found at http://www.fahcsia.gov.au/sa/women/pubs/general/rural_summit/Pages/default.aspx. A key recommendation from the Summit was the establishment of a National Rural Women's Network.

This network is being developed to coincide with the implementation of the Government's new model for engaging women. This new model will take effect in 2010.

Article 15: Equality before law

The Australian Government has increased funding to Community Legal Centres and Commonwealth legal aid services which it is anticipated will enable these services to provide more support to women especially those involving family law cases where there has been domestic violence or abuse. The additional funding for Community Legal Centres will help disadvantaged Australians who require assistance in areas such as consumer protection, mortgage and tenancy issues, welfare rights, family and homelessness issues.

Article 16: Family life, marriage and violence against women

Nearly one in three Australian women suffers physical violence in their lifetime and almost one in five experiences sexual violence. The scope of the problem and its impacts on society are vast. In its 2009-10 Budget, the Australian Government committed \$42 million to immediately progress 18 of the 20 priority recommendations that came out of the report, *Time for Action: the National Council's Plan for Australia to Reduce Violence against Women and their Children 2009-2021*.

The report is available to download from

http://www.fahcsia.gov.au/sa/women/pubs/violence/np_time_for_action/Pages/default.aspx.

3. Please provide information of the status of the Convention in the domestic legal order. Please also provide information on steps taken to implement the recommendations of the Committee in its previous concluding observations in respect of the effective

implementation of the Convention including through the enactment of legislation applicable in all states and territories.

Australian Government's response:

Australia has a federal constitutional system in which legislative, executive and judicial powers are shared or distributed between the Commonwealth Government and those of the six states and two self-governing territories. State and territory governments are responsible for many of the government activities that give effect to the rights under the Convention.

The general approach taken in Australia to human rights and other treaties is to ensure that domestic legislation, policies and practice comply with the treaty prior to ratification. Accordingly, it was not considered necessary to enact the Convention directly into domestic law.

The Commonwealth's *Sex Discrimination Act 1984* (SDA) is the primary federal legislation for making discrimination against women unlawful. The Act's objectives reflect the Convention's content. The Convention is included as a schedule to the *Sex Discrimination Act 1984*. Under the Commonwealth *Australian Human Rights Commission Act 1986*, individuals can lodge complaints of sex discrimination and sexual harassment with the Australian Human Rights Commission (AHRC), which can investigate the complaint.

The Australian Constitution contains a number of express or implied guarantees of rights and freedoms. Australia has an established administrative law framework which allows people to seek review to a wide range of government decisions and to obtain reasons for particular decisions that have been made.

Relevant state and territory legislation which has the effect of implementing various provisions of the Convention include: the *Anti-Discrimination Act 1977* (NSW); the *Anti-Discrimination Act 1991* (Qld); the *Equal Opportunity Act 1994* (SA); the *Anti-Discrimination Act 1998* (Tas); the *Charter of Human Rights and Responsibilities Act 2006* (Vic); the *Equal Opportunity Act 1995* (Vic); the *Equal Opportunity Act 1984* (WA); the *Human Rights Act 2004* (ACT); and the *Anti-Discrimination Act 1992* (NT).

In addition to these established frameworks, the Australian Government continues to review the need for legislation that implements Australia's obligations under human rights treaties. On 10 December 2008, the Australian Government announced an Australia-wide consultation to determine how best to recognise and protect human rights and responsibilities in Australia. The aim of the consultation was to bring together a range of views across the spectrum of Australian society about how we should protect human rights.

The National Human Rights Consultation Committee received over 35,000 submissions and conducted a number of community roundtables and public hearings across the country. On 30 September 2009 the Committee provided its report to the Australian Attorney-General. The report was released publicly on 8 October 2009. It contains 31 recommendations. The Australian Government is carefully considering the recommendations and the best way of protecting human rights.

4. Please provide information on cases in which the Convention has been invoked or referred to in national courts as well as the outcomes of such cases. Please specify what other measures, in addition to the preparation of educational material on the Convention as indicated in paragraph 1.17 of the State party report, have been taken, or are planned, to

increase awareness about the Convention and Optional Protocol among the judiciary and legal profession in all states and territories.

Australian Government's response:

While the Convention is not implemented directly in domestic legislation, the Australian Government complies with all its international obligations under the Convention, largely through the *Sex Discrimination Act 1984*.

Case Law

There are a large number of domestic cases in which the Convention has been invoked or referred to. Given this, we have not set out the details of those cases.³ The outcome of a particular case will depend on the provisions in the relevant domestic legislation, and any remedies available under that legislation.

In interpreting domestic legislation, Federal, State and Territory Courts apply a number of principles of statutory interpretation. One such principle is that legislation in Australia must be interpreted and applied, so far as its language permits, so that it is consistent with established rules of international law (*Minister for Immigration and Ethnic Affairs v Teoh* (1995) 183 CLR 273). Further, legislation must be interpreted on the presumption that parliament did not intend to abrogate fundamental rights (*Coco v The Queen* [1994] PLPR 34).

Awareness Raising

³ Most cases are available at www.austlii.edu.au by searching for 'CEDAW.'

The Australian Government Office for Women has distributed 200 copies of Australia's combined 6th and 7th CEDAW Report and education pack to community legal centres across Australia. In addition, the Office for Women has supported the NSW Young Lawyers Association raise awareness among its membership of the Convention and the Optional Protocol.

The Australian Government is committed to ensuring that all members of the Australian judiciary can access programmes that increase their awareness of the intersections of gender and the legal system and the impact of judicial decisions upon women. Judicial education programmes are funded by the Government, through the Australasian Institute of Judicial Administration (AIJA) and the National Judicial College of Australia (NJCA). The AIJA, whose members are judges, magistrates, tribunal members, court administrators, members of the legal profession and academics, held its first gender awareness conference in October 1995 and its educational programs and conferences since then have continued to raise and address gender issues.

Additionally, in accordance with an agreement of the Standing Committee of Attorneys-General, the NJCA was established in 2002 as a national judicial college to provide professional development for judges, magistrates and tribunal members across Australia. Programs run by the NJCA broaden judicial officers' knowledge of social issues, including gender. The NJCA has a Gender Justice Committee which ensures that educational programs run by the NJCA include components which identify and address gender bias in the legal system. The Committee also advises on the effectiveness of gender awareness programs and reference material and assists with the development of new programs on gender issues.

The Australian Government Office for Women has also provided funding to JERA International to undertake a project titled, *Working Together for Equality* which promoted and sought the views of women from around Australia regarding the Beijing + 15 Review. This consultation process is a broad and interactive review of the issues, gains, gaps and challenges for women as relevant to the Beijing Platform for Action.

5. According to the report, the Sex Discrimination Act 1984 will be reviewed. Please indicate whether the recommendations of the Senate Legal Constitutional Affairs Committee were taken into account in the process of amending the Sex Discrimination Act. Please highlight the discriminatory provision that have been identified in existing legislation and indicate how you propose to eliminate them to ensure that the revised Sex Discrimination Act complies with the State party's obligations under the Convention. Please also indicate whether the recommended reforms envisage preparation and implementation of a comprehensive national strategy for the proactive promotion of de-facto gender equality including through addressing all grounds of discrimination faced by women in addition to discrimination on the grounds of sex and gender.

Australian Government's response:

The Australian Government complies with all its international obligations under the Convention, largely through the *Sex Discrimination Act 1984* (SDA). Australia has two reservations to the Convention which are paid maternity leave and employment of women in direct combat roles in the armed forces.

Section 44 of the SDA gives the Australian Human Rights Commission (AHRC) the power to grant temporary exemptions from certain provisions of the SDA. Temporary exemptions may be granted for up to five years at a time and may be granted subject to specified terms and conditions. The effect of a temporary exemption is that discrimination covered by the exemption is not unlawful under the SDA while the exemption remains in force. Because the SDA already provided for both permanent exemptions and special measures, and because any temporary exemptions must be consistent with the objects of the SDA, the circumstances in which it will be necessary or appropriate to grant such exemptions will be limited.

Full details of all exemptions granted are available on the Register of SDA Exemptions Granted on the AHRC website at:

http://www.aph.gov.au/Senate/committee/legcon_ctte/sex_discrim/index.htm

On 12 December 2008 the Senate Legal and Constitutional Affairs Committee tabled its report on the effectiveness of the *Sex Discrimination Act 1984* in eliminating discrimination and promoting gender equality.

The report makes 43 recommendations. More information on the report and its recommendations can be found at http://www.aph.gov.au/Senate/committee/legcon_ctte/sex_discrim/index.htm

The Senate Standing Committee on Legal and Constitutional Affairs' report identified some areas where the Act could be strengthened. The Government is currently considering the report and its response.

6. Please provide information about the assessment of the action plans, policies and programmes, as well as their impacts with regard to the practical realisation of equality between men and women in all areas covered by the Convention.

Australian Government's response:

The Australian Government has a long history of ensuring women's perspectives, needs and interests are addressed effectively through policy and programs, but it recognises that like many nations, more is needed to integrate gender equality effectively into government processes.

Whole of government work to promote equality between women and men is a priority area for the Australian Government. To advance this, the Australian Government Office for Women, has established a high level Women's Interdepartmental Committee (IDC) to provide policy co-ordination across Government to improve gender equality. The Australian Government expects that the IDC will offer an opportunity to identify cross-departmental responsibilities for women's issues and share innovation while providing an impetus to all departments to improve in their areas of responsibility.

As part of the Australian Government's renewed commitment to gender equality, the Commonwealth Department of Families, Housing, Community Services and Indigenous Affairs (FaHCSIA) will undertake a gender assessment (GA) to measure its progress towards achieving gender equality. The GA will measure FaHCSIA's performance in achieving gender equitable outcomes across selected FaHCSIA program and policy outcomes, and is the first step in fostering new standards in policy development across Australian Government Departments. It will be used to promote understanding of the benefits of taking gender issues into account in government work,

including better targeting of programs and improved policy analysis. It will also establish the rationale for take up of gender equality assessments by other government departments.

The outcome of the GA will be better targeted policy that meets the different needs of women and men, more effectively utilises the skills of women and men, and benefits the wider community as well as the economy. A report on the GA is expected to be published in July 2010.

The Australian Capital Territory (ACT) Government will also undertake a gender analysis pilot throughout 2009-10. This pilot is linked to a Parliamentary Agreement which commits to *phase in the publication of gender impact statements and gender disaggregated data associated with ACT Government legislation, policies, budget and annual reports by 2010*. Undertaking a pilot will give the ACT Government an opportunity to evaluate the outcomes and resource implications, and consider the next steps for “phasing in” a gender analysis process that is suitable for the ACT.

A gender analysis project has also been developed between the South Australian Office for Women, University of Adelaide, University of Western Australia, Office for Women’s Policy in Western Australia and a number of government agencies in both South Australia and Western Australia. The project is currently being finalised and will provide policy makers across government with a guide to incorporating gender analysis into policy development.

7. The report indicated that Australia does not rely on targets or quotas, nor supports their adoption as recommended in the previous Committee’s concluding observations. Instead, equal opportunity practises aimed at ensuring equal access of women to employment are encouraged through reporting obligation of bodies employing over 100 staff to the Equal Opportunity for Women in the Workplace Agency. Please explain why

temporary special measures, as set out in article 4, paragraph 1 of the Convention and General Recommendation 25 have not been recognised as a effective instrument for accelerating the achievement of de facto equality of women in areas where women are underrepresented or disadvantaged, both in public and private sectors.

Australian Government's response:

The Australian Government encourages skilled and talented women to contribute to this country's decision-making processes. The number of women in the Australian Parliament is the highest it has ever been. Today, Australia has its first female Deputy Prime Minister and there are seven female ministers and two female parliamentary secretaries. The current 42nd Parliament has more women than any previous parliament in Australia's history. As at October 2009, of 226 parliamentary members, 67 were women.⁴

In the public service, women currently make up nearly 58 per cent of the 160,000 employees and five departments are headed by women. On Australian Government boards and bodies women account for 34 per cent of all seats. In the judiciary, three out of the seven High Court Justices are women, and of the three remaining federal courts one of the two Chief Justices (one court is headed by a Chief Federal Magistrate) is a woman.

At the Australian and New Zealand Ministers' Conference on the Status of Women (MINCO) on Friday 2 October 2009, ministers noted the inadequate performance of the private sector in promoting women to their boards and senior leadership positions. MINCO will explore the

⁴ Parliament of Australia website, 13 October 2009.

application of targets to improve board membership. Four of the nine government jurisdictions currently have targets of 50 per cent women for their own boards.

The Australian Government, through the Office for Women, is working to recognise and strengthen women's leadership roles by working with the States and Territories on the *National Strategy for the Increased Participation of Women on Boards and Decision-making Bodies* which aims to increase the representation of women on public, private and community sector boards. The Government is also working to strengthen monitoring and reporting arrangements for the gender balance of appointments to government boards and bodies.

The Equal Opportunity for Women in the Workplace Agency (EOWA) plays an important change role in improving the position of women in the workplace by assisting organisations to identify and remove discrimination against women in paid employment. The primary focus of EOWA is to advise and assist employers to develop effective Equal Employment Opportunity outcomes for women in the workplace. EOWA provides employers with assistance in developing and implementing workplace equity programs.

The Australian Government is currently reviewing the *Equal Opportunity for Women in the Workplace Act 1999* (EOWW Act), and its agency. The review is examining whether the EOWW Act, in its current form, is best suited to helping business achieve equal employment opportunity. The public consultation process has now closed, and the Office for Women will provide recommendations to Government for consideration in the new year.

8. Please indicate whether the State Party has conducted any assessment of the various initiatives taken regarding the elimination of gender stereotypes in the media. Please also indicate any measures taken to eliminate gender role stereotyping in the educational system including through the revision of text books and school curricula, and in teacher's initial training, re-training and in-service training programs.

Australian Government's response:

The Australian Government seeks to eliminate stereotypes about the roles of men and women through national dialogue. In particular the Minister for the Status of Women has called for a new era of community discussion around gender equality. In March 2009 the Australian Government established the National Advisory Group on Body Image to address the growing problem of negative body image amongst young people. The Advisory Group developed the *Proposed National Strategy on Body Image* which encourages the media, advertisers and the fashion industry to promote more positive body image messages. The Government is currently considering the report and its recommendations.

Broadcasting

The *Broadcasting Services Act 1992* (BSA) establishes a regulatory framework under which the Australian Communication and Media Authority (ACMA), an independent statutory authority, develops program standards and assists broadcasters (commercial, community, subscription) and other service providers to develop codes of practice. ACMA is responsible for registering and administering the Australia Government's broadcasting industry codes of practice. These codes cover content matter including the harmful and negative portrayal of women in broadcast media.

The 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 which associate particular roles, ways of behaviour, personal or social attributes or use of products and services with people on the basis of gender. In addition, the Commercial Television Industry Code of Practice also advises broadcasters to try and achieve a better balance in the use of women and men as experts and authorities and give more prominence to the achievements of women in areas such as sport.

The Victorian Government has also introduced the *Victorian Government Gender Portrayal Guidelines*, developed in consultation with key industry groups and stakeholders, for use in its media, advertising and public relations campaigns. The guidelines provide a mechanism for developing communications material containing positive portrayals of men and women to assist the elimination of systemic discrimination based on gender. Key advertising industry bodies have undertaken to publicise and distribute the guidelines to their industry members. The Outdoor Advertising Association of Australia (OAAA) and the Advertising Federation of Australia (AFA) promote the Guidelines on their respective websites and in their newsletters.

The Tasmanian Government explicitly forbids gender stereotyping in government communications through its *Whole-of-Government Communications Policy* which states that government communications must not contain unacceptable language, sexual stereotyping, and unfair depiction of people in relation to race, ethnic origin and disability.

Education

Australia is committed to ensuring that all Australian students, regardless of sex receive a world class education. Under the Australian Constitution, the states and territories have primary responsibility for the funding, management and delivery of school education.

Issues of access and equity, valuing the contributions of girls and women, and the critical analysis of gender perspectives are embedded in the ACT Government school curricula; this is supported by an ACT Gender Equity Strategy for Schools and mandatory Across Curriculum Perspectives, which include gender equity.

The Tasmanian government has also developed a clear set of shared values, including equity within its education curriculum. Challenging gender stereotypes is implicit in the way teachers work with students and in the careful selection of texts and support resources. It is also explicitly taught in areas across the curriculum. Examples can be found in the English-literacy curriculum where students are given opportunities to explore the process of stereotyping in visual and written texts. Older school students are also supported to challenge gender stereotyping through the Guaranteeing Futures program and their work with Pathway Planners in schools.

Every effort is made to ensure that curriculum resources and support materials developed by the Queensland Department of Education and Training do not include gender stereotyping. The personal development strand of the *Health and Physical Education Essential Learnings* requires teachers to address and challenge gender role representations.

Similarly, the South Australia Department of Education and Children's Services addresses the issues around gender through ensuring that the language and processes used in the classroom are inclusive of gender. For example, the Maths for Learning Inclusion strategy incorporates a gender perspective for student engagement and participation in mathematics.

The New South Wales (NSW) Department of Education and Training's *Boys' and Girls' Education Strategy* encourages schools to challenge gender stereotypes, an important factor in the empowerment of girls and women. A strong focus on teaching and learning, social support and home, school and community partnerships encourages girls to engage fully in school life and to make informed decisions about career pathways and lifestyle choices. NSW public schools recognise the potential impact of gender based stereotypes on educational and social outcomes for girls and boys, particularly in regard to disparities in the participation of girls in areas such as information and communication technologies, mathematics, science, agriculture, engineering and construction.

9. Please provide information on how the State Party intends to strengthen its efforts towards the elimination of all forms of violence against women, especially perpetrated against indigenous women. Please provide information on any specific legislative provisions that define and criminalise acts of domestic violence. Please indicate the number of convictions and sanctions imposed on perpetrators, including the number of reported cases of murders of women by their current husbands, partners or ex partners. Do women victims of violence, in particular women belonging to vulnerable or disadvantaged groups, such as indigenous women, women with disabilities, older women, rural women, migrant women,

and women disadvantaged due to their sexual orientation and gender identity, have equal access to shelters and other protection and support services in all states and territories?

Australian Government's response

The Australian Government's policy stance on domestic and family violence and sexual assault is zero tolerance. In May 2008, the Australian Government established an 11 member National Council to Reduce Violence against Women and their Children to advise on the development of an evidence-based plan of action. The Council conducted significant research, consulted over 2,000 Australians and developed five documents, including *Time for Action: the National Council's Plan for Australia to Reduce Violence against Women and their Children 2009-2012*.

As part of the National Plan to Reduce Violence against Women and their Children, the Australian Government has agreed to immediately progress 18 of the 20 priority recommendations from the Time for Action report at an initial investment of \$42 million including:

- \$12.5 million for a new telephone and online crisis service;
- \$23 million for primary prevention activities including *Respectful Relationships* programs and social marketing; and,
- \$3 million to support research on perpetrator treatment and the greater harmonisation of federal and state and territory laws.

The Australian Government, through the Department of Families, Housing, Community Services and Indigenous Affairs (FaHCSIA) also provides funding to support individuals affected by Indigenous Family Violence through:

- **Family Violence Partnership Program (FVPP)** builds on the Australian Government's commitment to tackling family violence and child abuse. The program provides funding for partnerships with State and Territory Governments to jointly fund initiative that address family violence. Funding can be provided for projects and initiatives that aim to develop a sustainable reduction in, and prevention of, Indigenous family violence and child abuse through the enhancement of existing, or establishment of new services/initiatives.
- **The Family Violence Regional Activities Program (FVRAP)** aims to provide practical and flexible support for grassroots projects that have been identified by Indigenous communities as a local priority to address family violence, sexual assault and child abuse.
- **The Family Support Package** works to protect the safety and wellbeing of Indigenous women and children. It provides 22 Safe Places across 15 remote communities plus Alice Springs and Darwin. It also provides a Mobile Child Protection Team and Remote Aboriginal Family & Community Workers in at least 13 communities.

All women in all states and territories have equal access to shelters and other protection and support services, although some services cater to specific target groups.

In Tasmania, rural and isolated women who do not have access to a women's shelter are supported through an accommodation brokerage scheme, to ensure they have access to safe accommodation outside of the family home when needed.

The Queensland Department of Communities provides funding to the Immigrant Women's Support Service to provide culturally appropriate support, information, short-term counselling and referral to women who are or have been in violent domestic situations or who have experienced sexual assault. In 2007, the Queensland Police Service (QPS) established a Domestic and Family Violence unit to take a proactive approach to investigating domestic and family violence. The QPS responds to the needs of clients which includes referring clients to support agencies that are culturally appropriate.

Legislation

The Australian Government Solicitor has undertaken a comparative analysis of the laws relating specifically to domestic violence in Australia and New Zealand. The report provides an overview of all state and territory and New Zealand domestic violence-specific laws providing for the making of protection orders, a breach of which may be subject to fines of up to \$50,000 and/or terms of imprisonment of up to five years. An electronic copy of the report is available for downloading at

http://www.fahcsia.gov.au/sa/women/pubs/violence/np_time_for_action/domestic_violence_laws/Pages/default.aspx

In all jurisdictions, the domestic violence-specific legislation only applies where the victim of violence or threatened violence is, or has been, in a particular kind of relationship with the perpetrator. In most jurisdictions, a wide range of relationships is comprehended by the legislation including, spouses and de facto partners (including same sex partners), children and step-children, the child of a person's de facto partner and other persons who are generally regarded as 'relatives.'

The capacity for protection orders to be enforced across jurisdictions is an important issue for victims of domestic violence. The domestic violence-related legislation across Australia recognises the need for such ‘portability’ of orders. A person protected by a domestic violence protection order made in one state or territory (or New Zealand) may apply, in any of the other states and territories, for the order to be registered.

Violence committed by strangers is dealt with under the criminal code provisions of each state and territory.

Domestic Homicide

The Australian Institute of Criminology (AIC) is Australia's leading national research and knowledge centre on crime and criminal justice issues. The AIC conducts research on the extent, nature and prevention of crime in order to provide timely, policy-relevant advice to meet the needs of government and the community.

In December 2008, the AIC hosted the first ever *International Conference on Homicide: Domestic-related homicide*. The international conference highlighted research and practice in the field, with domestic-related homicide a major theme.

The AIC also maintains a detailed database of homicides committed in Australia through its National Homicide Monitoring Program (NHMP). The AIC NHMP annual report showed that there were 65 victims of intimate-partner homicide in 2006-07 and that 65 per cent of intimate-partner homicide victims were women. The report also showed that in 43 per cent of homicides

between intimates, there had been a domestic violence history with police.⁵ For further information regarding domestic homicide rates in Australia, please refer to Appendix 1.

10. Please provide detailed information on the time frame for the implementation of the National Plan of Action to reduce Violence Against Women and their Children. Please indicate if the recommendations of the 2008 Family Violence and Homeless report have been taken into account in the implementation of the Nation Plan of Action.

Australian Government's response:

On 22 September 2009, a Ministerial Council convened to develop a joint plan by the Australian, state and territory governments to reduce violence against women.

The National Plan is expected to be released by the Council of Australian Governments (COAG) in 2010.

In 2008, the Australian Government commissioned research on strategies to prevent homelessness resulting from domestic and family violence and to 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.

The research report, the *Women, Domestic and Family Violence and Homelessness Report: A Synthesis Report*, was released on 30 September 2008. The Australian Government has considered the recommendations, and supports the broad strategic vision in the report that domestic and

⁵ Jack Dearden & Warick Jones. Homicide in Australian: 2006-07 National Homicide Monitoring Program Annual Report. Canberra: Australian Institute of Criminology, January 2009

family violence related homelessness requires a commitment from all levels of Governments to a long-term integrated approach for addressing the safety and security of women and their children.

11. The report states that according to data sourced from the 2005 Personal Safety Survey, 90% of women who have experienced sexual assault did not access crisis support, legal help or other support services, including telephone help lines. What measures have been taken to address factors preventing women from availing themselves of these support services and to encourage them to seek justice? Please indicate, if available, the conviction rates with regard to sexual assault cases reported by women per year. Please provide information on any initiatives designed to address sexual abuse of women with disabilities who, according to information provided in the report, are among the groups with the highest risk of assault, rape and abuse.

Australian Government's response:

Violence against women is unacceptable and causes significant personal, social and economic costs for all in our community. The Australian Government is providing leadership to develop a National Plan through the Council of Australian Governments (COAG), which is intended to have a radical, long-term effect on the incidence of violence against women and their children. The Plan will identify specific actions through a series of four Three Year Action Plans and sets out responsibilities and timeframes for reducing violence against women and children, including women with disabilities.

Law Reform

The Australian Government also recognises that domestic and family violence is a criminal offence and that the Australian legal system has an important part to play in its prevention. The Government has therefore asked the Australian Law Reform Commission to work with all state and territory Law Reform Commissions to examine the inter-relationship of laws that relate to the safety of women and their children.

In 2004, the New South Wales Government established the Criminal Justice Sexual Offences Taskforce to examine issues of sexual assault and how it is prosecuted. The Taskforce Report particularly highlighted the need to provide greater protection to people with intellectual disabilities and other cognitive impairments, and to improve police investigations and the court process for those people.

In response, the NSW Government has overhauled a range of laws including vital legislation to introduce an 'objective fault test' into the law in relation to sexual assault to define 'consent' and expand the circumstances when consent is negated. One of those circumstances is where the complainant is incapable of understanding or appreciating the nature of the act. A major aim of this new provision is to provide greater protection for women with disabilities.

Awareness Raising

The South Australian Government has launched a public education and awareness campaign – *Don't Cross the Line*, which places responsibility for gendered violence on the perpetrator and thereby attempts to change community attitudes that contribute to victims of sexual violence feeling responsible for the assault.

The Australian Government has provided \$9.1 million to improve the quality and uptake of *Respectful Relationships* programs for school aged young people.

Respectful Relationships is a primary prevention strategy that seeks to prevent domestic and family violence through education. The strategy focuses on preventing violent behaviour by educating and facilitating young people to develop skills and knowledge on how to behave in positive and respectful ways in intimate relationships.

The initiative increases awareness and knowledge of sexual assault and intimacy and ethical behaviour.

Education

The Australian Centre for the Study of Sexual Assault provides access to current information, research and resources for policy makers, researchers, service providers and practitioners working in the field of sexual assault. The Centre publishes newsletters, in-depth papers, and practice resources to support and develop strategies that aim to prevent, respond to, and ultimately reduce the incidence of sexual assault. ACSSA is a specialist unit within the Australian Institute of Family Studies (AIFS) and is funded by the Australian Government.

In 2006, the Queensland Police Service commenced Project USA (Unreported Sexual Assault) to target the under-reporting of sexual assaults by forging partnership with sexual assault support services throughout the state. In 2009, the Project was expanded to provide a web based resource package for victims of Adult Sexual Assault, known as Project ARO (Alternative Reporting Options). This included information on making an official complaint, the investigative and court process, alternative reporting options and support agencies.

Conviction rates

The breakdown of conviction rates with regard to sexual assault cases reported by Australian women per year is not available.

12. Please provide information on the extent of women and girls affected by female genital mutilation and results achieved through prevention of female genital mutilation.

Australian Government's response:

All Australian 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.

While no evidence or statistical data is available to show the prevalence of female genital mutilation in Australia, the "*Development of a new National Women's Health Policy Consultation Discussion Paper 2009*," released by the Australian Government Department of Health and Aging in March 2009, noted that the practice of female genital mutilation remained a concern in Australia.

The Australian Government provides the Australian Cultural Orientation (AUSCO) Program to refugee and humanitarian visa holders who are preparing to settle in Australia prior to their arrival. The course is delivered over five days and is tailored for delivery to four separate groups – adults, youth, children and pre-literate people. In addition there are Family Day sessions for all family

members. The AUSCO curriculum includes general information about Australian law and equality between the sexes. The topic of female genital mutilation is addressed in every AUSCO class in Africa.

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 *New South Wales Education Program on Female Genital Mutilation* is funded by NSW Health to work with targeted communities to prevent female genital mutilation occurring in NSW. The Program aims to minimise the health and psychological impact of the practice for women, girls and their families affected by, or at risk of female genital mutilation, and to educate health and welfare workers to enable them to work effectively with women affected by female genital mutilation. The Program works with communities from Egyptian, Ethiopian, Kurdish (Iraq), Kenyan, Liberian, Nigerian, Sierra Leonean, Ethiopian, Indonesian, Somali and Sudanese backgrounds now resident in NSW. The program is also developing links with new and emerging communities across the state, who may be at risk of female genital mutilation.

13. Please indicate what progress has been made in ensuring that corporal punishment of girls is explicitly prohibited in all settings as recommended by the Committee of the Rights of the Child, the United Nations Study on Violence against Children, and the Committee's General Recommendation No. 19.

Australian Government's response:

The Australian Government does not endorse corporal punishment as an approach to developing values and respect in students. The *National Framework for Protecting Australia's Children 2009-2020* which was endorsed by the Council of Australian Governments on 30 April 2009 applies a public health model to protecting children. The Framework upholds the principle that all children, both girls and boys, have a right to be safe, valued and cared for, and that, as a signatory to the United Nations Convention on the Rights of the Child, Australia has a responsibility to protect children, provide the services necessary for them to develop and achieve positive outcomes, and enable them to participate in the wider community.

In Australia, corporal punishment in the home and in schools is regulated at state and territory level, and laws differ across jurisdictions. Most states and territories have legislated to prohibit corporal punishment or any unreasonable behaviour management in government and non-government schools. In the home, in most Australian states, a parent can lawfully smack their child when it is considered 'reasonable chastisement.'

The Tasmanian Parliament legislated in 1997 to prohibit corporal punishment in detention centres and in all government and non-government schools in 1999. The Tasmanian Government has also implemented policy to prohibit the practice in all forms of child care and out-of-home-care.

In Victoria, the *Education and Training Reform Act 2006* bans corporal punishment in all schools, both government and non-government.

In 2009 the Queensland Child Safety Services released the *Positive Behaviour Support* policy. This policy guides the response of foster and kinship carers and direct-care staff to behaviours of children and young people in out-of-home care placements. The policy prohibits the use of practices that interfere with basic human rights, are unlawful and unethical, and cause a high level of discomfort and trauma. Queensland has banned the use of corporal punishment in government schools since 1995.

14. Please provide detailed information on any additional measure taken to address the persistence of trafficking in human beings, both internal and international, particularly in women and girls, and the results achieved.

Australian Government's response

On 1 July 2009 the Government implemented changes to the *Support for Victims of People Trafficking Program* (the Program) and the *People Trafficking Visa Framework* (the Visa Framework). These changes simplified the framework and enable a wider range of victims to access support and improved services for themselves and their families. The Program and the Visa Framework are discussed in more detail at question 15.

On 17 June 2009, a second meeting of the National Roundtable on People Trafficking was held. Building on the success of the first National Roundtable in 2008, the second meeting focused on trafficking for labour exploitation. Among other outcomes, a working group was established to develop a whole-of-government strategy to raise awareness of trafficking in all its forms, including by raising awareness of fair work issues in Australia among migrant populations.

Australia, with Indonesia, co-founded and co-chairs the Bali Process on People Smuggling, Trafficking in Persons and Related Transnational Crime (the Bali Process). The Bali Process is a regional, multilateral process designed to boost bilateral and regional cooperative efforts against people smuggling and trafficking.

Australia has been represented at all four Conferences of Parties to the United Nations Convention against Transnational Organized Crime. The Conference of Parties to the UNTOC is a body comprising State Parties to the Convention and observers that is designed to improve the capacity of State Parties to combat the various forms of transnational organised crime and to promote and review the implementation of the Convention and its Protocols.

The Australian Government's overseas aid program addresses the underlying causes of human trafficking and exploitation of children through its focus on poverty reduction and the achievement of the Millennium Development Goals

This includes the Asia Regional Trafficking in Persons (ARTIP) Project, a five-year, \$21 million funded by the Australian Agency for International Development (AusAID) which aims to facilitate a more effective and coordinated approach to people trafficking in South East Asia. AusAID is also designing two new programs as part of its anti-trafficking work - one to assist vulnerable migrant workers and their families and another to combat the sexual exploitation of children in the Mekong sub-region. These programs are expected to commence in 2010.

15. Please provide more detailed information on the response of the State party to the previous committee's concluding observations with regard to the protection and assistance

available to women suspected victims of trafficking who are not able or willing to help a trafficking investigation or prosecution. Such information should include data on women in this category who were returned home in comparison to women of the same category who were able to remain in Australia under another class of visa. Has the Australian Government undertaken or planned any comprehensive review of the visa regime, eligibility for the support and repatriation programs in order to ensure achievement of its stated protection and prevention objectives?

Australian Government's response:

Australia provides a comprehensive range of support services to people who are identified as victims of people trafficking irrespective of the visa they hold or whether or not they are willing and able to participate in the criminal justice process.

Changes to the People Trafficking visa framework including de-linking victim support from the trafficking visa framework

Prior to 1 July 2009, victims who were not able to assist with an investigation and prosecution of a people trafficking offence were assisted to return to their country of origin, unless they could satisfy criteria of another visa enabling them to remain in Australia. As of 1 July 2009, all identified suspected victims of trafficking have access to an initial 45 days of support irrespective of their willingness and ability to assist with an investigation and prosecution of a people trafficking offence. Victims who are unlawfully in Australia will be granted a Bridging Visa F under the People Trafficking Visa Framework. The validity of this visa has been extended from 30 days to 45 days.

Under the new arrangements, victims of trafficking who are willing, but not able, to participate in the criminal justice process may be eligible for up to 90 days support under the Program (45 days support under the Assessment Stream and 45 days support under a new Extended Intensive Support Stream). This extended period of support is provided on a case-by-case basis and is designed to provide additional assistance to victims suffering from medical conditions like trauma. If the suspected victim of trafficking does not hold a valid visa, a second Bridging F visa for up to 45 days may also be granted.

Since the announcement of the changes in the mid-June 2009, 8 victims and their immediate family members have been granted permanent Witness Protection (Trafficking) visas. A number of other visas are currently being processed.

The Department of Immigration and Citizenship (DIAC) maintains statistics for suspected victims of trafficking who are subsequently granted visas other than visas in the People Trafficking Visa Framework. These visas may include Partner visas or Protection visas. DIAC does not maintain detailed data in relation to suspected victims of trafficking who chose to exit the program and depart Australia.

Complementary Protection

In June 2009, the Australian Government also announced the *Migration Amendment (Complementary Protection) Bill 2009* which will better protect people at risk of violation of fundamental human rights who may not be covered by the Refugees Convention. Complementary protection will help vulnerable people who are at risk of the most serious forms of harm if they returned to their home country.

16. Please provide information on the number of reported cases on trafficking in women and girls and the rate of conviction.

Australian Government's response:

Since Australia's people trafficking legislation came into effect, 35 people have been charged with people trafficking offences. Most victims of trafficking identified by Australian authorities have been women working in the sex industry. However, to date, two labour trafficking matters have also been before the Australian courts.

As at 14 October 2009, 11 defendants have been convicted of slavery, sexual servitude and people trafficking offences. Four of these people are subject to a retrial following an appeal. Six people trafficking matters (including appeal matters) are currently before the courts, involving 10 defendants.

17. In its previous concluding observations, the Committee recommended that development of strategies to discourage the demand for prostitution, prevent women from entering into prostitution, and establish programs of rehabilitation and support for women and girls who wish to leave prostitution. Please provide information of any comprehensive strategies and programs adopted in this regard and results achieved through their implementation.

Australian Government's response

The Australian Government is of the view that legalised brothel prostitution, or profiting from the use of prostitution of women does not fall within the meaning of 'exploitation of prostitution' in

Article 6 of the Convention. Rather, 'exploitation of prostitution' applies where the circumstances in which women are being prostituted are exploitative - for example, if women are being held in sexual servitude, or child prostitutes are involved. State and territory governments are responsible for regulating the sex industry under the residual powers of the Australian Constitution.

As brothel prostitution is not an illegal activity, the Australian Government does not have any programs directly aimed at preventing women from entering prostitution but does provide a comprehensive social security program that supports women and men in need. Centrelink, an Australian Government Statutory Agency assists people to become self sufficient and can provide assistance in finding paid employment through a range of programs and services, including referrals to Employment Service providers and access to Career Information Centres. Centrelink also provides counselling and social work support.

To support workers in the sex industry, New South Wales Health provides funding to the Sex Workers Outreach Program (SWOP). SWOP is a community based organisation that provides a range of health, safety, support and information services for sex workers, management, clients and partners of sex industry workers. SWOP also provides information and workshops on sex work issues for health care providers. SWOP services include a project worker for indigenous sex workers.

The Victorian Department of Planning and Community Development's Workforce Participation Partnerships (WPP) program, targets jobseekers facing significant barriers to employment or at risk of long- term unemployment. The program supports participants to gain suitable employment in areas of labour and skills shortages. Vulnerable sex workers who have multiple issues that limit

their capacity to be competitive in the ‘mainstream’ labour market – for example, substance abusers, ex-offenders, and others who have barriers to gaining sustainable employment – are eligible for assistance under the program.

18. Please provide information on the results of the various initiatives regarding rural and indigenous women, especially Torres Strait Islander women, in respect of political participation and decision-making.

Australian Government’s Response:

The Australian Government is committed to increasing the number of women in leadership and decision making roles, including the number of women appointed to boards and other decision making bodies. The Australian Government, through the Office for Women continues to work with the states and territories on the *National Strategy for the Increased Participation of Women on Boards* which aims to support and encourage the appointment of women to private and public sector boards.

The Australian Government Department of Agriculture, Fisheries and Forestry is actively supporting this through initiatives and policies that target and support all women in primary industries, including Aboriginal and Torres Strait Islander women. In the last 18 months, the government has doubled the female representation on its research and development corporation boards from around 19 per cent to 40 per cent, with these women having strong ties to rural and regional Australia.

The development of strong leadership skills is also essential in overcoming Indigenous disadvantage. The Australian Government has developed the Indigenous Leadership Development Program which has been supporting Indigenous men and women to increase their leadership skills, confidence and level of involvement in community development. Since the programs inception in 2004, 881 Indigenous women leaders have participated in the program.

The Australian Government also funds the Indigenous Women's Program. Activities funded under this program aim to support more women to undertake leadership, representative and management roles, strengthen women's networks and organisations and support Indigenous women's cultural traditions. Since 2004-05, the Australian Government has supported 336 activities under the Indigenous Women's Program.

In 2007 the Australian Government committed to establishing a national representative body to give Aboriginal and Torres Strait Islander people a voice in national affairs. The Government consulted widely with Aboriginal and Torres Strait Islander people to gain their views on a preferred model for a national representative body. The model developed after 12 months of consultation and recommended by the Aboriginal and Torres Strait Islander Social Justice Commissioner, Tom Calma and the Indigenous Steering Committee has been supported by Government. The guiding principles of the body include ensuring equal participation of women and men.

The Government has announced funding of \$29.2 million for the new representative body to provide appropriate support during its very important establishment stage and the early years of its operation.

In 2009, the Australian Government funded the flights and accommodation of one Indigenous woman to participate on the Australian delegation to the 53rd Session of the United Nations Commission on the Status of Women (CSW 53). The government also hosted a Side Event at CSW 53 in partnership with the Australian Human Rights Commission to launch the documentary *Yajilarra*, which promotes the successful work of Aboriginal women from the remote Kimberly region of Fitzroy Valley in north-western Australia in reducing alcohol consumption in their community. The Australian Government Office for Women funded post-productions of the documentary and the participation of the two Fitzroy Crossing Women at CSW 53 to discuss their experiences.

In 2010 the Australian Government will fund two Indigenous women to participate on the Australian delegation to the 54th Session of the United National Commission on the Status of Women.

Another important forum is the National Aboriginal and Torres Strait Islander Women's Gathering (NATSIWG). This yearly gathering of Aboriginal and Torres Strait Islander women from each state and territory considers issues raised by Indigenous women. NATSIWG links communities and governments, and provides advice and recommendations to the Commonwealth, State, Territory and New Zealand Ministers' Conference on the Status of Women (MINCO).

Similarly, the Queensland Aboriginal and Torres Strait Islander Advisory Council provides the Queensland Government with high level, strategic advice on policies, programs, services and partnerships that can contribute to meeting with state and Commonwealth targets and priorities. Of the fourteen members of the Advisory Council, six are Aboriginal women and one is a Torres Strait Islander women.

The Australian Capital Territory (ACT) Indigenous Elected Body (IEB) was also established to ensure that Aboriginal and Torres Strait Islander People in the ACT have a strong democratically elected voice. Consistent with the ACT Government's commitment to achieving 50 per cent representation of women on its boards and committees, the Appointments Consultation process requires all agencies to consult with the ACT Office for Women prior to appointing members to boards and committees.

19. Please indicate what actions have been carried out for the implementation of the United Nations Security Council Resolution 1325 and explain the results achieved.

Australian Government's response:

Australia has reported annually to the Security Council on its implementation of UNSCR1325. Since 2002, Australia has funded activities in the Asia-Pacific region aimed at providing a platform for women's participation in decision-making for peace and security at the community, national and regional levels. These activities include:

- FemLINKPACIFIC's Regional Women's Community Media Network of Women, Peace and Security which has launched a UNSCR 1325 website to assist with the dissemination of information on the Resolution, translate the Resolution into local languages and supported the participation of women in the prevention, management and resolution of conflict through building a regional network of partner organisations in Fiji, Solomon Islands, Tonga and Bougainville to implement the resolutions; and,
- a 14-week roadshow exhibition of art and theatre following the Women for Peace Conference in East Timor in March 2009, hosted by the Alola Foundation. The Conference strengthened awareness of women's roles in peacebuilding and conflict resolution. The

roadshow used artwork produced as part of the conference to travel to every District in East Timor and provided outreach to the Districts to enable widespread engagement with the conference themes and outcomes.

The Australian government is also committed to undertaking further policy analysis in order to enhance implementation of Resolution 1325 through the aid program. Current activities to achieve this include:

- Research being undertaken by the University of South Australia for the project “Women, peace and security in partner countries: Analysis of the impact of UN Security Council Resolution 1325” in order to further guide Australia’s approach in the Asia-Pacific region. This research is focusing on the implementation of Resolution 1325 in Fiji, East Timor and Sri Lanka to highlight best practices, provide transferrable lessons and make practical policy recommendations on how to more effectively measure, evaluate and advance the participation of women in peace and security issues.
- Australia has provided strong support for the Bougainville peace process in Papua New Guinea, where Bougainvillean women have been instrumental in sustaining momentum for conflict resolution. The Australian aid program has supported Bougainvillean women's efforts in conflict resolution and participation in the peace process by facilitating women's attendance at peace talks and funding the Leitana Nehan Women's Development Agency (LNWDA).

The Australian aid program is also helping to support the implementation of United Nations Security Council Resolutions 1820 and 1888 on ending sexual violence in armed conflict by:

- Incorporating a gender perspective into peacekeeping operations by supporting UN Action and the Department of Peacekeeping Operations (DPKO) to develop an inventory which

catalogues existing good practice by military personnel to prevent, deter, and respond to conflict-related sexual violence.

- Protecting women and girls from sexual violence in Internally Displaced Person (IDP) camps in the Democratic Republic of the Congo (DRC) through supporting the UNHCR to implement the Comprehensive Strategy on Combating Sexual Violence.

20. Please provide information on the measures taken to tackle the persistent disparity which indigenous women face in accessing the educational system, including those living in remote areas. Please provide information on measures taken to improve the quality of education for girls and women living in remote areas, in particular those belonging to indigenous groups and other disadvantaged groups such as students with disabilities. Please indicate results achieved through implementation of measures and programs.

Australian Government's response:

The Australian Government is committed to improving the quality of education for all Australian students, including those from low socio economic backgrounds, particularly Indigenous students and students from regional and remote areas. There have been positive advancements in this area in recent years with Indigenous female student participation in higher education increasing by 2.4 per cent in 2008. Indigenous female student higher degree completions increased by 10.8 per cent between 2006 and 2007 compared to a 1.5 per cent increase in completions for all (Indigenous and non-Indigenous) Australian female higher education students.

The Australian Government and the states and territories have agreed to take urgent action to close the gap between the life outcomes of Indigenous and non-Indigenous Australians. To drive this

action, the Prime Minister, Premiers and Chief Ministers have agreed through the Council of Australian Governments (COAG) to six ambitious targets based on the strategic ‘building blocks’ of early childhood, schooling, health, economic participation, healthy homes, safe communities, and governance and leadership.

The Australian Government is working with the states and territories to implement a *National Partnership Agreement on Literacy and Numeracy*, with \$540 million in funding over the next four years. The *National Partnership* will support improvements in student literacy and numeracy through a focus on three priority reform areas:

- strong school leadership and engagement with literacy and numeracy;
- effective and evidence based teaching of literacy and numeracy; and,
- the effective use of student performance information to deliver sustained improvements in literacy and numeracy outcomes for all students, especially Indigenous students and those who are at risk of falling behind.

The Australian Government is also working with states and territories under the \$550 million *Smarter Schools – Quality Teaching National Partnership (TQNP)* agreement to support COAG’s Indigenous reform direction. Within the agreement there is a focus on providing support for Indigenous teachers’ and school leaders’ engagement with community members. The aim of this reform is to build community and family demand for education, improve students’ attendance and support parental engagement in their children’s learning, including measures to increase family literacy levels.

In addition, the Government is working with education providers in the Northern Territory to fund 200 additional teachers for remote schools to assist in the education of around 2,000 additional young people of compulsory school age who are currently not enrolled in school in prescribed communities in the Northern Territory.

The Australian Government has also allocated \$56.4 million to trial a number of specific projects to lift Indigenous student literacy and numeracy achievement and provide support to teachers for the implementation of Personalised Learning Plans with all Indigenous students up to Year 10. These projects will contribute to the evidence base of what works in improving the literacy and numeracy outcomes of Indigenous students and support the expansion of high impact strategies and programs.

Under the Trade Training Centres in Schools Program, funding is prioritised in order to support secondary school communities that support Indigenous students and students from rural, regional or other disadvantaged communities. In Round One (Phase One) of the Program, 32 per cent of approved projects will benefit schools in rural or remote regions and 44 per cent will support schools with significant Indigenous student populations.

Improving the learning outcomes of educationally disadvantaged school students, including students from rural areas or those with disabilities, is also a major priority. Since 2004, the number of female students with a disability enrolled in higher education in Australia has increased by 3,437 students or 21 per cent. In 2008, 4,183 women with a disability completed a higher education award, 1,219 at the postgraduate level and 2,964 at the undergraduate level.

Australian Government funding to non-government schools is provided under the *Schools Assistance Act 2008*. Targeted funding for students with disability in non-government schools is provided through the Literacy, Numeracy and Special Needs (LNSLN) Program which includes approximately \$814 million over 2009-12 to help students who are educationally disadvantaged, including students with disability. Responsibility for the allocation of LNSLN funding to individual schools rests with the non-government education authorities in each state and territory.

For Australian children affected by an autism spectrum disorder (ASD), the Government is providing targeted support for these children, their parents, carers, teachers and other professionals through the Helping Children with Autism (HCWA) package. The \$190 million package is being delivered by the departments of Families, Housing, Community Services and Indigenous Affairs (FaHCSIA); Health and Ageing (DoHA); and Education, Employment and Workplace Relations (DEEWR).

DEEWR is responsible for delivering two initiatives under the package which aim to foster positive partnerships between schools and families to improve the educational outcomes of children with an ASD. The initiatives, which have been named *Positive Partnerships: supporting students on the autism spectrum*, provide:

- professional development for teachers, school leaders and other school staff to build their understanding, skills and expertise in working with children with an ASD; and
- workshops and information sessions for parents and carers to assist them to work with their child's teachers, school leaders and other staff.

21. Please provide information on whether preschool education is equally accessible and affordable to all girls and boys throughout the State party.

Australian Government's response:

In recognition of the importance of early education, the Australian Government has committed \$970 million over five years to achieve universal access to early childhood education. This will be delivered in partnership with states and territories. The aim is that every child will have access to affordable, quality early childhood education in the year prior to formal schooling by 2013.

The Australian Government and the states and territories are working in close partnership to reduce or remove barriers to participation in preschool programs, including cost, distance, cultural appropriateness and convenience for families. As part of the \$970 million, \$15 million has been set aside to develop better data and performance information for early childhood education.

22. The report indicated that in 2007, there were approximately 23% of women among academic staff in the Above Senior Lecturer category. Please indicate measures taken to increase the participation of women as senior academic lecturers.

Australian Government's response:

The Australian Government has contributed \$190,000 to support the Australian Vic-Chancellors' Committee *Action Plan for Women Employed in Universities 2006–2010*. 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 by encouraging equity initiatives in critical areas; and monitor the entry patterns of

women into academia, responding to barriers to sustained entry. The Action Plan aims to increase the number of female professors from 16 per cent in 2004 to 25 per cent by 2010 and the number of female associate professors from 24 per cent in 2004 to 35 per cent by 2010. The Action Plan will also support the activities of the Australian Colloquium of Senior Women, a national network for senior university women. The Colloquium provides an immediate source of information, advice, support and insights to women at the most senior levels of the sector.

23. Please provide information on the employment situation of women belonging to indigenous groups, asylum seekers, migrants and women with disabilities and on the results of programmes and measures designed to address barriers to the employment of their right to work. Please also provide information on measures taken to protect these women from exploitation. Please also indicate steps taken to address significantly lower incomes of employed indigenous women in comparison to non-indigenous employed women.

Australian Government's response:

The Australian, state and territory governments have a range of initiatives aimed at improving women's workforce participation including programs specifically targeting disadvantaged women. Job Services Australia, an Australian Government employment service provides one-on-one assistance and tailored employment services to both job seekers and employers.

A key feature of Job Services Australia is the provision of services in accordance with a job seeker's assessed level of disadvantage. The services are provided in four Streams, with Stream 1 for the more job ready job seekers up to Stream 4 for the most highly disadvantaged job seekers with multiple vocational and non-vocational barriers.

Job Services Australia providers are also able to access the Employment Pathway Fund when assisting their job seekers. The Employment Pathway Fund is a flexible pool of funds that can be used by Job Services Australia providers to purchase a broad range of goods and services to assist eligible job seekers in addressing their individual needs to overcome their vocational and non-vocational barriers to employment. The Employment Pathway Fund may, for example, be used to provide mental health support services or interpreter assistance.

Migrant and Refugee Women

While most Job Services Australia sites provide assistance to people from culturally and linguistically diverse backgrounds, there are 28 sites that specialise in delivering services for these job seekers.⁶

Consistent with its international commitments, the Australian Government requires all persons (including Australian citizens, Australian permanent residents and temporary visa holders with a work right) to be engaged in accordance with Australian workplace law and practice (including industrial instruments relating to salary and conditions of employment, superannuation, occupational health and safety, workers' compensation and taxation).

The Australian Government affords temporary visa holders with a work right the same level of protection (in terms of investigating and taking appropriate action in relation to exploitation and underpayment claims) available to Australian citizens and permanent residents.

⁶ Figures are as at 11 September 2009 for Job Services Australia sites that specialise in delivering services for people from culturally and linguistically diverse backgrounds.

Women with Disability

The Australian Government values the contribution people with disability make to Australian society and believes that people with disability should be supported in their efforts to get and maintain a job. The Australian Government will invest more than \$1.2 billion into new disability employment services, designed to increase employment participation of people with disability.

The new Disability Employment Services model will be demand-driven, meaning that all eligible people with disability will have access to the services they require to address their vocational and non-vocational barriers to employment. The model will provide individually tailored assistance for job seekers based on their skills, abilities and circumstances, will increase early assistance to the most disadvantaged job seekers, and will better meet the skill needs of employers.

The Disability Employment Services model was developed with a strong focus on social inclusion, through more than 12 months of engagement and consultation.

Under the Employer Incentives Scheme, the Australian Government also offers a number of incentives to encourage employers to employ people with disability, including financial assistance for special equipment and assistive technology, workplace modifications and Auslan interpreting for job interviews and work activities.

The Australian Government conducted comprehensive consultations with the community to develop a National Mental Health and Disability Employment Strategy as part of a new Social Inclusion Agenda. As a result of consultations with more than 700 interested people and over 300

written submissions, the Employer Incentives Scheme has been enhanced and subsumed into a new Employment Assistance Fund from 1 March 2010, to address the barriers to employment participation faced by people with disability, including mental illness.

Indigenous Women

The Australian Government's 2009-10 Indigenous Budget committed \$172.7 million over five years to grow employment opportunities for Indigenous Australians through the National Partnership Agreement on Indigenous Economic Participation. The National Partnership will assist up to 13,000 Indigenous Australians into employment over four years through:

- creating jobs in areas of Government service delivery;
- increasing Indigenous public sector employment to at least 2.6 per cent by 2015;
- strengthening Government procurement policies to maximise Indigenous employment; and
- building Indigenous workforce strategies into implementation plans for major reforms and infrastructure investments.

The Australian Government's policy is to increase the employment and economic development of all Indigenous Australians, women and men. Generally, Indigenous Australians have a lower level of education and skills which is reflected in their occupation and then income level. Efforts to Close the Gap in educational attainment for Indigenous Australians will make a strong contribution to occupational equality with income equality to follow.

For statistics on Indigenous, migrant and disabled women in the workforce, please see Appendix

24. The report indicated that workplace bullying and discrimination in the workplace were addressed mainly through online training programs as well as the publication of a guide for public services leaders and employees. However, the report is silent about sexual harassment in the workplace. Was any research on the extent of women experiencing sexual harassment at work carried out? What measures were taken to prevent sexual harassment at work, to protect women experiencing sexual harassment and to support them in their claims?

Australian Government's response:

The Australian Human Rights Commission conducted a national telephone survey between July and September 2008 to investigate the nature and extent of sexual harassment in Australian workplaces. Two thousand and five telephone interviews were conducted with people aged 18 to 64. The sample of survey respondents was representative of the Australian population by age, gender and area of residence. The survey was based on a similar national telephone survey conducted by the Commission in 2003.

The results of this survey indicated that there has been some improvement in the five years since the last survey. In 2008, 22 per cent of women and five per cent of men have experienced sexual harassment in the workplace, compared to 28 per cent of women and seven per cent of men in 2003. However, the Survey also found that a reduced proportion of people made a complaint (16%, compared to 32% in 2003). It also identified that a significant proportion of people (one in five) did not understand the kind of behaviour that is unlawful.

On 12 November 2008, Elizabeth Broderick, the Sex Discrimination Commissioner released *‘Effectively preventing and responding to sexual harassment: A Code of Practice for Employers’*. Ms Broderick also co-hosted an employer forum with the Australian Chamber of Commerce and Industry on effectively preventing and responding to sexual harassment. The Commission is also promoting law reform to provide better protection from sexual harassment.

In addition, it is an object of the Equal Opportunity for Women in the Workplace Act to promote the elimination of discrimination, both direct and indirect, and the provision of equal employment opportunity for women in relation to defined employment matters. One of the employment matters is ‘arrangements for dealing with sex-based harassment.’ As part of their annual reporting requirements to the Equal Opportunity for Women Agency, reporting organisations are required to analyse their workplaces in relation to the employment matters and develop workplace programs to address any identified issues, which may include providing arrangements for dealing with sex-based harassment.

25. Please provide information on any steps taken to review the State party’s reservation to Article 11(2) and the introduction of a compulsory maternity leave scheme with pay or with comparable social benefits throughout Australia.

Australian Government’s response:

The Australian Government periodically reviews its reservations to treaties. In 2008 the Australian Government commissioned a report from the independent research and advisory body, the Productivity Commission, into paid parental leave for parents of newborn children up to the age of two years. On 28 February 2009 the Productivity Commission submitted its report to the

Australian Government, who tabled the report in the Australian House of Representatives and Senate on 12 and 13 May 2009 respectively.

On 10 May 2009 the Government announced its intention to introduce a paid parental leave scheme (Scheme) in January 2011. The Scheme is closely based on the model proposed by the Productivity Commission. It will provide the primary carer with 18 weeks of paid post-natal leave, paid at the federal minimum wage. Eligibility will depend on the primary carer's period of employment with their employer, and whether the carer has an adjusted taxable income of \$150,000 or less in the financial year prior to the birth of the child. The Scheme will cover employees, including casual workers, as well as contractors and the self-employed. The Australian Government is currently considering its position on the reservation to article 11(2)(b) of the Convention, particularly in light of its announced intention to introduce paid parental leave throughout Australia in 2011.

26. Please indicate whether there are any planned initiatives aimed at implementing the principle of equal pay for work of equal value and provide information on the findings, if available, on the report of the House of Representatives Employment and Workplace Relations Committee, entrusted by the Australian Government to enquire into and report on pay equity.

Australian Government's response:

The Australian Government has a strong commitment to improving the economic outcomes for women and their families.

The Government's *Fair Work Act 2009* (the Act) provides enhanced provisions that seek to address the gender pay gap by extending equal remuneration provisions to include the right to equal pay for work of equal or comparable value.

The Act makes equal remuneration a guiding principle of the work undertaken by Fair Work Australia (FWA), the national workplace relations tribunal. In addition, the Act also introduces special provisions for FWA to facilitate multi-employer bargaining for low paid employees who have not historically had the benefits of enterprise level collective bargaining. Employees in industries like child care, community work and cleaning, which typically employ women, part-timers, casuals or recent migrants, often find it difficult to bargain with their employers. Often, these are female-dominated industries which are typically characterised by low rates of pay and limited access to collective bargaining.

House of Representatives Report regarding pay equity in Australia

On 24 November 2009, the House of Representatives Standing Committee on Employment and Workplace Relations tabled their report regarding pay equity and associated issues related to increasing female participation in the workforce. The report is extensive and includes 63 wide ranging and significant recommendations. The Australian Government Department of Education, Employment and Workplace Relations (DEEWR) will lead the government response to the report, with a high level of input across the portfolios, including, in particular, the Office for Women.

Pay equity for social and community services workers in Australia

In 2009, the Australian Services Union (ASU) announced that it intended to seek equal remuneration orders from Fair Work Australia (FWA) for social and community services sector (SACS) employees on pay equity grounds. This follows a similar application by the ASU in 2008 in the Queensland, which resulted in significant pay increases being awarded to SACS workers in Queensland by the Queensland Industrial Relations Commission in May 2009.

In anticipation of the creation of the new national workplace relations system for the private sector, the Government negotiated a Heads of Agreement (the Agreement) with the ASU. The referral of state industrial relations powers to the Commonwealth meant that many SACS workers moved to the national system from 1 January 2010.

The Agreement also addresses the ASU's foreshadowed pay equity claim. The Government will be supporting the development of principles to guide future decisions on pay equity and will also be assisting the parties and FWA by conducting research and providing evidence on labour market features of the sector. The ASU has indicated its intention to lodge the application with FWA by April 2010 with an anticipated decision from FWA by the end of 2010.

27. Please provide detailed information on the steps taken to improve the health situation of indigenous women and on progress achieved in meeting their health needs.

Australian Government's response:

The Australian Government takes a whole of government approach to improving Aboriginal and

Torres Strait Islander health. The Australian Government's 2009-10 Indigenous Budget committed \$805.5 million over four years to the Council of Australian Government's \$1.6 billion National Partnership Agreement on Closing the Gap in Indigenous Health Outcomes. This investment aims to prevent and better manage chronic disease by tackling risk factors, improving chronic disease management in primary care, improving follow-up care, and increasing the capacity of the primary care workforce to deliver effective health care to Indigenous Australians.

More than 133,000 additional health checks and 400,000 additional chronic disease management services for Indigenous Australians with a chronic condition will be provided, and more than 54,000 Indigenous people with a chronic disease will be provided with a self-management program, while over 70,000 Indigenous people will receive financial assistance to improve access to Pharmaceutical Benefits Scheme medicines.

Quality Assurance for the Aboriginal and Torres Strait Islander Medical Services Pathology Program

The Australian Government is also providing \$3.8 million over four years to enable more Aboriginal and Torres Strait Islander people to have access to pathology testing within their own communities, which will assist in self-management of diabetes. The measure will increase access to pathology testing by expanding the number of health service sites from the current 120 up to 170.

Australian Women's Health Network Aboriginal Women's Talking Circle

In February 2009, the Australian Government supported Aboriginal and Torres Strait Islander women through the Australian Women's Health Network Aboriginal Women's Talking Circle to:

- develop priorities and action strategies to improve the health of Aboriginal women, their families and communities;
- develop and announce an Aboriginal Women's Health Strategy; and
- provide input to the Australian Government's National Women's Health Policy.

The project commenced in May 2009 and is expected to be completed by June 2010. To date, consultations with Indigenous women in each state and territory have been held and a draft paper developed for further consideration by the Talking Circle.

Establishing Quality Health Standards measure

The Australian Government has implemented the Establishing Quality Health Standards measure to provide expertise and resources to Indigenous health services, addressing barriers to national, clinical and organisational accreditation. This measure will assure patients, medical professionals and the broader community that health services for Aboriginal and Torres Strait Islander people meet current health care standards.

Australian Nurse Family Partnership Program

The Australian Nurse Family Partnership Program (ANFPP) is a small scale nurse led home visiting program being implemented in Australia in up to seven sites in targeted areas. The Program provides funding of \$37.4 million over four years in the 2007-08 Budget. The ANFPP seeks to improve health outcomes through intensive home visiting services for women pregnant with an Aboriginal and/or Torres Strait Islander child, by helping women engage in good preventative health practices, supporting parents to improve child health and development and improves parents' life course, until the child is two years old.

Healthy for Life Program

Maternal Health is also a focus of the *Healthy For Life* Program, which aims to enhance the capacity of primary health care services to improve the quality of Aboriginal and Torres Strait Islander child and maternal health services and chronic disease care. Specific maternal health indicators for the program are:

Essential Indicator 1 Proportion of women who gave birth to an Indigenous baby in the current reporting period and who attended their first antenatal visit during the first trimester of pregnancy, for:

- a) Indigenous women who are regular clients of the service;
- b) Non-Indigenous women who are regular clients of the service.

Essential Indicator 2 Average birth weights of Indigenous babies born to women who are regular clients of the HFL service who are:

- a) Indigenous women;
- b) Non-Indigenous women.

Essential Indicator 3 Proportion of low and high birth weight Indigenous babies born to mothers who are regular health service clients who are:

- a) Indigenous women;
- b) Non-Indigenous women.

Essential Indicator 4 part I Proportion of regular health service women clients who gave birth to an Indigenous baby in the current reporting period who were identified at the first antenatal visit before 13 weeks of pregnancy with risk behaviours as follows:

- a) smoking;
- b) consumption of alcohol; and
- c) illicit drug use.

for women who are: i) Indigenous; ii) non-Indigenous

Essential Indicator 4 part II Proportion of regular health service women clients who gave birth to an Indigenous baby in the current reporting period who were identified during their third trimester with risk behaviours as follows:

- a) smoking;
- b) consumption of alcohol;
- c) illicit drug use.

for women who are: i) Indigenous; ii) non-Indigenous

Currently 101 services are funded to deliver the Healthy for Life program across Australia.

28 The report refers to several health programmes regarding the health situation of women living in rural and remote areas and older women. Please indicate how the implementation of these strategies is monitored to ensure the positive impact on the lives of these women.

Australian Government's response:

The Australian Government is strongly committed to improving healthy outcomes for rural communities around Australia.

Australian Government Rural Health Programs

Australian Government Rural Health Programs provide additional funding for a range of services to help maintain or improve the access of people living in rural and remote areas to specialists, allied health and primary health care services. These are targeted at 'whole of population'. These programs are monitored through funding agreements which detail services to be provided and communities to be covered. Reporting is done on a six month and a 12 month basis.

Medical Specialist Outreach Assistance Program

The Medical Specialist Outreach Assistance Program continues to support the provision of outreach services in rural and remote Australia. This program is auspiced in each state and the Northern Territory by organisations who have lead responsibility for ensuring services are delivered according to an annual service plan. The Australian Government Department of Health and Ageing monitors service delivery through bi-annual reporting which reflects specific medical specialist disciplines and the services delivered to rural and remote locations.

Rural Womens General Practice Service (RWGPS)

The RWGPS aims to improve access to primary health care services for women in rural and remote Australia, who currently have little or no access to a female general practitioner (GP), by facilitating the travel of female GPs to these communities. The RWGPS is open to all members of

the community, including men and children. The program is administered by the Royal Flying Doctor Service (RFDS).

Regular progress reports are provided by the RFDS which provide a range of information on program activities including:

- number of consultations, including Aboriginal and / or Torres Strait Islander consultations;
- top ten reasons for a visit;
- top ten diagnoses; and,
- details of health promotion / education sessions held at clinics.

During 2009-10 the RFDS is required to undertake an evaluation of the RWGPS covering the period 1 July 2007 to 31 March 2010. This will include a survey of patients, female GPs and host male GPs. The evaluation will provide information on the implementation of the program and its impact on the lives of women using the services.

29. Please provide information on the allocation of resources available for mental health services and other support measures for women with mental health concerns, in particular those belonging to disadvantaged groups, including Indigenous women, and women held in detention facilities.

Australian Government's response:

The National Survey of Mental Health and Wellbeing 2007 found that women were more likely than men to have experienced anxiety disorders (17.9 per cent compared with 10.8 per cent) and affective disorders (7.1 per cent compared with 5.3 per cent). It also showed that women were more likely than men to seek assistance to address these disorders (41 per cent compared with 28 per cent).

The Council of Australian Governments mental health *Improving the Capacity of Workers in Indigenous Communities* initiative provides funding over five years from 2006-07 to 2010-11 to improve the capacity of workers in Indigenous communities. The initiative supports health practitioners including Aboriginal Health Workers, nurses, counsellors and other clinic staff to identify and address mental illness and associated substance use issues in Aboriginal and Torres Strait Islander communities, recognise the early signs of mental illness and make referrals for treatment where appropriate. This measure is funding the development of a toolkit that may include mental health screening/assessment tools and information/resources. The measure also supports the development of a mental health textbook for health practitioners working with Aboriginal and Torres Strait Islander people and students in the Vocational Education Training (VET) and tertiary education sector nationally.

The Australian Government funds a number of mental health programs, which specifically aim to support women, including:

- \$55 million over five years for the National Perinatal Depression Plan. Under this funding, expectant and new mothers will be screened for antenatal and postnatal depression, and women who are identified as being at risk of or experiencing depression in the perinatal period will be able to get the support and care they need, including treatment and support services; and,
- a \$120.5 million commitment to improving maternity services in Australia. As part of this commitment, funding of \$5.1 million over three years (from 1 July 2010) will be provided to specialist organisations to provide telephone-based peer support to women who are

experiencing grief following the loss of a child in the perinatal period, and women who are experiencing perinatal depression.

The Australian Government's 2009-10 Indigenous Budget committed to the establishment of a Healing Foundation to broaden support to the Stolen Generation and address trauma and healing in the wider Aboriginal and Torres Strait Islander Community. The foundation will be an Indigenous-controlled, non-government organisation that will grant funding for healing initiatives at the community and grass roots level.

Mental health services and measures for women in immigration detention are covered in detail under question 33.

30. The sexual and reproductive health needs of women are not equally met within all states and territories of the State party. What is the policy of the National Government towards adopting harmonious laws relating to the termination of pregnancy? Please indicate what progress has been achieved in ensuring equal access to sexual and reproductive health services of high standards. Please also provide information on steps taken with regards to education, information and awareness raising for both women and men, girls and boys, on sexual and reproductive health and rights, including with regard to sexually transmitted diseases, and results achieved.

Australian Government's response:

The Government is committed to providing Australians with access to a broad range of sexual and reproductive health options which meet the needs of people in different circumstances, and which provide the opportunity for choice.

State and territory governments are responsible for legislation relating to the performance of abortions. 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.

Access to sexual and reproductive health services

Australian Government funding is provided to a range of organisations to support women and men in managing their sexual and reproductive health. The National Healthcare Agreement provides broad banded and specific purpose funding to the states and territories for a range of public health programs which include family planning, sexual and reproductive health activities.

Family Planning New South Wales is funded by NSW Health and the Australian Government to provide reproductive and sexual health services, information and education to women and men, and clinical training in reproductive and sexual health to health professionals. This role includes Healthline, a NSW phone and e-mail information and advisory service staffed by experienced nurses. Family Planning NSW has a significant health promotion role including projects, campaigns, creating resources and community education, to improve and maintain the reproductive and sexual health of the NSW community in rural, regional and urban areas. It has particular expertise with: young people, people with a disability, Aboriginal and Torres Strait Islander communities, same sex attraction, culturally and linguistically diverse communities, women's and men's sexual health.

Tasmania has introduced the Newly Arrived Tasmanians Sexual & Reproductive Health Project which provides introductory and information sessions for culturally and linguistically diverse community groups of women at Family Planning Tasmania (FPT). This project has increased independent access to FPT services by target communities, strengthened organisational relationships and referral pathways.

The Queensland Mobile Women's Health Service comprises registered nurses based throughout Queensland who provide free and confidential services, including clinical and screening services, education, information and support on a range of women's health issues. In some areas, an Indigenous women's health worker assists the nurses.

Education

Catching On is a Victorian teaching and learning resource for early teens that was developed as part of the STI/AIDS Prevention Education Strategy. The *Catching On* teaching manual is a resource used to support the sexual health curriculum, specifically around classes on the issues of love and relationships, risk behaviours, gender and power, and sexual identity.

A comprehensive sex education program is provided by SHine SA in partnership with the South Australian Department for Education and Children's Services in schools throughout the state, which is entitled, 'Relationships and Sexual Health Education.' The program curriculum includes the negotiation of safe sex, sexually transmitted infections, diversity, gender and stereotypes.

Since 2005, Queensland Health has funded, and continues to collaborate with Family Planning Queensland, in the implementation of the HIV/AIDS, Hepatitis C and Sexual Health Promotion with Young People project. Queensland Health has also provided funding to a range of non-

government agencies to provide targeted statewide education and health promotion programs for the prevention of sexually transmitted infections and blood borne viruses.

31. Please provide information on progress achieved regarding the situation of women living in poverty, especially those belonging to vulnerable groups such as indigenous women, women asylum seekers and women with disabilities. Please indicate whether the State party is developing any comprehensive poverty reduction strategy and social inclusion strategy to address poverty among women belonging to these vulnerable groups.

Australian Government's response:

The Australian Government's vision of a socially inclusive society is one in which all Australians feel valued and have the opportunity and support they need to participate fully in community life, develop their own potential and be treated with dignity and respect. Analysis of the most recent Australian Bureau of Statistics General Social Survey shows that approximately five per cent of the Australian population aged 15 years and over experience multiple disadvantages which impact adversely on their ability to learn, work, engage in their community and have a voice in decisions that affect them. Women account for 60 per cent of these people.

Improving women's economic and social outcomes is important in developing a stronger and fairer Australia. Increased payments and significant structural reforms to the Australian pension system have been of particular benefit to women, because more women than men in Australia retire with few accumulated savings and therefore rely on the age pension. It is therefore vital for women's economic futures that the pension system delivers an adequate standard of living. Australia's 3.3 million age pensioners, disability support pensioners, carers, wife pensioners and

veteran income support recipients will benefit from the Government's \$14.2 billion pension reform package. It has increased the maximum base rate of the single pension from 25 per cent to 27.7 per cent of the Male Total Average Weekly Earnings, an increase of more than 10 per cent to the rate of the pension. These increases provide significant additional financial support for older women who comprise almost three quarters of single age pensioners.

In implementing its social inclusion agenda, the Government is changing the way government policies and programs are designed, developed and co-ordinated across government. This is being supported by new partnerships between all levels of government, businesses and third sector organisations (not for profit and charities). New ideas or ways of working are encouraged with a greater focus on the needs of disadvantaged groups and places.

The Government has identified six early priority areas in which to focus:

- addressing the incidence and needs of jobless families with children, including the vulnerable unemployed (comprising the long term unemployed, the recently unemployed and low-skilled adults);
- delivering effective support to children at greatest risk of long term disadvantage;
- focusing on particular locations, neighbourhoods and communities to ensure programs and services are getting to the right places;
- addressing the incidence of homelessness;
- employment for people living with a disability or mental illness; and,
- closing the gap for Indigenous Australians.

New initiatives and programs have already been implemented for these six areas and more are in development. In designing actions to increase participation for excluded groups, particular attention will also be given to vulnerable new arrivals and refugees. Women are not identified as a specific priority group, but are considered in the groups listed above and are recognised to be overrepresented in some groups, for example the jobless families with children priority.

The Australian Social Inclusion Board was established in May 2008 to act as the main advisory body to the Australian Government on ways to achieve better outcomes for the most disadvantaged in our community. One of the Board's tasks is to report annually on the nation's progress on social inclusion. The key focus of this year's annual report, currently under development, will be to provide a baseline against which progress can be measured in future years using indicators of social inclusion developed by the Government in consultation with the Board.

32. In its previous concluding observations, the Committee recommended that the State party take more effective measures to eliminate discrimination against refugee, migrant and minority women and girls and strengthen its efforts to combat and eliminate xenophobia and racism in the State party. The Committee also encouraged the State party to be more proactive to prevent and eliminate discrimination against these women and girls within their communities and in society at large. Please provide information on steps taken in this regard.

Australian Government's response:

Australia believes that a critical component of preventing and eliminating discrimination is public education, particularly providing opportunities for people from different cultural, linguistic or

religious backgrounds to come together on common issues. In addition, the *Racial Discrimination Act 1975* (Cth) makes it unlawful to discriminate against any person by reason of that person's race, colour, descent, or national or ethnic origin, in a number of areas including access to places and facilities, the provision of goods and services, employment and advertisements.

The Australian Government's *Diverse Australia Program* (DAP) replaced the *Living in Harmony* program which was outlined in Australia's combined 6th and 7th CEDAW Report. The DAP provides funding, educational resources and information to help organisations and communities create a spirit of inclusiveness and to help counter racism, exclusion and isolation. Some of the current community programs bring together women from different communities to develop friendships, learn about each others' culture and together engage more fully in Australian society.

The Australian Government's *National Action Plan to Build on Social Cohesion, Harmony and Security program* (NAP) aims to respond to particular pressures Australian communities are facing as a result of increased intolerance and the promotion of violence arising from global terrorism. In 2008-09, under these two programs, more than \$803,000 in funding was allocated for 17 projects with a particular focus on women.

The Australian Government also funds the *Integrated Humanitarian Settlement Strategy* (IHSS) which provides initial, intensive settlement support and orientation to newly-arrived humanitarian entrants for up to 12 months after arrival. These services include cultural orientation, information and assistance to access local community services (including mainstream services such as social security and health), and professional short term torture and trauma counselling.

Longer term settlement support is also available under the *Settlement Grants Program* (SGP). The SGP funds community organisations to provide practical assistance to recently arrived humanitarian entrants, family stream migrants and dependents of skilled migrants in rural and regional areas with low English proficiency, for up to five years after arrival. Where individuals require the support of specialised services, such as women's information centres, appropriate referrals are made.

Through the NAP-funded Community Policing Partnerships Project (CPPP), the Australian Human Rights Commission and the Australian Multicultural Foundation support the development of local partnerships, which aim to build relationships and improve trust between Muslim communities and police at the local level. Since 2008, 38 projects have been funded across Australia, targeting both Australian Muslim men and women; however three are specifically focused on Muslim women and girls. CPPP identifies good practice to enhance community policing activities, and helps respond to complaints relating to discrimination and abuse. For more information see http://humanrights.gov.au/partnerships/projects/community_policing.html.

Consistent with Article 3 of the Convention, Australia believes that equal access to government services is critical for women, particularly women from non-English speaking backgrounds. The Australian Government's *Access and Equity Strategy* seeks to ensure that government departments provide services for all Australians, taking into account their cultural, religious and linguistic backgrounds. 'Women' was a theme for the *2006-08 Access and Equity in Government Services* report. As well as best practice examples, the report includes concerns raised by women during community consultations. Continuing to monitor the governments' progress in responding to these issues is a component of the Access and Equity Strategy. The full report is available on the

Department of Immigration and Citizenship (DIAC) website at

www.immi.gov.au/about/reports/access-equity/.

Two English-language curriculum resources have been developed by the Australian Human Rights Commission, in partnership with Adult Multicultural Education Services (Victoria) (AMES), through NAP funding. *It's your right!* aims to build greater awareness of human rights and discrimination complaint processes for new migrants from non-English speaking backgrounds. As the adult students learn English, they follow Hayat's story, an Ethiopian Muslim woman experiencing discrimination at work.

The *Adult Migrant English Program* (AMEP) provides basic English language tuition to eligible migrants and humanitarian entrants from non-English speaking backgrounds. The AMEP program assists clients through experiential learning to manage day-to-day situations with increased confidence and independence.

In the 2008-09 Budget, the Government increased funding for the AMEP with the introduction of the *Employment Pathways Program* and the *Traineeships in English and Work Readiness Program*. The new programs are aimed at helping newly arrived migrants and refugees with a combination of English language tuition and information about Australian workplace culture and practices.

33. The report is silent about women in immigration detention and on treatment of women in on-shore detention centres. Please provide information on the situation of these

women, including information on their access to adequate medical services and gender appropriate support services.

Australian Government's response:

In July 2008 the Australian Government introduced the following seven Key Immigration Detention Values to guide and drive future immigration detention policy and practice in Australia. These seven values support a risk-based and humane approach to the management of people detained and ensure that they will only be placed in Immigration Detention Centres (IDCs) as a last resort and for the shortest practicable time:

1. Mandatory immigration detention is an essential component of strong border control.
2. To support the integrity of Australia's immigration program, three groups will be subject to mandatory immigration detention:
 - a. all unauthorised arrivals, for management of health, identity and security risks to the community;
 - b. unlawful non-citizens who present unacceptable risks to the community; and
 - c. unlawful non-citizens who have repeatedly refused to comply with their visa conditions.
3. Children, including juvenile foreign fishers and, where possible, their families, will not be detained in an Immigration Detention Centre.
4. Detention that is indefinite or otherwise arbitrary is not acceptable and the length and conditions of detention, including the appropriateness of both the accommodation and the services provided, would be subject to regular review.

5. Detention in Immigration Detention Centres is only to be used as a last resort and for the shortest practicable time.
6. People in detention will be treated fairly and reasonably within the law.
7. Conditions of detention will ensure the inherent dignity of the human person.

Women in immigration detention

People in immigration detention are assessed for risk and placed appropriately within the immigration detention network. This may involve placement in an IDC for those at the higher end of risk, and in lower security facilities such as Immigration Residential Housing or Immigration Transit Accommodation, or in community detention, for those presenting a lower level of risk.

The Government made it clear in the Key Immigration Detention Values outlined above that there will continue to be an important role for immigration detention to manage particular risks. In all three groups (2a, 2b and 2c), the common theme is risk management and women will sometimes present these risks. For example, women who overstay their visa and no longer have permission to remain lawfully in Australia, and/or who have had their visa cancelled, may present an unacceptable risk to the community, particularly if they are assessed as unlikely to comply with any conditions placed on a future visa granted to them.

As at 16 October 2009, 4.6 per cent of people in immigration detention were women.

Community detention

The Department of Immigration and Citizenship (DIAC) has a strong commitment to respond to the needs of women with families and minors in immigration detention. In July 2005, the former Government introduced a non-delegable, discretionary ministerial power described as a residence determination arrangement under the *Migration Act 1958* (the Act). Under this arrangement, all minors and their families were moved from IDCs into community detention arrangements in the community.

It is Government policy that children and their families will not be accommodated or processed in IDCs. This was announced as part of the Government's Key Immigration Detention Values in July 2008. DIAC continues to place children (and their families) in community detention arrangements as a matter of priority. These arrangements allow children and their families to move freely about the community and receive support from a range of service providers and non-government organisations.

Since the program commenced, family groups, women and children, unaccompanied minors and people who have special needs that cannot be met in an IDC or other immigration facilities have been the focus for consideration for this form of immigration detention.

These priority groups are referred to the Minister for possible consideration for community detention arrangements as soon as practicable.

DIAC has contracted the Australian Red Cross to provide community care for those in community detention. Red Cross case workers have regular contact with these people to ensure their health

and welfare needs are met. The health care of people in Community Detention is provided by local general practitioners and specialists arranged through DIAC's detention health provider, International Health and Medical Services.

Services and support in immigration detention facilities

A number of programs are run within immigration detention facilities which contribute to the client's development, well being and quality of life, in accordance with the seven Key Immigration Detention Values. These programs and activities can include but are not limited to English language, cooking, sewing, sports, computer classes, music lessons and excursions outside of the immigration detention facilities. The Red Cross also assists with other options such as access to community groups to assist with the person's well being.

Australia recognises that some people, including women, experience distress and anxiety whilst in immigration detention, particularly while their immigration status is being resolved. Sometimes they experience health problems, including mental health problems.

DIAC monitors the general and mental health needs of all people, including women, in immigration detention to ensure that models of health care and health resources are appropriate to meet people's needs.

DIAC contracts health services providers to provide primary health care and mental health services to women in immigration detention that are commensurate with those available in the broader Australian community.

- State and territory health departments provide services such as, but not limited to, public health screening, acute care, specialist services and mental health care for women in immigration detention.
- DIAC has Memorandums of Understanding or agreements in principle with state and territory health departments to ensure that hospital services are provided at a level commensurate with that provided to the wider community.

Over the past three years, DIAC has worked closely with stakeholders, particularly the Detention Health Advisory Group (DeHAG) to develop improved mental health provisions for all people, including women, in immigration detention. The DeHAG has nominees from all of the key health professional organisations including the:

- Australian Medical Association of Australia;
- Royal Australian and New Zealand College of Psychiatry;
- Royal College of Nursing Australia;
- Public Health Association;
- Royal Australian College of General Practitioners; and,
- Ombudsman's Office, which has observer status.

DIAC has worked closely with DeHAG and its Mental Health Sub-Group to develop three new policies. These policies reflect best practice approaches for identifying and supporting survivors of torture and trauma and for preventing self-harm in immigration detention. They are:

- Identification and Support of People in Immigration Detention who are Survivors of Torture and Trauma;

- Psychological Support Program for the Prevention of Self Harm in Immigration Detention;
and
- Mental Health Screening for People in Immigration Detention.

DIAC will commence the rollout of staff training on these policies across the detention network in the first quarter of 2010 through to the second quarter of 2010. Training will cover the prevention and management of self-harm, risk assessment, torture and trauma and cultural awareness issues as they relate to mental state, expression of distress and self-harm. Pending full implementation of the new policies, arrangements are in place to ensure that survivors of torture and trauma, including women, are identified and receive appropriate care.

People in immigration detention are allocated a Case Manager who has responsibility for engagement with them, the identification of risks associated with detention and to ensure that a person who is required to be detained is held in the least restrictive form of detention available. For people with significant mental health issues, this may involve consideration of Community Detention or placement at an appropriate mental health facility.

APPENDIX 1**NATIONAL HOMICIDE FIGURES****Relationship between female victim and offender 2006-07 (per cent recorded relationships) –****National**

Intimate*	53%
Family	21%
Friend/acquaintance	16%
Stranger	6%
Other	4%

Data Source: Homicide in Australia: 2006-07 National Homicide Monitoring Program annual report

*Please note: Intimate partner include: spouse, separated spouse, divorced spouse, de facto, ex-de facto, extramarital lover, former extramarital lover, boyfriend, former boyfriend, girlfriend, former girlfriend, homosexual relationship, and former homosexual relationship.

Relationship status of offenders who killed an intimate - National

Married	23%
De facto relationship	48%
Separated	17%
Have never married or lived with their victim	11%

Data Source: Homicide in Australia: 2006-07 National Homicide Monitoring Program annual report

BREAKDOWN OF STATE AND TERRITORY HOMICIDE FIGURES

Tasmania

From 1 July 2003 to 30 June 2008, seven incidents of murder were reported to police where the victim and the offender had been in a significant relationship before or at the time of the event. One of these incidents involved female offenders and male victims and six involved female victims and male offenders. There has been one reported murder involving family violence since 1 July 2008, the alleged offender in this instance is female and the victim, male.

New South Wales

In NSW over the period of January 2003 to June 2008 there were 215 victims of domestic homicide. Approximately 18 per cent of all homicides were intimate partner homicides. The rate of domestic homicide per year remained stable, ranging from a low of 0.46 per cent per 100,000 population in 2004 to a high of 0.63 per cent per 100,000 population in 2006.

Victoria

In 2006-07, 11 women were killed by intimate partners in Victoria. During 2008-09, there were 33,918 incidents where police submitted family incident reports. Charges were laid in 8,346 of those incidents, against one or more parties involved. Intervention orders were sought in 6,480 instances.

Queensland

Queensland Police Service Records indicate that for the 2007/08 financial year there were five reported homicide offences of women by their current husbands, partners or ex partners. The total number of reported homicides for the same period was 52.

South Australia

Number of homicides reported to South Australian Police during 2004-2006 where the victim was an adult female and the alleged offender was an intimate partner* or ex-partner

Type of homicide	2004	2005	2006
Murder **	5	4	5
Attempted murder**	7	7	2
Conspiracy to murder	1	1	0
Driving causing death	0	1	1
Total	13	13	8

* Please note: the term 'intimate partner' refers to both current and previous relationships of spouse, partner, defacto partner, boyfriend or girlfriend and is taken from the police report.

**Excludes by causing suicide or attempted suicide

APPENDIX 2

INDIGENOUS WOMEN, MIGRANT WOMEN AND DISABLED WOMEN IN THE WORKFORCE

Indigenous Women

All Employed Females										
Occupation (ANZSCO) (OCC06P)	Managers	Professionals	Technicians and Trades Workers	Community and Personal Service Workers	Clerical and Administrative Workers	Sales Workers	Machinery Operators and Drivers	Labourers	Not stated	Total
Indigenous	5.2%	15.5%	4.0%	23.3%	21.6%	10.5%	1.6%	16.7%	1.6%	100.0%
Non-Indigenous	9.9%	23.4%	4.6%	13.2%	25.4%	13.3%	1.5%	8.2%	0.6%	100.0%

Data Source: 2006 Census of Population and Housing

All Employed Females		
Australia	Indigenous	non-Indigenous
Individual Income (weekly) (INCP)		

\$1-\$149	3,859	276,646
\$150-\$249	8,154	294,475
\$250-\$399	9,398	546,932
\$400-\$599	13,118	893,453
\$600-\$799	8,364	680,866
\$800-\$999	4,936	466,563
\$1,000-\$1,299	3,754	422,131
\$1,300-\$1,599	1,483	198,688
\$1,600-\$1,999	534	89,755
\$2,000 or more	407	96,142
Total	54,007	3,965,651

Data Source: 2006 Census of Population and Housing

Workforce participation rates between Indigenous women and non-Indigenous women, aged 15-64 (2006)

Indigenous women 48.4%

Non-Indigenous women 68.5%

Earnings for Indigenous and Non-Indigenous women

\$/week	Indigenous women	Non-Indigenous women
Less than \$400	40%	28%
Over \$1000	11%	20%

Migrant and Asylum Seeker Women

At August 2009, the Australian Bureau of Statistics Labour Force Survey included the following unemployment and workforce participation rate estimates:

FEMALES	Participation Rate (%)	Unemployment Rate (%)
Australian-born	62.2	4.7
Main English Speaking Country born (MESC) migrants *	59.4	4.6
Other than Main English Speaking Country born (OTMESC) migrants	48.5	9.2
Total Female	57.8	5.4
MALES	Participation Rate (%)	Unemployment Rate (%)
Australian-born	74.1	5.2
MESC born (migrants) *	74.4	4.9
OTMESC(migrants)	65.4	7.7
Total Male	71.4	5.6
TOTAL	Participation Rate (%)	Unemployment Rate (%)
Australian-born	68.1	5.0
MESC born (migrants) *	67.1	4.8
OTMESC born(migrants)	56.8	8.3
Total Population	64.5	5.5

- Main English Speaking Countries include Australia, New Zealand, Canada, United Kingdom, Ireland, South Africa and the United States of America.
- As at August 2009, 747,400 women from other than main English-speaking countries were employed in the Australian labour force.⁷ The participation rate for these women was 48.5 per cent and the unemployment rate was 9.2 per cent in August 2009.

Women with Disability

Employment rates for people with disability, aged between 15-64 years (2003)

Women with disability	43.0%
Men with disability	54.1%
People without disability	76.5%

Unemployment rates for people with disability, aged between 15-64 (2003)

Women with disability	8.3%
Men with disability	8.8%

Labour Participation rates for people with disability, aged between 15-64 (2003)

Women with disability	46.9%
Men with disability	59.3%

⁷ Australian Bureau of Statistics 2009, *Labour Force Survey*, Detailed - Electronic Delivery, August 2009, Cat. No. 6291.0.55.001, Australian Bureau of Statistics, Canberra.