

## 17. ABORIGINAL AND TORRES STRAIT ISLANDER WOMEN

### *Participation of Indigenous women in Government decision-making and policy development Australian Capital Territory and South Australia*

The Australian Capital Territory and South Australia host forums to provide opportunity for Aboriginal and Torres Strait Islander women to come together to talk about issues which affect their lives in a culturally supportive environment.

#### *New South Wales*

Aboriginal and Torres Strait Islander women have key community leadership roles in the OCHRE initiative *Local Decision Making*, which is transforming the way communities and government work together by ensuring communities have a genuine voice in determining what services are delivered in their communities, and how they are delivered.

#### *Queensland*

The Department of Aboriginal and Torres Strait Islander Partnerships leads the whole-of-government *Closing the Gap* refresh and is working in partnership with Indigenous Queenslanders to co-design Queensland's refreshed Closing the Gap framework.

#### *Victoria*

The Victorian Aboriginal Treaty Working Group included an equal number of positions for Aboriginal men and women.

#### *Tasmania*

Aboriginal women have roles on each of the existing Aboriginal-specific consultative bodies in Tasmania.

### *Causes of the gap in Indigenous women's life expectancy*

Indigenous people have higher rates of chronic disease than non-Indigenous Australians, and a continued focus on prevention and management of chronic disease is crucial to close the gap. The Government has invested in targeted activities that have contributed to reducing the burden of disease and addressing the leading causes of death for Indigenous peoples:

circulatory disease	deaths down 43 per cent between 1998 and 2015
kidney disease	deaths down 47 per cent between 2006 and 2015
respiratory disease	deaths down 24 per cent between 1998 and 2015
smoking rates	down nine percentage points between 2002 and 2014-15
binge drinking	down seven percentage points between 2008 and 2014-15
child mortality	down 33 per cent between 1998 and 2015
blindness and vision impairment	down from six times that of non-Indigenous Australians in 2008 to three times that of non-Indigenous Australians in 2016

## 18. WOMEN IN DETENTION

### Profile of women prisoners in Australia

#### Overall

3299 women prisoners as at June 2017 <sup>1</sup>		
Women account for 8% of the prison population		
Acts intended to cause injury	351 prisoners	32%
Unlawful entry with intent	156 prisoners	14%
Drug offences - non-indigenous prisoners	628 prisoners	29%
Indigenous prisoners	106 prisoners	10%
Indigenous prisoners who had previously experienced imprisonment	733 prisoners	66%
Imprisonment rates for female prisoners		
Northern Territory	125 prisoners per 100,000 female adult population	
Tasmania	18 prisoners per 100,000 female adult population	

#### By State and Territory

##### Australian Capital Territory

At 21 December 2017, 36 female detainees were in custody in the territory, at the Alexander Maconochie Centre. Of those:

- 12 identify as Indigenous
- 2 are aged 60 or over (none identifying as Indigenous)
- 7 are 24 or younger (5 of whom identify as Indigenous)

##### Tasmania

Tasmania has 49 adult women in prison (as at 18 December 2017):

Age	
18-25	7
26-35	16
36- 45	17
46-55	6
56-65	3
<i>Total</i>	49
Ethnicity (country of birth)	
Australia	48
England	1
<i>Total</i>	49

Aboriginal status	
Aboriginal	9
Both Aboriginal and Torres Strait Islander	1
Non-indigenous	39
<i>Total</i>	49

Geographic location while in prison	
Southern Tasmania	44
Northern Tasmania	5
<i>Total</i>	49

Note: data on disability is currently unavailable.

<sup>1</sup> <http://www.abs.gov.au/ausstats/abs@.nsf/Lookup/by%20Subject/4517.0~2017~Main%20Features~Sex~7>

## *Complaints mechanisms*

### *Australian Capital Territory*

Women who have experienced trauma are able to seek support from a Women's Health Counsellor. The newly appointed Inspector of Correctional Services will provide further oversight regarding conditions of detention.

### *Queensland*

Each correctional centre, probation and parole location and central office business unit are required to identify, record and assess complaints. Queensland Correctional Service is committed to addressing these complaints in a timely manner and initiates appropriate action where required to resolve these issues.

### *Victoria*

Corrections Victoria implements a family violence specific risk assessment framework; provides services and programs that educate women about safe and respectful relationships; addresses past-victimisation through targeted programs such as trauma counselling; strengthens safe housing/accommodation pathways; and ensures culturally relevant support to Indigenous victims of family violence.

### *Tasmania*

Prisoners can make complaints to the Office of the Director of Prisons and external bodies such as the Ombudsman, the Custodial Inspector, the Health Complaints Commissioner, the Integrity Commission and the Official Visitors Scheme.

## *Addressing individual needs*

### *Queensland*

Queensland Corrective Services recognises that many women prisoners are victims of domestic violence and as such strives to minimise contact from perpetrators where there are order conditions preventing contact. This is managed by monitoring visits, mail and telephone systems. Regulations are in place to address the needs of Indigenous prisoners and those with a mental health condition, or intellectual disability.

### *Tasmania*

All Tasmania Prison Service recruits are required to complete a Cultural Awareness and Aboriginal Issues in Corrections session and complete an e-learning package called Interactive Ochre. An Indigenous Liaison Officer is a dedicated resource to work specifically with Aboriginal prisoners in Tasmania, and to help address their needs.

## *Victoria*

Corrections Victoria's policies and procedures require that non-English speaking prisoners are given assistance in expressing their concerns, with the assistance, if necessary, of an interpreter.

## *Access to appropriate services, reasonable accommodation, protection from bullying, physical and sexual violence*

### *Australian Capital Territory*

The ACT's women prison is directly accessible to people with disability and accessible cells are available in the women's accommodation area for women with a physical disability.

### *Queensland*

Queensland Corrective Services has a *Violence Prevention Strategy* to prevent violence and enhance the safety of staff, visitors, prisoners, offenders and the public. Local level Violence Prevention Committees identify, plan and deliver initiatives which ensure the strategies actioned at women correctional centres are specific to their issues.

### *Tasmania*

The *Disability Justice Plan for Tasmania* aims to improve access to the justice system for Tasmanians with disabilities. An additional High Needs Support Counsellor provides greater support to prisoners with disabilities.

## *Pregnant prisoners and those caring for young children*

In Tasmania, Victoria, Queensland and the Australian Capital Territory women's prisons, programs are in place to support prisoners who are pregnant or carers for young children to continue to care for the child. ACT Corrective Services also facilitates extended visits for mothers who are not primary carers of their children.

## *Reasonable accommodation and solitary confinement*

### *Victoria*

Victoria's largest women's prison is implementing an integrated precinct model where women will be accommodated in precincts that ensure that all of the services, supports, and case management practices are appropriate to the needs of women accommodated there. A Health and Wellbeing precinct will be established, with women experiencing mental health disorders and cognitive impairment given priority placement.

### *Tasmania*

Separate confinement is governed by a Director's Standing Orders, which provide strict controls and protections for prisoners, balancing between the requirement to maintain order and discipline, and respect for human dignity.

### *Protections for women and girls with disabilities*

#### *Victoria*

Prisoners with particular vulnerabilities may be classified as a protected prisoner and placed in a protection unit separated from the mainstream prison population. Young offenders under the age of 18 years are accommodated in separate Youth Justice Centres.

#### *Tasmania*

The Tasmania Prison Service maintains an anti-bullying strategy that operates on the principle that all reports must be taken seriously and be fully investigated

## 19. WOMEN AND GIRLS WITH DISABILITIES

### *New South Wales*

The Ombudsman's Reportable Incidents Scheme was established in December 2014. The Department of Family and Community Services (FACS) has strict timeframes in which an allegation of abuse must be reported, and a robust process around investigating each matter that is reportable under the Reportable Incidents Scheme. Sexual Lives Respectful Relationships is a peer-led relationship and violence and abuse prevention program focused on women with disability. Key aims are to explore what respectful relationships are and educate about rights, decision making, knowledge and awareness regarding sexuality and relationships to address risk of sexual violence.

### *Northern Territory*

The *Domestic, Family and Sexual Violence Reduction Framework 2018-2028* recognises that women and girls with disabilities are at a higher risk of experiencing violence.

### *Queensland*

The Government's *Domestic and Family Violence Prevention Strategy 2016-2026* and the *Violence Against Women Prevention Plan 2016-2022* (VAWPP) recognise the intersecting vulnerabilities to violence faced by women and girls with disability. The VAWPP commits to ensure services are accessible and appropriate to women with disability, and to engage with the NDIA to consider and respond to the risks and experiences of violence for women with disability.

### *Tasmania*

All organisations funded by Government through *Safe Homes, Safe Families* are required to adhere to departmental policy and procedures including the Quality and Safety Framework, the National Disability Standards, the *Personal Relationships Policy and Guidelines* and the *Preventing and Responding to Abuse in Services* policy.

### *Victoria*

The Government funded Women with Disabilities Victoria to develop the *Workforce Development Program on Gender and Disability*. This program is designed to change culture across organisations, including disability residential services. It aims to increase awareness of how to deliver gender equitable and sensitive services to improve well-being and reduce gender-based violence.

### *Western Australia*

The state system aligns with the National Standards for Disability Services. The Government further provides funding for disability advocacy bodies: People With Disability WA, Explorability, and Ethnic Disability Advocacy Centre.

### *Stop the Violence Project*

#### *Tasmania*

The recommendations from the Stop the Violence Project Outcomes Paper inform the Government responses to family violence. The *Disability Framework for Action* embeds rights of Tasmanians with disability into the work of all government agencies.

### *Safeguards*

#### *Victoria*

Following the Victorian Parliamentary Inquiry into abuse in disability services, safeguards for people with disability have been strengthened. This includes a requirement for the Disability Services Commissioner to inquire into deaths notified through the Department of Health and Human Services or the Coroner, where the deceased person had a disability and was receiving disability services at the time of death.

#### *Tasmania*

Children Safety Services (within Department of Health and Human Services) protects children and young people who are at risk of abuse or neglect. Children Safety Services undertakes a specialised risk assessment when reports of child abuse and neglect are received, takes protective action and seeks legal orders to ensure the safety and wellbeing of children and young people.

## *New South Wales*

The NSW Ombudsman has a statutory responsibility for reviewing the deaths of people with disability in residential care settings. Its most recent report is *The Report of Reviewable Deaths in 2012 and 2013, Vol. 2: Deaths of People with Disability in Residential Care*. The Ombudsman's recommendations have either been completed or remain on track to improve accommodation services and disability support services.

## *Sterilisation*

### *South Australia*

The Women's and Children's Health Network has specific gynaecology clinics for children and adolescents staffed with consultants who understand the legislative and ethical issues related to sterilisation of women with disabilities. Sterilisation cannot occur without consent. If a woman is unable to give consent, then there are legislative protections in the form of Guardianship Orders and the Guardianship Board has strict criteria for providing consent for such procedures.

### *Queensland*

Under the *Guardianship and Administration Act 2000 (Qld)*, consent of the Queensland Civil and Administrative Tribunal is required for sterilisation in instances where patients have been deemed to have impaired capacity to make a decision about their health care. The *Queensland Health Guide to Informed Decision-making in Health Care* (2017) sets out clear guidance for health care professionals in relation to determining capacity for informed decision making, including testing for coercion.

### *Victoria*

The Victorian Civil and Administrative Tribunal (VCAT) must be satisfied that the procedure is in the patient's best interests. From March 2018, VCAT will also need to take into account whether the patient has made a relevant advance care directive.

### *Northern Territory*

Under the *Northern Territory Guardianship of Adults Act 2016* (the Act), sterilisation is a 'restricted' health care service and must be approved by the Tribunal. An adult with disability will only undergo sterilisation if:

1. The adult consents to the procedure and they have capacity to make an informed consent.
2. The NT Civil and Administrative Tribunal provides consent on behalf of an adult who has Adult Guardianship orders.

## 20. REFUGEES, ASYLUM SEEKING AND STATELESS WOMEN AND GIRLS

### *Protecting refugee and asylum-seeking women and girls from gender-based violence*

#### *Queensland*

Screening for Domestic Violence is routinely collected in perinatal data collection.

#### *Victoria*

The Government is funding a \$1.8 million pilot program to create links between five established organisations experienced in working with migrant and refugee communities in the settlement sector and support initiatives to change attitudes, beliefs and behaviours that lead to all forms of gender-based violence.

#### *Education – In Australia*

#### *New South Wales*

Refugee and asylum seeker students in government schools are supported through various programs and strategies that respond to their complex educational and wellbeing needs.

#### *Queensland*

The Department of Education is funding a *Refugee and Asylum Seeker Early Childhood Education Pilot* (July 2017 to December 2018) to provide support for families to participate in early childhood education and care (ECEC) programs and support ECEC services to build more inclusive practices. Under this Pilot, eligible refugee and asylum seeker children living in the target locations may enrol in an approved kindergarten program at low or no cost to families.

#### *Western Australia*

The overseas student tuition fee has been reduced to \$1.00 for asylum seeking children to access public schooling. The fee is an interim measure while amendments are made to legislation to enable free access to public education.