

# **Consideration of reports submitted by States parties under article 18 of the Convention**

**Eighth periodic report of States parties due in 2014**

**Australia\***

[Date received: 8 December 2016]

**Annexes**

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\* In accordance with the information transmitted to the States parties regarding the processing of their reports, the present document has not been edited.

*Note:* The present document is being circulated in English, French and Spanish only.

## State and territory anti-discrimination legislation

### *New South Wales (NSW)*

NSW has adopted laws prohibiting discrimination against women. The *Anti-Discrimination Act 1977* (NSW) makes it unlawful to discriminate against a person on a number of grounds, including pregnancy and breastfeeding, disability, race, sexual harassment, age, homosexuality, carers' responsibilities, marital or domestic status and transgender. Discrimination on these grounds is unlawful in employment, provision of goods and services, education, accommodation and registered clubs. In addition, discrimination on the grounds of carer responsibilities is unlawful in the area of employment.

The Anti-Discrimination Board of NSW administers the Act.

In 2013–14, of the 4,748 enquiries to the board, 2,141 were from or on behalf of a woman. In the same reporting period, complaints of sexual harassment almost equalled all other types of sex discrimination complaints with 95 complaints. Of these, 88 complaints related to the workplace and two-thirds were from women. Other sex discrimination complaints including pregnancy and breastfeeding discrimination numbered 105 or 8.8 per cent. In this period, women lodged 49.2 per cent of all complaints; the majority of the complaints lodged were on sex discrimination, carer's responsibilities and sexual harassment.

### *Victoria*

Victoria has three key pieces of human rights legislation:

- *Equal Opportunity Act 2010*
- *Charter of Human Rights and Responsibilities Act 2006*
- *Racial and Religious Tolerance Act 2001*.

The Victorian Equal Opportunity and Human Rights Commission is an independent statutory body that has responsibilities under these three laws. In 2013–14, it received disputes raising 2,718 identifiable issues, including sex discrimination (or approximately six per cent of the total number of issues); sexual harassment (eight per cent); carer status (four per cent); parental status (four per cent); marital status (two per cent); pregnancy (two per cent); and breastfeeding (less than one per cent).

### *Queensland (QLD)*

QLD's Anti-Discrimination Commission (ADCQ) administers the state's *Anti-Discrimination Act 1991*.

From July 2010 to June 2014, the ADCQ accepted 245 complaints alleging sex discrimination (estimated 91 per cent from women), 114 alleging pregnancy discrimination (100 per cent from women), 11 alleging breastfeeding discrimination (100 per cent from women), 296 alleging sexual harassment (estimated 78 per cent from women), 164 alleging family responsibilities discrimination (estimated 77 per cent from women) and 15 alleging discrimination on the basis of gender identity (100 per cent from women). Of these complaints, 63 per cent related to employment.

### *Western Australia (WA)*

The *Equal Opportunity Act 1984* (WA) was enacted by the WA Parliament in 1984 and came into operation in July 1985. The Act was reviewed in 2007 to include breastfeeding as a ground of unlawful discrimination, and requiring government departments and agencies to show how they are identifying and eliminating discriminating practices and promoting equal outcomes for women as employees and as their clients.

From July 2010 to June 2014, the Equal Opportunity Commission WA received the following number of complaints from women: 207 alleging sexual harassment, 87 alleging family responsibilities and family status discrimination, 83 complaints alleging sex discrimination, 73 alleging pregnancy discrimination, 25 alleging sexual orientation discrimination, four alleging breastfeeding discrimination and three alleging discrimination on the basis of gender history. Just over half of all the total complaints were made by women (54 per cent), of which 57 per cent related to employment.

### *South Australia (SA)*

SA administers the *Equal Opportunity Act 1984* (SA). In 2013–14, the SA Equal Opportunity Commission fielded 201 complaints, 35 of which were made by women and included allegations of pregnancy, association with a child, caring responsibilities, marital status, and sex discrimination, or were related to sexual harassment.

The SA Parliament passed amendments in 2009 to add a range of additional protections, including for people with caring responsibilities. In 2013, the Act was amended to broaden an exemption from discrimination on the ground of sex.

## *Tasmania*

The Tasmania *Anti-Discrimination Act 1998* prohibits:

- discrimination on the basis of gender, pregnancy, breastfeeding, marital status, family responsibilities and parental status
- sexual harassment
- conduct that is offensive, humiliating, intimidating, insulting or ridiculing on the basis of 14 prescribed attributes including gender, pregnancy, breastfeeding, marital status, family responsibilities and parental status
- other specified conduct.

Since 2008, a number of exemptions have been granted under the Act to permit positive discrimination towards women in certain areas. For example, employers can:

- advertise for and appoint women caseworkers for organisations
- target and recruit women custodial officers in the redevelopment of women's prisons
- advertise and target women in the electrical contracting and aluminium smelting industries
- elevate women on the process worker waiting lists.

## *Northern Territory (NT)*

The *Anti-Discrimination Act 1992* (NT) protects from unfair discrimination on grounds of race, sex, sexuality, age, marital status, pregnancy, parenthood, breastfeeding, impairment, trade union or employer association activity, religious belief or activity, irrelevant criminal record, political opinion, affiliation or activity, irrelevant medical record, or association with person with an above attribute, and from sexual harassment and associated objectionable conduct and to provide remedies for persons discriminated against.

## *Australian Capital Territory (ACT)*

The ACT was the first Australian jurisdiction to legislate for a bill of rights in the *Human Rights Act 2004* (ACT). The Act incorporates most of the rights protected under the *International Covenant on Civil and Political Rights* and the limited right to education, as enshrined in the *International Covenant on Economic, Social and Cultural Rights*. The rights protected include recognition and equality before the law, including equal protection against discrimination and the right to protection family and children.

## Data collection

States and territories also collect and publish data disaggregated by sex.

In 2012, the NSW Government launched *Women in New South Wales*, a major statistical report on the status of women. Women's progress towards equality is tracked annually by examining gender equity in areas of social life critical to women's wellbeing including health, education, work, financial security, leadership, and safety and justice.

The QLD Office for Women provides state-based, sex-disaggregated data on key areas of gender equity in the state, including education and training, workforce participation and economic security, safety, health, housing and leadership status.

In WA, the Women's Report Card is produced triennially. It is a statistical snapshot of women in the state across a range of indicators and enables a longitudinal assessment of the progress of women and their standing across indicators including education and training, workforce participation, leadership, domestic violence victimisation and lifestyle.

## Appendix – Article 5

### Educating men and boys

#### *Men's Referral Service (NSW)*

The NSW Government committed AUD \$2 million over three years to fund NSW's first telephone counselling and referral service for violent or potentially violent men to help reduce domestic violence. It provides anonymous and confidential telephone counselling, information and referrals for men who use or are at risk of using violence against women (partners) and their families.

#### *Father-Inclusive Policy (WA)*

A Father-Inclusive Policy was announced in 2012 in WA to support better sharing of caring responsibilities for children between women and men. The policy recognises the benefits of positive father involvement in parenting, supports development and delivery of parenting services which are receptive to the needs of fathers, and increases participation of fathers in parenting services, supports and activities.

#### *Partners in Prevention (ACT)*

The ACT's Partners in Prevention initiative brings together leaders from key corporate and industry areas to identify ways to prevent violence against women individually, in the workplace and organisationally. The initiative includes the ACT Partners in Prevention Awards which recognise strategies and activities that create awareness of gendered violence in the ACT.

#### *Chiefs for Gender Equity (SA)*

The SA Commissioner for Equal Opportunity established the Chiefs for Gender Equity—a group of male industry leaders working to achieve sustainable change that increases the participation of women at the highest levels of industry. The group targets and supports men to drive and initiate change within the organisations that they lead.

## Appendix – Article 7

### Women on government boards

#### *State and territory government examples*

In 2007, the ACT Government set a target of achieving and maintaining 50 per cent representation of women on its boards and committees. In 2012, ACT Government boards and committees achieved 47 per cent female membership. The ACT Women's Register matches women who have relevant skills and expertise with board and committee vacancies.

The Victorian Government has set a target for women to receive 50 per cent of new and re-appointments to state government boards and committees. At June 2014, women comprised 33 per cent of public sector board members (excluding school councils).

Among a range of targets, the *South Australian Strategic Plan* aims to achieve 50 per cent representation of women members and chairs on all state government boards and committees by 2014. Progress has been made, with the number of women on these boards and committees increasing from 33.6 per cent in January 2004 to 47.7 per cent at June 2014.

In NSW, women held 38 per cent of state government board and committee positions at 31 December 2013 and this has remained relatively stable. The portfolios with the highest proportion of women board and committee members were family and community services (56 per cent), ageing (61 per cent), disability services (72 per cent) and women (76 per cent).

At 30 June 2014, 42 per cent of members of WA Government boards and committees were women.<sup>1</sup> In 2011, WA re-launched its Interested Persons Register to encourage women's appointment to government boards and committees. When new board appointments are being made by State Cabinet, it is a requirement that the register be consulted.

Tasmania's *Strategy for increasing women's representation on Tasmanian Government boards and committees* increases women's awareness of the opportunities that exist for board membership, training and mentoring, and helps to promote women as candidates for board appointments.

The government also maintains the Women's Register, an online database of women who would like to be appointed to boards and committees.

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<sup>1</sup> Department of Local Government and Communities, 2015 Women's Report Card 2015. Government of Western Australia.

In the NT, there are 479 female and 919 male board/committee members on government boards which equates to 34 per cent female representation.<sup>2</sup>

Engaging with civil society

### *State and territory government examples*

The NSW Council for Women's Economic Opportunity advises on strategies to increase women's economic participation. It brings together experts from the engineering, construction, manufacturing and education and training industries.

Community consultations undertaken by the NSW Ministerial Taskforce on Aboriginal Affairs during 2012 identified gender equality as essential for ensuring strong Aboriginal community governance. The outcome is OCHRE – Opportunity, Choice, Healing, Responsibility, Empowerment – which incorporates a range of education, employment and accountability initiatives.

The Victorian Office of Multicultural Affairs and Citizenship delivers the Refugee Action Programme which supports newly arrived migrants to more fully participate in the community, plan tailored community-owned responses to local issues and develop community capacity. This programme is also implementing strategies to build the capacity of and empower women and their local communities.

In QLD, Cultural Diversity QLD funds community groups to conduct projects that help ensure the full development and advancement of women in the social and cultural fields.

The SA's Premier's Council for Women provides leadership and advice to ensure the interests and needs of women are at the forefront of the state's policies and strategies. The South Australia Government also provides opportunities for Aboriginal and Torres Strait Islander women to come together in a culturally supportive environment to talk about issues which affect their lives.

In WA, the Minister for Women's Interests' Women's Advisory Council conducted community consultations between 2010 and 2013 to seek women's views on government policy, issues of concern and to produce findings for further investigation and action. The findings helped map essential services and service gaps in specific regions, and informed development of the publication Women's Interests Strategic Directions 2011–2014.

In Tasmania, the Tasmanian Women's Council champions the rights and interests of women in government decision making. The 12-member council represents the social, economic, demographic and regional diversity of women in the state. It advises the Tasmanian Government

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<sup>2</sup> As reported by the Northern Territory Cabinet Office on 7 January 2014.



on important issues to women and contributes to strategies that address inequality and increase the participation of women in all aspects of society.

In 2012 the Northern Territory Office of Women's Policy held public consultations in Alice Springs and Darwin, and began developing a new women's policy which is expected to establish formal engagement mechanisms for women in the territory.

The ACT Ministerial Advisory Council on Women provides strategic advice to the ACT Government on issues affecting women. Membership consists of women from different backgrounds that reflect the ACT community, and includes representatives from the Women's Centre for Health Matters and the ACT Women and Prisons Group.

### Women in the public service

#### *State and territory government examples*

In Victoria at June 2014, women held 43 per cent of public service executive positions (up from 38.7 per cent in 2010) and 34.8 per cent of executive public entity positions (up from 30.7 per cent in 2010). This compares to the overall representation of women in the public sector at 67 per cent.

At the same time in Queensland, women accounted for 33 per cent of senior executives and 49 per cent of senior officers.

Target 52 in the *South Australia Strategic Plan* aims to reach and maintain 50/50 gender equity for public sector employees in the executive levels (including chief executives) by 2014. At June 2014, 43.1 per cent of executives were women.

At 30 June 2014, women comprised 71.9 per cent of the WA public sector workforce and 30.1 per cent of the senior executive service.

The overall representation of women in the Tasmania state service was almost 70 per cent. Women accounted for 27.5 per cent of senior executive service officers, equivalent specialists and above.

At June 2014 in the NT, women comprised 63 per cent of the public service and made up 44 per cent of senior management roles in the public service.

Women comprised 64.8 per cent of the total ACT public sector, and held 43.2 per cent of service executive positions and 51.9 per cent of senior officer positions.

## Appendix – Article 11

### Legislation relating to employment protection

#### *Sex Discrimination Act 1984 (SDA)*

In 2011, the SDA was amended to make breastfeeding a separate ground of discrimination and to extend the prohibition on discrimination the grounds of family responsibilities to all areas of work, not just termination. This ground of discrimination is intended to be equally available to both women and men. These amendments also added, “...eliminating so far as possible, discrimination on the ground of family responsibilities in the area of work” to the objects of the Act.

#### *Paid Parental Leave Act 2010*

The *Paid Parental Leave Act 2010* (Cth) introduced a paid parental leave scheme that since January 2011 has provided 18 weeks pay at the rate of the National Minimum Wage. Fathers and supporting partners have been entitled to two weeks’ leave since 1 January 2013.<sup>3</sup>

#### *Fair Work Act 2009*

In June 2013, the *Fair Work Act 2009* (Cth) was amended to broaden the category of employees who can request flexible work arrangements to include those with caring responsibilities, parents with children who are school age or younger, employees with disability, those who are mature age, as well as employees who are experiencing violence from a family member or who are providing care and support to a member of their immediate family or a member of their household as a result of family violence.

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<sup>3</sup> Paid Parental Leave and Other Legislation Amendment (Dad and Partner Pay and Other Measures) Act 2012 (Commonwealth).

## Appendix – Article 14

### Rural networks

#### *State and territory government examples*

In Victoria, the Rural Women's Network is linking groups of and individual women in rural areas. It has 11,000 members. For more than 25 years, it has produced the *Network* magazine, a newsletter for Victorian women to share experiences and discuss issues relating to living in rural and remote areas. It provides news on changes to policy and updates on new initiatives that impact on women.

The Rural, Remote and Regional Women's Network of Western Australia recognises, promotes and expands the contribution women make to their communities. Through its website, calendar of events, publications and social media activities, the network shares and promotes information relevant to the development of women, including inspirational stories, grants and awards programmes, training events, and news.

In QLD, the government delivers free and confidential information and referral services through Women's Infolink. This includes a free call telephone service, website and web based service information facilities, social media, and a range of information addressing women's issues.

## Appendix – Article 15

### Cultural awareness training for corrective officers

#### *State and territory government examples*

The Victorian Aboriginal Justice Agreement is a formal arrangement between the Victorian Government and Koori community to improve Koori justice outcomes and reduce over-representation in the criminal justice system. Now in its third phase, the arrangement has an increased focus on improving the safety of Koori families and communities. Priorities include reducing conflict between families, lateral violence and Koori youth offending, and addressing the needs of Koori women in the justice system, particularly their history of trauma and victimisation.

The NSW Anti-Discrimination Board is partnering with the state's Corrective Services Indigenous Unit to deliver cultural awareness training and to help new corrective officers understand:

- how anti-discrimination laws apply to them
- cultural differences that they must consider when working in the prison environment.

## Appendix – Article 16

### Initiatives under the *National Plan to Reduce Violence against Women and their Children 2010–2022*

#### *Our Watch*

In July 2013, the Australian and Victorian governments established the independent, not for profit organisation, Our Watch. Its aim is to advocate, raise awareness and engage civil society and the broader Australian community to drive nation-wide change in the culture, behaviours and attitudes that underpin and create violence against women and their children. The NT, SA, Tasmanian and QLD governments are members.

#### *The Line*

The Line is a social marketing campaign aimed at changing attitudes and behaviours that contribute to violence. It targets 12 to 20 year-olds, as this is when many young people become interested in relationships and form their ideas about them. The campaign uses social media to encourage discussion and debate on relationship issues and what sorts of behaviour cross the line.

#### *1800RESPECT*

1800RESPECT—national sexual assault, family and domestic violence counselling services—is a free confidential telephone and online counselling, information and referral service to help anyone who has experienced, or is at risk of sexual assault or domestic and family violence.

#### *DV-alert*

This training programme is free and nationally accredited and helps community frontline workers better understand and identify domestic and family violence, and improve their referral and support skills.

#### *Australian National Research Organisation for Women’s Safety (ANROWS)*

In 2013, all Australian governments partnered to establish ANROWS (then known as the National Centre of Excellence). ANROWS is a key initiative under the national plan and provides a national research hub to enable researchers, policy makers and practitioners to link-up and provide evidence-based responses to reduce domestic and family violence and sexual assault.

## Strategies to reduce violence against women and their children

### *State and territory government examples*

#### *New South Wales (NSW)*

In February 2014 the NSW Government launched the NSW Domestic and Family Violence Framework for Reform, *It Stops Here: Standing Together to End Domestic and Family Violence* in NSW. It is designed to improve prevention and responses to domestic violence, including changing the way that victims receive help and are supported to recover.

A key initiative is Safer Pathway, which includes risk identification, referrals and local service coordination, and gives victims a single contact point to organise the support they need when they need it. The Australian and NSW governments also support more than 330 Specialist Homelessness Services (SHS) across NSW, which deliver a balance between early intervention, crisis and post-crisis support. Women are the most frequent users of SHS, representing 57 per cent of all clients in NSW.

#### *Victoria*

In 2012, the Victorian Government launched Victoria's Action Plan to Address Violence Against Women and Children 2012–2015—a whole-of-government plan for prevention, early intervention and response initiatives and services. In 2013, the Victorian and Australian governments launched the Foundation to Prevent Violence against Women and their Children. The foundation is tasked to lead the conversation about violence against women and their children, raise community awareness and change attitudes and behaviours in organisations, communities and families across Australia.

#### *Queensland (QLD)*

The QLD Government funds a range of initiatives including community based sexual assault services to help women access information and support to deal with the trauma they have experienced and to rebuild their lives.

The Helping out Families initiative is helping prevent families from entering or re-entering the statutory child protection system. The Safety Upgrades Programme has provided funding to support victims of domestic and family violence and their children to remain in their home. In 2013, the three-year *Make the call* social marketing campaign was launched to encourage friends, family, neighbours and work colleagues to report their concerns that someone they know may be experiencing domestic violence.

### *Western Australia (WA)*

In WA the Department for Child Protection and Family Support is the lead agency responsible for family and domestic violence strategic planning and manages the state's Family and Domestic Violence Prevention Strategy to 2022.

The strategy aligns state and national priorities for responding to family and domestic violence with a particular focus on supporting an integrated response across government that works towards the safety of adult and child victims (who are predominantly women and girls), and accountability for the perpetrator of violence. Aboriginal and CALD communities are at the forefront of the strategy.

### *South Australia (SA)*

*A Right to Safety – South Australia's Women's Safety Strategy 2011–2022* has a broad focus—from early intervention work focused on preventing violence, through to community education and awareness, as well as improving services responses to women experiencing violence.

As part of the strategy, the *Family Safety Framework* ensures that services to families most at risk of violence are provided in a more structured and systematic way.

*A Right to Safety* also includes Violence Against Women Collaborations, which build community capacity to prevent and reduce the incidence of violence against women by creating cultural and attitudinal change within the community.

The *Taking a Stand: Responding to Domestic Violence* initiative includes policy responses such as a Women's Domestic Violence Court Assistance Service and strengthening penalties for people who are proven to be consistent domestic violence offenders.

### *Tasmania (TAS)*

*Taking Action: Tasmania's Primary Prevention Strategy to Reduce Violence Against Women and Children 2012–2022* adopts a public health approach to reducing violence against women and children with social justice as a core value.

Safe at Home, Tasmania's criminal justice response to family violence, provides a holistic response to family violence incidents. The safety of victims and their children is the paramount concern of Safe at Home and is realised through a pro-arrest, pro-prosecution policy.

### *Northern Territory (NT)*

The Indigenous Family Violence Offender Programme is conducted in both Alice Springs and Darwin prisons, and is also delivered in various other locations across the territory. It aims to

challenge the attitudes and behaviours that lead to violence and abuse and reinforce the view that family violence is unacceptable.

### *Australian Capital Territory (ACT)*

The ACT *Prevention of Violence Against Women and Children Strategy 2010–2017* is the first of its kind in the territory. It guides violence prevention activities across government and supports key service providers (government and non-government) to provide flexible and targeted responses to women and children experiencing violence, including Aboriginal and Torres Strait Islander women and women with disability.

### *Strategies responding to family violence in Indigenous communities*

#### *State and territory government examples*

##### *New South Wales (NSW)*

The NSW Aboriginal Family Health Strategy aims to reduce the incidence and impact of family violence in Aboriginal communities in NSW and build the capacity of individuals and communities to prevent, respond to and recover. Aboriginal Family Health Workers respond to local needs and contexts. Initiatives promote Aboriginal independence and empowerment.

##### *Victoria*

The Victorian Indigenous Family Violence 10-year plan provides a partnership approach to address Aboriginal family violence. It outlines the vision, objectives and actions which guide, inform and direct the Aboriginal community and the Victorian Government to reduce Aboriginal family violence over the coming years.

##### *Western Australia (WA)*

In WA, the Aboriginal Affairs Coordinating Committee Sub-Committee on Family Youth and Children was established to examine issues related to the delivery of support services to Aboriginal families, youth and children. Its focus is on key government and community priorities such as issues of early intervention, youth at risk, homelessness, family and domestic violence and youth justice as well as assistance to access other services, including Centrelink, family support services and legal and counselling services.

##### *Northern Territory (NT)*

The NT Government has a range of initiatives to support and empower women and children, provide education and refuge and in turn provide employment for local women. These include



Safe Places, Mobile Child Protection Teams, Mobile Outreach Services, Remote Aboriginal Family and Community Workers and Children and Family Centres.

