



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

Australia

Responses to issues raised with regard to the combined sixth and seventh periodic reports of Australia

Issue/question 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 organizations, particularly women's organizations, in this process.

1. 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 with Commonwealth departments, in the preparation of Australia's combined sixth and seventh periodic reports on the Convention on the Elimination of All Forms of Discrimination against Women.

2. 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 organizations. The Australian Government Office for Women also convened four round tables 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 marginalized groups were not strongly represented at the community consultation sessions. Fifty women representing 42 women's organizations from around Australia were funded by the Australian Government to take part in the round tables. The Australian Government also funded non-governmental organizations to conduct their own consultations and prepare an independent "shadow" report for consideration by the Committee on the Elimination of Discrimination against Women.

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

Issue/question 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.

4. 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 from: www.fahcsia.gov.au/sa/women/pubs/general/womeninaustralia/2009/Pages/default.aspx.

5. 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 programme development. The Australian Bureau of Statistics also routinely disaggregates data by sex, including labour force, health and education related statistics.

6. 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-governmental agencies and organizations, to identify research questions that will inform the Government on areas in which gender equality needs to be improved. The Australian Government has committed \$A 400,000 per annum to fund the research questions identified by the Gender Equality Strategic Research Plan.

Articles 1-4

7. 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

8. In March 2007, the Australian Sex Discrimination Commissioner, a member of Australia's independent statutory Human Rights Commission, released a report entitled "It's about time: women, men, work and family" (available at www.humanrights.gov.au), which makes the case for a new framework for supporting the balance between paid work and family responsibilities.

9. In March 2009, the Australian Government also established the National Advisory Group on Body Image to address the growing problem of negative body images among 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.

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

Article 6

11. On 17 June 2009, the Australian Government announced changes to Australia's anti-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 for victims and their families. As at 6 October 2009, a total of 141 clients had received assistance through the Australian Government Support for Victims of People Trafficking Program since 2004.

Article 7

12. The number of women in the Australian Parliament is the highest it has ever been. At present, Australia has its first female Deputy Prime Minister and Governor General; furthermore, there are seven female ministers and two female parliamentary secretaries. The current forty-second Parliament has more women than any previous parliament in Australia's history. Approximately one in three Australian parliamentarians is a woman.

Article 8

13. As 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 constitute 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 at October 2009, of Australia's 109 people serving overseas as heads of mission or post, 32 per cent were 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

14. Within Australia's migration programme, the base target for the women at risk category in the 2009/10 Humanitarian Visa Program has increased from 10.5 per cent to 12 per cent of the refugee component. The visa recognizes 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, about 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 women and their accompanying dependants who do not have the effective protection of a male family member.

Article 10

15. The United Nations Human Development Report 2009 ranked Australia first in the world on its gender-related development index, which 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 are women. Women represent approximately two thirds of all indigenous higher education students and just under half of all indigenous vocational education and training students. This result is very pleasing and demonstrates that Australia's ongoing commitment to gender equality is yielding tangible results.

¹ Department of Foreign Affairs and Trade website, viewed 21 September 2009; available from: www.dfat.gov.au/homs/index.html.

² Office of the Special Adviser on Gender Issues and Advancement of Women website, viewed 21 October 2009; available from: www.un.org/womenwatch/osagi/fpgenderbalancestats.htm#ns.

Article 11

16. The number of Australian women in the labour force has reached record levels over recent years. As at September 2009, about 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 \$A 731 million over five years for a comprehensive paid parental leave scheme, due 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

17. 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 1 in 11. The Government will provide \$A 168 million over four years from 2009/10 to continue funding the Herceptin® programme, which provides free access to Herceptin® for patients affected by late-stage metastatic breast cancer. This is in addition to \$A 120 million over five years to replace Australia's older equipment with state-of-the-art digital mammography equipment.

Article 13

18. 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 \$A 13 billion to support 800,000 families to access affordable and high-quality child care. The Government will also provide \$A 9.3 million over four years for an additional 250 outside-school-hours care places for teenagers with disability or serious medical conditions. These programmes support parents and carers who want to return to work, extend their working hours or stay working.

Article 14

19. The National Rural Women's Summit was held in Canberra on 27 and 28 June 2008: it involved 82 women from rural, regional and remote areas, including indigenous women, and produced a report with 123 recommendations. The report can be found at 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

20. The Australian Government has increased funding for community legal centres and Commonwealth legal aid services; it is anticipated that this funding will enable these services to provide more support to women, especially in 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, and family and homelessness issues.

Article 16

21. 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 effects on society are vast. In its 2009/10 budget, the Australian Government committed \$A 42 million to immediately make progress in implementing 18 of the 20 priority recommendations that came out of the report entitled *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: www.fahcsia.gov.au/sa/women/pubs/violence/np_time_for_action/Pages/default.aspx.

Issue/question 3: please provide information in respect 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 (CEDAW/C/AUL/CO/5, para. 11) in respect of the effective implementation of the Convention including through the enactment of legislation applicable in all states and territories.

22. 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.

23. 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.

24. The Commonwealth's Sex Discrimination Act 1984 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, which can investigate the complaint.

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

26. Relevant state and territory legislation that has the effect of implementing various provisions of the Convention include: the Anti-Discrimination Act 1977 (New South Wales); the Anti-Discrimination Act 1991 (Queensland); the Equal Opportunity Act 1994 (South Australia); the Anti-Discrimination Act 1998 (Tasmania); the Charter of Human Rights and Responsibilities Act 2006 (Victoria); the Equal Opportunity Act 1995 (Victoria); the Equal Opportunity Act 1984 (Western Australia); the Human Rights Act 2004 (Australian Capital Territory); and the Anti-Discrimination Act 1992 (Northern Territory).

27. 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 recognize 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 human rights should be protected in Australia.

28. The National Human Rights Consultation Committee received over 35,000 submissions and conducted a number of community round tables 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.

Issue/question 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 the State party report (see CEDAW/C/AUL/7, para. 1.17), 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.

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

30. 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 vs Teoh* (1995), 183 CLR 273). Furthermore, legislation must be interpreted on the presumption that Parliament did not intend to abrogate fundamental rights (*Coco vs The Queen* [1994] PLPR 34).

Awareness-raising

31. The Australian Government Office for Women has distributed 200 copies of Australia's combined sixth and seventh periodic reports to the Committee and a related education pack to community legal centres across Australia. In addition, the Office for Women has supported the New South Wales Young Lawyers association raise awareness among its membership about the Convention and its Optional Protocol.

32. 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

³ Most cases are available from www.austlii.edu.au by searching for "CEDAW".

the Australasian Institute of Judicial Administration and the National Judicial College of Australia. The Australasian Institute, 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 programmes and conferences since then have continued to raise and address gender issues.

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

34. The Australian Government Office for Women also provided funding to JERA International to undertake a project entitled "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.

Issue/question 5: according to the report, the Sex Discrimination Act 1984 will be reviewed (see CEDAW/C/AUL/7, para. 1.16). 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 provisions 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.

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

36. Section 44 of the Sex Discrimination Act gives the Australian Human Rights Commission the power to grant temporary exemptions from certain provisions of the Act. 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 Act while the exemption remains in force. Because the Act already provided for both permanent exemptions and special measures, and because any temporary exemptions must be consistent with the objects of the Act, the circumstances in which it will be necessary or appropriate to grant such exemptions will be limited.

37. Full details of all exemptions granted are available on the Australian Human Rights Commission website at: www.aph.gov.au/Senate/committee/legcon_ctte/sex_discrim/index.htm.

38. 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.

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

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

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

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

42. 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 to provide policy coordination across Government with a view to improving gender equality. The Australian Government expects that the Women's Interdepartmental Committee 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.

43. As part of the Australian Government's renewed commitment to gender equality, the Commonwealth Department of Families, Housing, Community Services and Indigenous Affairs will undertake a gender assessment exercise to measure its progress towards achieving gender equality. The assessment exercise will measure the Department's performance in achieving gender equitable outcomes across selected programme and policy areas; it represents the first step towards 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 programmes and improved policy analysis. It will also establish the rationale for other Government departments to carry out their own gender equality assessments.

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

45. The Australian Capital Territory Government will also undertake a gender analysis pilot throughout 2009/10. This pilot is linked to a parliamentary agreement

that makes a commitment to phase in the publication of gender impact statements and gender-disaggregated data associated with Australian Capital Territory Government legislation, policies, budget and annual reports by 2010. Undertaking a pilot will give the 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 territory.

46. A gender analysis project has also been developed by the South Australian Office for Women, the University of Adelaide, the University of Western Australia, the 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 finalized and will provide policymakers across Government with a guide to incorporating gender analysis into policy development.

Issue/question 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 practices aimed at ensuring equal access of women to employment are encouraged through reporting obligations 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 No. 25, have not been recognized as an 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.

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

48. 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 headed by a Chief Federal Magistrate) is a woman.

49. At the Australian and New Zealand Ministers' Conference on the Status of Women held on 2 October 2009, ministers noted the inadequate performance of the private sector in promoting women to their boards and senior leadership positions. The Conference will explore the application of targets in order to improve board membership. Four of the nine Government jurisdictions currently have targets of 50 per cent women for their own boards.

50. The Australian Government, through the Office for Women, is working to recognize 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, which aims to increase the representation of women on public, private and

⁴ Parliament of Australia website, 13 October 2009. Available from: www.aph.gov.au.

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.

51. The Equal Opportunity for Women in the Workplace Agency plays an important role in improving the position of women in the workplace by assisting organizations to identify and remove discrimination against women in paid employment. The primary role of the Agency is to advise and assist employers in developing effective equal employment opportunity outcomes for women in the workplace. It provides employers with assistance in developing and implementing workplace equity programmes.

52. The Australian Government is currently reviewing the Equal Opportunity for Women in the Workplace Act 1999 and the agency responsible for its implementation. The review is examining whether the 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 2010.

Issue/question 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 programmes.

53. 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 on gender equality. In March 2009, the Australian Government established the National Advisory Group on Body Image to address the growing problem of negative body images among 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

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

55. 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 that 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.

56. 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 that assist in eliminating systemic discrimination based on gender. Key advertising industry bodies have undertaken to publicize and distribute the guidelines to their industry members. The Outdoor Advertising Association of Australia and the Advertising Federation of Australia promote the guidelines on their respective websites and in their newsletters.

57. 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 or unfair depictions of people in relation to race, ethnic origin and disability.

Education

58. Australia is committed to ensuring that all Australian students, regardless of their gender, 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.

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

60. 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 in challenging gender stereotyping through the Guaranteeing Futures programme and their work with Pathway Planners in schools.

61. 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.

62. Similarly, the South Australia Department of Education and Children's Services addresses the issues around gender by 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.

63. The New South Wales Department of Education and Training 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 make informed decisions about career pathways and lifestyle choices. New South Wales public schools recognize 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.

Issue/question 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 criminalize 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?

64. 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*.

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

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

66. The Australian Government, through the Department of Families, Housing, Community Services and Indigenous Affairs also provides funding to support individuals affected by indigenous family violence in the following ways:

- The Family Violence Partnership Program builds on the Australian Government's commitment to tackle family violence and child abuse. The programme provides funding for partnerships with state and territory governments to jointly fund initiatives 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 and initiatives.

- The Family Violence Regional Activities Program aims to provide practical and flexible support for grass-roots projects that have been identified by indigenous communities as a local priority for addressing family violence, sexual assaults and child abuse.
- The Family Support Package works to protect the safety and well-being of indigenous women and children. It provides 22 safe places across 15 remote communities in addition to Alice Springs and Darwin. It also provides a Mobile Child Protection Team and Remote Aboriginal Family and Community Workers in at least 13 communities.

67. 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.

68. 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.

69. 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 established a Domestic and Family Violence Unit to take a proactive approach to investigating domestic and family violence. The Queensland Police Service responds to the needs of clients, and that includes referring clients to support agencies that are culturally appropriate.

Legislation

70. 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 that provide for the issuance of protection orders, a breach of which may be subject to fines of up to \$A 50,000 and/or terms of imprisonment of up to five years. An electronic copy of the report is available for downloading from: www.fahcsia.gov.au/sa/women/pubs/violence/np_time_for_action/domestic_violence_laws/Pages/default.aspx.

71. 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 stepchildren, the child of a person's de facto partner and other persons who are generally regarded as "relatives".

72. The capacity for protection orders to be enforced across jurisdictions is an important issue for victims of domestic violence. Domestic violence legislation throughout Australia recognizes the need for this "portability" of orders. A person

protected by a domestic violence protection order made in one state or territory (or in New Zealand) may apply, in any of the other states and territories, for the order to be registered.

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

Domestic homicide

74. The Australian Institute of Criminology is Australia's leading national research and knowledge centre on crime and criminal justice issues. It 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.

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

76. The Institute also maintains a detailed database of homicides committed in Australia through its National Homicide Monitoring Program, whose annual report showed that there had been 65 victims of intimate-partner homicide in 2006/07 and that 65 per cent of intimate-partner homicide victims had been 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 annex I.

Issue/question 10: please provide detailed information on the time frame for the implementation of the National Plan 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 National Plan of Action.

77. 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 in 2010.

78. 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.

79. The research report, *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 family violence related homelessness requires a commitment from all levels of government to a long-term integrated approach for addressing the safety and security of women and their children.

⁵ Jack Dearden and Warick Jones, *Homicide in Australia: 2006-07 National Homicide Monitoring Program Annual Report* (Canberra, Australian Institute of Criminology, 2009).

Issue/question 11: the report states that according to data sourced from the 2005 Personal Safety Survey, 90 per cent of women who have experienced sexual assault did not access crisis support, legal help or other support services, including telephone helplines. 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.

80. Violence against women is unacceptable and causes significant personal, social and economic costs for all in our community. The Australian Government is providing leadership for developing a national plan through the Council of Australian Governments, 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 3-year action plans and sets out responsibilities and time frames for reducing violence against women and children, including women with disabilities.

Law reform

81. The Australian Government also recognizes 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 interrelationship of laws that relate to the safety of women and their children.

82. In 2004, the New South Wales Government established the Criminal Justice Sexual Offences Taskforce. Its mandate was to examine the way in which issues of sexual assault are prosecuted. Its report 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.

83. In response, the New South Wales Government has overhauled a range of laws, including vital legislation, to introduce an “objective fault test” into the law in relation to sexual assault in order to define the concept of “consent” and expand the circumstances in which 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

84. The South Australian Government has launched a public education and awareness campaign called “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.

85. The Australian Government has provided \$A 9.1 million to improve the quality and uptake of Respectful Relationships programmes for school-age 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 issues relating to intimacy and ethical behaviour.

Education

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

87. In 2006, the Queensland Police Service commenced Project USA (Unreported Sexual Assault) with a view to targeting the underreporting of sexual assaults by forging partnerships 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 assaults, known as Project ARO (Alternative Reporting Options). This package included information on making an official complaint, the investigative and court process, alternative reporting options, and support agencies.

Conviction rates

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

Issue/question 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.

89. 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.

90. 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.

91. The Australian Government provides the Australian Cultural Orientation 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 programme curriculum includes general information about Australian law and equality between the sexes. The topic of female genital mutilation is addressed in every Australian Cultural Orientation Program class in Africa.

92. State and territory governments provide a range of health programmes 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 that support new arrivals, and liaison officers work in the major hospitals.

93. The New South Wales Education Program on Female Genital Mutilation is funded by New South Wales Health; it works with targeted communities in preventing female genital mutilation occurring in New South Wales. The programme aims to minimize 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 with a view to enabling them to work effectively with women affected by female genital mutilation. The programme works with communities from Egyptian, Ethiopian, Indonesian, Kenyan, Kurdish (Iraqi), Liberian, Nigerian, Somali, Sierra Leonean and Sudanese backgrounds now resident in New South Wales. The programme is also developing links with new and emerging communities across the state in which women may be at risk of female genital mutilation.

Issue/question 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 on the Rights of the Child, the United Nations Study on Violence against Children and the Committee's general recommendation No. 19.

94. The Australian Government does not endorse corporal punishment as an approach for 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 for 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 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.

95. 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 most Australian states, a parent can lawfully smack their child in the home when it is considered "reasonable chastisement".

96. The Tasmanian Parliament enacted legislation aimed at prohibiting corporal punishment in detention centres in 1997 and in all Government and non-Government schools in 1999. The Tasmanian Government has also implemented a policy to prohibit this practice in all forms of childcare and out-of-home care.

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

98. 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 in responding to the behaviour 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.

Issue/question 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.

99. On 1 July 2009, the Government implemented changes to the Support for Victims of People Trafficking Program and the People Trafficking 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 programme and the visa framework are discussed in more detail in the response to question 15.

100. 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 for raising awareness about trafficking in all its forms, including by raising awareness about fair work issues in Australia among migrant populations.

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

102. Australia has been represented at all four Conferences of the Parties to the United Nations Convention against Transnational Organized Crime. The Conference of the Parties 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 organized crime and to promote and review the implementation of the Convention and its Protocols.

103. The Australian Government's overseas aid programme 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 Project, which is a five-year, \$A 21 million project funded by the Australian Agency for International Development that aims to facilitate a more effective and coordinated approach to people trafficking in South-East Asia. The Agency is also designing two new programmes 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 subregion. These programmes are expected to commence in 2010.

Issue/question 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 with 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 and eligibility for the support and repatriation programmes in order to ensure achievement of its stated protection and prevention objectives?

104. 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 framework

105. 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 the criteria of another visa that would enable 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 Class F under the People Trafficking Visa Framework. The validity of this visa has been extended from 30 days to 45 days.

106. 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 programme (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 such as trauma. If the suspected victim of trafficking does not hold a valid visa, a second Bridging Visa Class F for up to 45 days may also be granted.

107. Since the announcement of the changes in mid-June 2009, eight victims and their immediate family members have been granted permanent witness protection (trafficking) visas. A number of other visas are currently being processed.

108. The Department of Immigration and Citizenship maintains statistics for suspected victims of trafficking who are subsequently granted visas other than visas within the People Trafficking Visa Framework. These visas may include partner visas or protection visas. The Department does not maintain detailed data in relation to suspected victims of trafficking who chose to exit the programme and depart Australia.

Complementary protection

109. In June 2009, the Australian Government also announced the Migration Amendment (Complementary Protection) Bill 2009, which will better protect people at risk of violations of fundamental human rights who may not be covered by the

Convention relating to the Status of Refugees. Complementary protection will help vulnerable people who are at risk of the most serious forms of harm if they are returned to their home country.

Issue/question 16: please provide information on the number of reported cases of trafficking in women and girls and the rate of conviction.

110. 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 brought before the Australian courts.

111. As at 14 October 2009, 11 defendants had 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.

Issue/question 17: in its previous concluding observations, the Committee recommended the development of strategies for discouraging the demand for prostitution, preventing women from entering into prostitution, and establishing programmes of rehabilitation and support for women and girls who wish to leave prostitution. Please provide information on any comprehensive strategies and programmes adopted in this regard and results achieved through their implementation.

112. The Australian Government is of the view that legalized brothel prostitution or profiting from the use of prostitution of women does not fall within the meaning of "exploitation of prostitution" as set forth in article 6 of the Convention. Rather, "exploitation of prostitution" applies where the circumstances in which women are being prostituted are exploitative: for example, in cases in which 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.

113. As brothel prostitution is not an illegal activity, the Australian Government does not have any programmes directly aimed at preventing women from entering prostitution but does provide a comprehensive social security programme that supports women and men in need. Centrelink, an Australian Government Statutory Agency, assists people to become self-sufficient and find paid employment through a range of programmes and services, including through referrals to Employment Service providers and access to career information centres. Centrelink also provides counselling and social work support.

114. In order to support workers in the sex industry, New South Wales Health provides funding to the Sex Workers Outreach Program, which is a community-based organization that provides a range of health, safety, support and information services to sex workers, management, clients and partners of sex industry workers. The programme also provides information and workshops on sex work issues for health-care providers. Its services include a project worker for indigenous sex workers.

115. The Victorian Department of Planning and Community Development's Workforce Participation Partnerships programme targets job seekers who face significant barriers to employment or are at risk of long-term unemployment. The programme assists 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 face barriers to gaining sustainable employment — are eligible for assistance under the programme.

Issue/question 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.

116. 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.

117. The Australian Government Department of Agriculture, Fisheries and Forestry is creating 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; the women participants have strong ties to rural and regional Australia.

118. The development of strong leadership skills is also essential in overcoming the disadvantages faced by indigenous men and women. The Australian Government has developed the Indigenous Leadership Development Program, which has been providing support to indigenous men and women to enable them to increase their leadership skills, confidence and level of involvement in community development. Since its inception in 2004, 881 indigenous women leaders have participated in the programme.

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

120. 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 the Government. The guiding principles of the body include ensuring the equal participation of women and men.

121. The Government has announced funding of \$A 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.

122. In 2009, the Australian Government funded the flights and accommodation of one indigenous woman to enable her to participate as a member of the Australian delegation at the fifty-third session of the United Nations Commission on the Status of Women. The Government also hosted a side event at the session in partnership with the Australian Human Rights Commission and launched 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 two women of Fitzroy Crossing at the fifty-third session.

123. In 2010, the Australian Government will provide funding to two indigenous women to enable them to participate as members of the Australian delegation at the fifty-fourth session of the Commission on the Status of Women.

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

125. Similarly, the Queensland Aboriginal and Torres Strait Islander Advisory Council provides the Queensland Government with high-level, strategic advice on policies, programmes, services and partnerships to help it meet state and Commonwealth targets and priorities. Of the 14 members of the Advisory Council, six are Aboriginal women and one is a Torres Strait Islander woman.

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

Issue/question 19: please indicate what actions have been carried out to implement Security Council resolution 1325 (2000) and explain the results achieved.

127. Australia has reported annually to the Security Council on its implementation of resolution 1325 (2000). Since 2002, Australia has funded activities in the Asia-Pacific region aimed at providing a platform for women's participation in decision-making processes relating to peace and security at the community, national and regional levels. These activities include:

- The FemLINKPACIFIC Regional Women's Community Media Network of Women, Peace and Security, which has launched a website on resolution 1325 (2000) to assist with the dissemination of information on the resolution and translate the resolution into local languages. It supported the participation of women in the prevention, management and resolution of conflict by building a regional network of partner organizations in Fiji, Solomon Islands, Tonga and Bougainville to implement the resolution.

- 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.

128. The Australian Government is also committed to undertaking further policy analysis in order to enhance implementation of resolution 1325 (2000) through the aid programme. Current activities to achieve this goal include:

- Research being undertaken by the University of South Australia for a project on women, peace and security in partner countries in order to further guide Australia's approach in the Asia-Pacific region. This research is focusing on the implementation of resolution 1325 (2000) in Fiji, East Timor and Sri Lanka to highlight best practices, provide transferable 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 programme has supported Bougainvillean women's participation in conflict resolution and the peace process by facilitating women's attendance at peace talks and funding the Leitana Nehan Women's Development Agency.

129. The Australian aid programme is also helping to support the implementation of Security Council resolutions 1820 (2008) and 1888 (2009) on ending sexual violence in armed conflict by:

- Incorporating a gender perspective into peacekeeping operations by supporting the Department of Peacekeeping Operations in developing an inventory that catalogues existing good practices by military personnel to prevent, deter and respond to conflict-related sexual violence.
- Protecting women and girls from sexual violence in internally displaced person camps in the Democratic Republic of the Congo by supporting the Office of the United Nations High Commissioner for Refugees in the implementation of the Comprehensive Strategy on Combating Sexual Violence.

Issue/question 20: please provide information on the measures taken to tackle the persistent disparity which indigenous women, including those living in remote areas, face in accessing the educational system. 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 such measures and programmes.

130. 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 advances 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 with a 1.5 per cent increase in completions for all (indigenous and non-indigenous) Australian female higher education students.

131. 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.

132. The Australian Government is working with the states and territories to implement a National Partnership Agreement on Literacy and Numeracy, with \$A 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
- 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.

133. The Australian Government is also working with states and territories under the \$A 550 million Smarter Schools — Quality Teaching National Partnership agreement to support the indigenous reform initiatives of COAG. 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 through measures to increase family literacy levels.

134. 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.

135. The Australian Government has also allocated \$A 56.4 million to trial a number of specific projects aimed at improving indigenous student literacy and numeracy achievement and providing support to teachers for the implementation of personalized learning plans for 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 programmes.

136. Under the Trade Training Centres in Schools Program, funding is prioritized in order to assist secondary school communities that support indigenous students and students from rural, regional or other disadvantaged communities. In the first phase of the programme, 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.

137. 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.

138. Australian Government funding for 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 programme, which includes approximately \$A 814 million for the period 2009-2012 to help students who are educationally disadvantaged, including students with disability. Responsibility for the allocation of funding to individual schools rests with the non-Government education authorities in each state and territory.

139. With respect to Australian children affected by an autism spectrum disorder, the Government is providing targeted support for these children, their parents, carers, teachers and other professionals through the Helping Children with Autism package. The \$A 190 million package is being delivered by the Department of Families, Housing, Community Services and Indigenous Affairs; the Department of Health and Ageing; and the Department of Education, Employment and Workplace Relations.

140. The Department of Education, Employment and Workplace Relations is responsible for delivering two initiatives under the package that aim to foster positive partnerships between schools and families for improving the educational outcomes of children with an autism spectrum disorder. 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 for building their understanding, skills and expertise in working with children with an autism spectrum disorder.
- Workshops and information sessions for parents and carers to assist them in working with their child's teachers, school leaders and other staff.

Issue/question 21: please provide information on whether preschool education is equally accessible and affordable for all girls and boys throughout the State party.

141. In recognition of the importance of early education, the Australian Government has committed \$A 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.

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

Issue/question 22: the report indicated that in 2007, there were approximately 23 per cent 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.

143. The Australian Government has contributed \$A 190,000 to support the Australian Vice-Chancellors' Committee Action Plan for Women Employed in Australian 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.

Issue/question 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 enjoyment 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 with non-indigenous employed women.

144. The Australian, state and territory governments have a range of initiatives aimed at improving women's workforce participation, including programmes 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.

145. 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 serving the better qualified job seekers and stream 4 for the most highly disadvantaged job seekers who face multiple vocational and non-vocational barriers.

146. 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

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

148. 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).

149. 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.

Women with disability

150. 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 obtain and remain in employment. The Australian Government will invest more than \$A 1.2 billion in new disability employment services, designed to increase the employment participation of people with disability.

151. 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.

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

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

154. The Australian Government conducted comprehensive consultations with the community in developing 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; its purpose is to address the barriers to employment participation faced by people with disability, including those suffering from mental illness.

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

Indigenous women

155. The Australian Government's 2009/10 Indigenous Budget committed \$A 172.7 million over five years to increase 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 over four years through the following actions:

- 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 maximize indigenous employment
- Building indigenous workforce strategies into implementation plans for major reforms and infrastructure investments.

156. The Australian Government's policy is to increase the employment and economic development of all indigenous Australians, including women and men. Generally, indigenous Australians have a lower level of education and skills, and this is reflected in their occupation and then income level. Efforts to close the gap in the educational attainment of indigenous Australians will have a significant effect on occupational equality and, later, on income equality.

157. Statistics on indigenous, migrant and disabled women in the workforce are presented in annex II.

Issue/question 24: the report indicated that workplace bullying and discrimination in the workplace were addressed mainly through online training programmes 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?

158. 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 age 18-64. 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.

159. 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 5 per cent of men experienced sexual harassment in the workplace, compared with 28 per cent of women and 7 per cent of men in 2003. However, the survey also found that a reduced proportion of people made a complaint (16 per cent, compared with 32 per cent in 2003). It also identified that a significant proportion of people (one in five) did not understand the kind of behaviour that is unlawful.

160. 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 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 with a view to providing better protection from sexual harassment.

161. In addition, an objective of the Equal Opportunity for Women in the Workplace Act is 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 relates to “arrangements for dealing with sex-based harassment”. As part of their annual reporting requirements to the Equal Opportunity for Women Agency, reporting organizations are required to analyse their workplaces and develop workplace programmes for addressing any identified issues, which may include providing arrangements for dealing with sex-based harassment.

Issue/question 25: please provide information on any steps taken to review the State party’s reservation to article 11, paragraph 2, and the introduction of a compulsory maternity leave scheme with pay or with comparable social benefits throughout Australia.

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

163. On 10 May 2009, the Government announced its intention to introduce a paid parental leave scheme in January 2011. The scheme is closely based on the model proposed by the Productivity Commission and 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 on whether the carer has an adjusted taxable income of \$A 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, paragraph 2 (b), of the Convention, particularly in light of its announced intention to introduce paid parental leave throughout Australia in 2011.

Issue/question 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, of 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.

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

165. The Government's Fair Work Act 2009 aims 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.

166. 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 multiemployer bargaining for low-paid employees who have not historically had the benefits of enterprise-level collective bargaining. Employees in industries like childcare, 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 that are typically characterized by low rates of pay and limited access to collective bargaining.

House of Representatives report regarding pay equity in Australia

167. 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 extensive report includes 63 wide-ranging and significant recommendations. The Australian Government Department of Education, Employment and Workplace Relations will lead the Government's response to the report, with a high level of input across the portfolios, including, in particular, from the Office for Women.

Pay equity for social and community services workers in Australia

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

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

170. The agreement also addresses the foreshadowed pay equity claim made by ASU. 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. ASU has indicated its intention to lodge the application with FWA by April 2010 and it is anticipated that FWA will reach a decision by the end of 2010.

Issue/question 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.

171. 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 \$A 805.5 million over four years to the Council of Australian Government's \$A 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.

172. 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 programme, 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

173. The Australian Government is also providing \$A 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 to 170.

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

174. 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 with a view to achieving the following outcomes:

- 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.
- Provide input to the Australian Government's National Women's Health Policy.

175. 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

176. The Australian Government has implemented the Establishing Quality Health Standards measure to provide expertise and resources to indigenous health services and address the barriers to national, clinical and organizational 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

177. The Australian Nurse Family Partnership Program is a small-scale, nurse-led programme being implemented in seven sites across Australia. The programme provides funding of \$A 37.4 million over four years in the 2007/08 budget. It aims to improve health outcomes by: providing intensive home-visiting services for women pregnant with an Aboriginal and/or Torres Strait Islander child; helping women

engage in good preventative health practices; and supporting parents in order to improve child health and development until the child reaches the age of two.

Healthy for Life Program

178. 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 programme 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 programme, 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;
- (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.

179. Currently, 101 services are funded to deliver the Healthy for Life Program across Australia.

Issue/question 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:

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

Australian Government rural health programmes

181. Australian Government rural health programmes 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. They are targeted at the whole of the population. These programmes are monitored through funding agreements that detail services to be provided and communities to be covered. Reporting is done on a 6-month and a 12-month basis.

Medical Specialist Outreach Assistance Program

182. The Medical Specialist Outreach Assistance Program continues to support the provision of outreach services in rural and remote Australia. This programme is supported in each state and the Northern Territory by organizations that 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 biannual reporting, which reflects specific medical specialist disciplines and the services delivered to rural and remote locations.

Rural Women's General Practice Service

183. The Rural Women's General Practice Service (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 by facilitating the travel of female doctors to these communities. The service is available to all members of the community, including men and children. The programme is administered by the Royal Flying Doctor Service (RFDS). Regular progress reports are provided by RFDS with a range of information on programme activities, including:

- Number of consultations, including Aboriginal and/or Torres Strait Islander consultations
- Top 10 reasons for a visit
- Top 10 diagnoses
- Details of health promotion/education sessions held at clinics.

184. During 2009/10, RFDS is required to undertake an evaluation of RWGPS covering the period 1 July 2007 to 31 March 2010. This will include a survey of patients, female general practitioners and host male general practitioners. The

evaluation will provide information on the implementation of the programme and its impact on the lives of women using the services.

Issue/question 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.

185. 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).

186. 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, recognize 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 and the tertiary education sector nationally.

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

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

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

189. Mental health services and measures for women in immigration detention are covered in detail in the response to question 33.

Issue/question 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 regard 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.

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

191. 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

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

193. Family Planning New South Wales is funded by New South Wales Health and the Australian Government. It provides reproductive and sexual health services, information and education to women and men, as well as clinical training in reproductive and sexual health to health professionals. This role includes Healthline, a New South Wales phone and e-mail information and advisory service staffed by experienced nurses. Family Planning New South Wales has a significant health promotion role in providing projects, campaigns, resources and community education aimed at improving and maintaining the reproductive and sexual health of the New South Wales 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, and women's and men's sexual health.

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

195. 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

196. *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 programme called “Relationships and Sexual Health Education” is provided by SHine SA, in partnership with the South Australian Department of Education and Children’s Services in schools throughout the State. The programme curriculum includes modules on safe sex, sexually transmitted infections, diversity, gender and stereotypes.

197. 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 programmes for the prevention of sexually transmitted infections and blood-borne viruses.

Issue/question 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.

198. 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 10 per cent of the Australian population aged 15 years and over experience multiple disadvantages that 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.

199. 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 \$A 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 of the rate of the pension. These increases provide significant additional financial support for older women, who comprise almost three quarters of single age pensioners.

200. In implementing its social inclusion agenda, the Government is changing the way Government policies and programmes are designed, developed and coordinated across Government. This is being supported by new partnerships between all levels

of Government, businesses and third sector organizations (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.

201. 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 programmes and services are getting to the right places.
- Addressing the incidence of homelessness.
- Employment for people living with a disability or mental illness.
- Closing the gap for indigenous Australians.

202. New initiatives and programmes have already been implemented for these six areas and more are being developed. In designing actions for increasing 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 recognized to be overrepresented in some groups, for example in the jobless families with children group.

203. 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 with respect to 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.

Issue/question 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 in preventing and eliminating discrimination against these women and girls within their communities and in society at large. Please provide information on steps taken in this regard.

204. 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 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 with respect to access to places and facilities, the provision of goods and services, employment and advertisements.

205. The Australian Government's Diverse Australia Program replaced the Living in Harmony Program, which was outlined in Australia's combined sixth and seventh periodic report. The programme provides funding, educational resources and information to help organizations and communities create a spirit of inclusiveness and help counter racism, exclusion and isolation. Some of the current community programmes bring together women from different communities to develop friendships, learn about each others' culture and encourage them to engage more fully in Australian society.

206. The Australian Government's National Action Plan to Build on Social Cohesion, Harmony and Security 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 programmes, more than \$A 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, 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 for accessing local community services (including mainstream services such as social security and health), and professional short-term torture and trauma counselling.

207. Longer-term settlement support is also available under the Settlement Grants Program, which funds community organizations to enable them to provide practical assistance to recently arrived humanitarian entrants, family stream migrants and dependants 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 specialized services, such as women's information centres, appropriate referrals are made.

208. Through the Community Policing Partnerships Project, which is funded by the National Action Plan to Build on Social Cohesion, Harmony and Security, the Australian Human Rights Commission and the Australian Multicultural Foundation support the development of local partnerships that 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. The project identifies good practices for enhancing 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.

209. 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. The *Access and Equity in Government Services Report 2006-08* includes concerns raised by women during community consultations as well as best practice examples. Continuing to monitor the Government's 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 website at www.immi.gov.au/about/reports/access-equity/.

210. With funding provided under the National Action Plan to Build on Social Cohesion, Harmony and Security two English-language curriculum resources have been developed by the Australian Human Rights Commission, in partnership with Adult Multicultural Education Services (Victoria). *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 the story of Hayat, an Ethiopian Muslim woman experiencing discrimination at work.

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

212. In the 2008/09 budget, the Government increased funding for the Adult Migrant English Program with the introduction of the Employment Pathways Program and the Traineeships in English and Work Readiness Program. These new programmes are aimed at helping newly arrived migrants and refugees with a combination of English-language tuition and information about Australian workplace culture and practices.

Issue/question 33: the report is silent about women in immigration detention and the treatment of women in onshore 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.

213. 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 as a last resort and for the shortest practicable time:

- (a) Mandatory immigration detention is an essential component of strong border control;
- (b) To support the integrity of Australia's immigration programme, three groups will be subject to mandatory immigration detention:
 - (i) All unauthorized arrivals, for management of health, identity and security risks to the community;
 - (ii) Unlawful non-citizens who present unacceptable risks to the community;
 - (iii) Unlawful non-citizens who have repeatedly refused to comply with their visa conditions;
- (c) Children, including juvenile foreign fishers and, where possible, their families, will not be detained in an Immigration Detention Centre;
- (d) 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;
- (e) Detention in Immigration Detention Centres is only to be used as a last resort and for the shortest practicable time;

- (f) People in detention will be treated fairly and reasonably within the law;
- (g) Conditions of detention will ensure the inherent dignity of the human person.

Women in immigration detention

214. People in immigration detention are assessed for risk and placed appropriately within the immigration detention network. This may involve placement in an Immigration Detention Centre 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.

215. 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 the three groups listed under (b), 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.

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

Community detention

217. The Department of Immigration and Citizenship 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. Under this arrangement, all minors and their families were moved from Immigration Detention Centres into community detention arrangements in the community.

218. It is Government policy that children and their families will not be accommodated or processed in Immigration Detention Centres. This was announced as part of the Government's Key Immigration Detention Values in July 2008. The Department of Immigration and Citizenship 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-governmental organizations.

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

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

221. The Department of Immigration and Citizenship has contracted the Australian Red Cross to provide community care for those in community detention. Australian

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 the Department's detention health provider, International Health and Medical Services.

Services and support in immigration detention facilities

222. A number of programmes are run within immigration detention facilities that contribute to the client's development, well-being and quality of life, in accordance with the seven Key Immigration Detention Values. These programmes 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 Australian Red Cross also assists with other options such as access to community groups that can look after the person's well-being.

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

224. The Department of Immigration and Citizenship 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 for meeting people's needs.

225. The Department of Immigration and Citizenship contracts health-care providers to offer 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.
- The Department of Immigration and Citizenship 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.

226. Over the past three years, the Department of Immigration and Citizenship has worked closely with stakeholders, particularly the Detention Health Advisory Group, to develop improved mental health provisions for all people, including women, in immigration detention. The Advisory Group has nominees from all of the key health professional organizations, including:

- 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
- Ombudsman's Office, which has observer status.

227. The Department of Immigration and Citizenship has worked closely with the Advisory Group and its Mental Health Sub-Group to develop three new policies. These policies reflect the following best practice approaches for identifying and supporting survivors of torture and trauma and for preventing self-harm in immigration detention:

- Identification and support of people in immigration detention who are survivors of torture and trauma
- Psychological support programme for the prevention of self-harm in immigration detention
- Mental health screening for people in immigration detention.

228. The Department of Immigration and Citizenship will commence the roll-out 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.

229. People in immigration detention are allocated a Case Manager who has responsibility for engagement with them and identification of risks associated with detention. The Case Manager also ensures 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.

Annex I

National homicide figures

Relationship between female victim and offender 2006/07: national figures

(percentage)

Intimate ^a	53
Family	21
Friend/acquaintance	16
Stranger	6
Other	4

Source: *Homicide in Australia: 2006-07 National Homicide Monitoring Program Annual Report*.

^a Note: intimate partners 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 figures

(percentage)

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

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 in which 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: in this case, the alleged offender was female and the victim was male.

New South Wales

In New South Wales, 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 in which police submitted family incident reports. Charges were brought 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 in which the victim was an adult female and the alleged offender was an intimate partner^a or ex-partner

<i>Type of homicide</i>	<i>2004</i>	<i>2005</i>	<i>2006</i>
Murder ^b	5	4	5
Attempted murder ^b	7	7	2
Conspiracy to murder	1	1	—
Driving causing death	—	1	1
Total	13	13	8

^a Note: the term “intimate partner” refers to both current and previous relationships of spouse, partner, de facto partner, boyfriend or girlfriend and is taken from the police report.

^b Excludes attempting murder by causing suicide or attempted suicide.

Annex II

Indigenous women, migrant women and disabled women in the workforce

All employed females

(percentage)

	<i>Occupation</i>									<i>Total</i>
	<i>Managers</i>	<i>Professionals</i>	<i>Technicians and trades workers</i>	<i>Community and personal service workers</i>	<i>Clerical and administrative workers</i>	<i>Sales workers</i>	<i>Machinery operators and drivers</i>	<i>Labourers</i>	<i>Not stated</i>	
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

Source: 2006 Census of Population and Housing.

<i>Individual income (weekly \$A)</i>	<i>Indigenous</i>	<i>Non-indigenous</i>
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

Source: 2006 Census of Population and Housing.

Workforce participation rates of women age 15-64 (2006)

(percentage)

Indigenous women	48.4
Non-indigenous women	68.5

Earnings

	<i>Indigenous women</i>	<i>Non-Indigenous women</i>
	<i>Percentage</i>	
Less than 400	40	28
Over 1 000	11	20

Migrants and asylum-seekers

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

	<i>Participation rate</i>	<i>Unemployment rate</i>
	<i>(Percentage)</i>	
Females		
Australian-born	62.2	4.7
Main English-speaking country born (MESC) migrants ^a	59.4	4.6
Other than main English-speaking country born (OTMESC) migrants ^b	48.5	9.2
Total female	57.8	5.4
Males		
Australian-born	74.1	5.2
MESC born (migrants) ^a	74.4	4.9
OTMESC born (migrants) ^b	65.4	7.7
Total male	71.4	5.6
Total		
Australian-born	68.1	5.0
MESC born (migrants) ^a	67.1	4.8
OTMESC born (migrants) ^b	56.8	8.3
Total population	64.5	5.5

^a Main English-speaking countries include Australia, Canada, Ireland, New Zealand, South Africa, the United Kingdom of Great Britain and Northern Ireland and the United States of America.

^b As at August 2009, according to the Australian Bureau of Statistics Labour Force Survey 2009, 747,400 women from other than main English-speaking countries were employed in the Australian labour force. 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, age 15-64 years (2003)

(percentage)

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

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

(percentage)

Women with disability	8.3
Men with disability	8.8

Labour participation rates for people with disability, age 15-64 (2003)

(percentage)

Women with disability	46.9
Men with disability	59.3
