



AUSTRALIA



AUSTRALIAN MISSION TO THE UNITED NATIONS

E-mail australia@un.int

150 East 42nd Street, New York NY 10017-5612 Ph 212 - 351 6600 Fax 212 - 351 6610 www.AustraliaUN.org

Committee on the Elimination of All Forms of Discrimination Against Women

20 July 2010

STATEMENT BY AUSTRALIA

**Statement by Ms Helen Hambling
Group Manager, Department of Families, Housing, Community
Services and Indigenous Affairs**

(Check against delivery)

Madam Chair, distinguished members of the Committee. Australia aspires to demonstrate commitment and leadership on gender equality at home and abroad.

It is a great pleasure to meet with you today concerning Australia's implementation of our commitments under the UN Convention on the Elimination of all Forms of Discrimination against Women.

I would like to begin by reading a message from the Australian Minister for the Status of Women, the Honourable Tanya Plibersek MP.

"I am pleased to send a message of greetings to the distinguished members of the United Nations Committee on the Elimination of Discrimination against Women as you meet to review Australia's combined 6th and 7th report on the implementation of the Convention.

The Australian Government is committed to protecting, advancing and promoting women's human rights both within Australia and as an international advocate. Our engagement in United Nations frameworks and our implementation of CEDAW is central to the approach of this Government. As you may be aware, since our last appearance before this Committee, Australia has further strengthened our commitment to CEDAW by acceding to the Optional Protocol in December 2008.

Australia rates well against international measures of women's empowerment. We do however, still acknowledge there is more work to be done – especially in meeting the challenges faced by Indigenous women and girls, reducing violence against women,

improving women's economic security, and ensuring women have an equal place in society alongside men.

Through a range of policies and programs the Australian Government has been working to improve the status of women both at home and abroad. The introduction of a multi-billion dollar strategy to improve the lives of Indigenous Australians, the introduction of a fairer workplace relations system, increased funding for women's advocacy, a more humane approach to people trafficking, increased child care support and a substantial funding increase in Australia's aid program are all assisting in Australia's implementation of the Convention and progress towards gender equality. The Government has also introduced Australia's first national Paid Parental Leave scheme and has been working on a National Plan to Reduce Violence against Women and their Children.

The Government is pleased to have supported the community sector in producing its independent shadow report and I hope it will assist you as you evaluate Australia's implementation of the Convention. The shadow report provides an opportunity for women's organisations to review the Government's current work to promote equality and also to comment on where we need to focus future efforts. The Government also recognises the important role of the Sex Discrimination Commissioner and the Australian Human Rights Commission as the independent statutory authority responsible for monitoring Australia's progress towards gender equality."

**The Hon Tanya Plibersek
Minister for the Status of Women
Australian Government**

As you may be aware a federal election has recently been announced and the Australian people will go to the polls on Saturday 21 August 2010. In Australia once an election is announced, the Government assumes a 'caretaker role.' This practice recognises that with every general election there is the possibility of a change of government.

The caretaker conventions unfortunately constrain our communication with you today in that we are unable to respond to your questions regarding any future Government actions or policy developments. However, we are able to provide you with information on key legislative, policy and other measures adopted in our review period.

As a long standing signatory to CEDAW and committed participant in UN Commission for the Status of Women meetings, Australia places great importance on meeting our obligations under the Convention, and we have brought together a delegation of senior representatives of key departments of the Australian government, who will do their best to answer your questions today.

I am Helen Hambling, Group Manager, Department of Families, Housing, Community Services and Indigenous Affairs; and the rest of the Australian delegation comprises:

- Ms. Cath Halbert, Group Manager, Department of Families, Housing, Community Services and Indigenous Affairs,

- Dr. Alison Morehead, Group Manager, Department of Education, Employment and Workplace Relations,
- Ms. Sally Moyle, Branch Manager, Office for Women, Department of Families, Housing, Community Services and Indigenous Affairs,
- Ms. Kim Farrant, Principal Legal Officer, Attorney-General's Department,
- Ms. Dot Harvey, Acting Regional Director, Department of Immigration and Citizenship, and
- Ms. Emily Hall, Policy Officer, Office for Women, Department of Families, Housing, Community Services and Indigenous Affairs

Firstly, I would like to put into context Australia's system of government as this fundamentally affects how the Federal Government interacts with Australian women.

Australia has a federal constitutional system in which legislative, executive and judicial powers are shared or distributed between the national government, six state governments, and two internal self-governing territories.

The Federal Government Office for Women is the central point of advice on the impact of policies and programmes on women for the national government. The Office for Women encourages all ministries in the national government to think about women when they are designing policies and implementing programmes. There are also women's policy offices in every state and territory government, with whom the Office for Women works closely.

The work of the Office for Women is complemented by the work of the Sex Discrimination Commissioner within the Australian Human Rights Commission and the Equal Opportunity for Women in the Workplace Agency, both of which have legislative mandates.

The Federal Government primarily consults with civil society on issues affecting Australian women through the six government funded Women's Alliances that coordinate advice from 100 Australian women's organisations. The Attorney-General and the Minister for Foreign Affairs also conduct regular consultation forums on human rights with NGOs, in which the Office for Women and many women's organisations participate.

Most women in Australia today have a great range of life choices and do not feel particularly constrained by stereotypes.

- In politics; women now make up 30 per cent of all of Australian Parliamentarians. There are seven female ministers, including for the first time the Prime Minister, two female Parliamentary Secretaries and the Deputy Opposition Leader. A woman occupies the position of Governor General – Australia's highest public office.
- In the Australian Public Service; women comprise nearly 58 per cent of the total 162,000 employees.
- In 2009 there were three times as many women in the ranks of the Senior Executive Service in the Australian public service than there were in 1995.

- In the judiciary; three out of our seven High Court Justices are women.

Madam Chair, we are proud of our nation's record on women's human rights. Even so, we acknowledge that while Australia rates well against international measures of women's empowerment, equality is not yet won. Too many women are stretched between paid work and caring obligations, earn less than men, and suffer domestic and sexual violence.

Since 2007 we have been working to reinvigorate Australia's engagement with the United Nations. Last year, Australia issued a standing invitation to the special procedures of the UN Human Rights Council to visit Australia to examine the protection of human rights, because we wish to demonstrate our commitment to our international obligations. Australia's commitment to international human rights protection is also reflected by our actions to become a party to a number of key international human rights instruments such as the UN Convention on the Rights of Persons with Disabilities

UN Convention on the Rights of Persons with Disabilities

As part of the Federal Government's long-term commitment to improving the lives of people with a disability and their families, on 17 July 2008, Australia was one of the first developed countries to ratify the Convention on the Rights of Persons with Disabilities.

Australia has also acceded to the Optional Protocol to the Disabilities Convention which came into force in Australia on 20 September 2009.

UN Commission on the Status of Women and Beijing +15

This year the UN Commission on the Status of Women undertook the 15 year review of the Beijing Platform for Action. The Federal Government funded a series of community consultations and an on-line survey on the implementation of the Beijing Platform for Action in Australia by one of our non-government women's organisations. The findings from the consultations informed the Federal Government's preparations for the regional and global review of the Beijing Platform for Action that took place earlier this year.

Australia also supported Pacific women's machineries to prepare for and engage in Beijing +15. This support included funding a Beijing +15 review report that consolidated Pacific Island country responses to the regional review questionnaire, funding the participation of two Pacific Island delegates to attend CSW54 and hosting a Pacific Islands Side Event.

UN Women

Australia has also campaigned and supported the call for progress towards gender equality to be accelerated through the introduction of a powerful and separate gender entity within the United Nations framework.

Australia welcomes the General Assembly's recent decision to establish the new UN composite entity for gender equality to be known as UN Women.

Madam Chair,

On the domestic front, Australia is committed to improving the status of women, in particular women's safety, economic wellbeing, and place in society.

Since Australia was last examined by the CEDAW Committee in January 2006, we have made considerable progress. I would like to take this opportunity to outline some of the key initiatives that the Federal Government is undertaking since the 6th and 7th combined report was lodged with the Committee in December 2008.

Women's Safety

Violence against women continues at unacceptable levels internationally and in Australia. Nearly one in three Australian women suffers physical violence in their lifetime and almost one in five experiences sexual violence over their lifetimes. The scope of the problem and its impact on society are vast.

Australia remains committed to addressing violence against women. Considerable progress has been made since our last examination in 2006 but sadly, violence against women is persistent. We therefore continue to work to tackle issues such as sexual assault, rape, sexual harassment, violence against women and their children and trafficking for sexual exploitation.

The Federal Government, together with the States and Territories, was in the final stages of the development of the *National Plan to Reduce Violence against Women and their Children* prior to the calling of the general election for 21 August 2010.

The Government appointed an 11 member National Council on 26 May 2008 to provide advice on the development of an evidence-based National Plan to Reduce Violence against Women and their Children.

On 29 April 2009, the Council presented its report, *Time for Action*, to the former Prime Minister. The Government supported the direction of *Time for Action* and agreed to immediately progress 18 of the 20 priority recommendations at an initial investment of AU\$42 million. The Government has provided an initial AU\$42 million for:

- a new telephone and online crisis service;
- education to give young men and women the communication skills they need to establish good friendships and relationships that are based on equality and respect;
- a social marketing campaign focused on changing attitudes and behaviours that contribute to violence; and
- supporting research on perpetrator treatment and the greater harmonisation of federal and State and Territory laws.

Australia is also strongly committed to eradicating people trafficking and providing support to victims. The National Action Plan to Eradicate Trafficking in Persons is an AU\$58.3 million package of measures to address prevention, detection and investigation, criminal prosecution, victim support and rehabilitation.

The National Action Plan broadly mirrors the objectives of the United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons with a particular focus on successfully prosecuting traffickers.

In response to the CEDAW Committee's 2006 Concluding Observations Australia now provides a more humanitarian response to suspected victims of people trafficking.

Improvements were made to the *Support for Victims of People Trafficking Program* and the *People Trafficking Visa Framework* which have meant that suspected victims of trafficking in Australia now have access to a more flexible support framework for themselves and their families.

Under the new arrangements, introduced on 1 July 2009, victims of trafficking who are willing, but not able, to participate in the criminal justice process may be eligible for up to 90 days support under the Program. This extended period of support will be provided on a case-by-case basis and is designed to provide additional assistance to victims suffering from medical conditions like trauma.

Australia has also established a National Roundtable on People Trafficking which has opened up the lines of communication between all of those working, inside and outside of government, with victims of trafficking. In October 2008, the Federal Government announced AU\$1 million in funding to help Australian NGOs in their efforts to combat people trafficking.

The Federal Government is also working together with other countries in our region to address trafficking beyond Australia's shores. Australia has an Ambassador for People Smuggling Issues who is responsible for high-level advocacy of Australia's interests in promoting effective and practical international cooperation to combat people smuggling and trafficking in persons, particularly in the Asia-Pacific region.

Australia has also been represented at all four Conferences of Parties to the United Nations Convention against Transnational Organized Crime. Our overseas aid programs also address the underlying causes of human trafficking and exploitation through its focus on poverty reduction and the achievement of the Millennium Development Goals.

Aboriginal and Torres Strait Islander Women

We also recognise that there is much more to be done for Indigenous Australians who experience considerably poorer outcomes than other Australians on most socio-economic indicators.

Indigenous women are particularly disadvantaged and Australia remains firmly committed to addressing this.

In 2007 the Federal Government committed to establishing a national representative body to give Aboriginal and Torres Strait Islander peoples 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 and on the basis of those consultations, a model was recommended to the Federal Government by an

independent Indigenous Steering Committee led by the then Aboriginal and Torres Strait Islander Social Justice Commissioner Dr Tom Calma.

The recently launched National Congress of Australia's First Peoples is gender balanced. Not only are the Co-chairs one male and one female, but the National Executive they lead also has equal numbers of men and women. The body's Ethics Council is headed by male and female Co-Chairs and the individual chambers making up the decision-making arm of the National Congress also aims for equal numbers of men and women.

The National Congress of Australia's First Peoples is intended to become a marshalling force for Aboriginal and Torres Strait Islander peak bodies, community organizations and individuals across the nation, with a focus on diverse and marginalised voices including women, people with disabilities, youth, and elders. Once fully established this new body is intended to provide a central mechanism with which governments, the corporate and community sectors can engage and partner on reform initiatives. It is intended to bring to the table an informed and strong national voice for the goals, aspirations, interests and values of Aboriginal and Torres Strait Islander peoples.

The Federal Government has announced funding of AU\$29.2 million for the new representative body.

The Federal Government also funds the Indigenous Women's Program which supports activities that respond to the particular needs and circumstances of local Indigenous women.

On 30 April 2010, Australia welcomed the election of the first Australian Indigenous woman, Ms Megan Davis, to the United Nations (UN) Permanent Forum on Indigenous Issues. The Permanent Forum is the pre-eminent UN body on Indigenous matters.

While Ms Davis was nominated by the Australian Government, she will serve as an independent expert. It is the first time the Australian Government has nominated an Indigenous person to a UN body. Ms Davis is a leading scholar on Indigenous legal rights and international law. She is the Director of the Indigenous Law Centre at the University of New South Wales, and has been active in the United Nations as an advocate for Indigenous rights, particularly for women.

Economic Prosperity

Australian women contribute to the nation in many ways, through their work in the labour market, their leadership in and support for their communities, and in their caring roles. Although women's paid and unpaid work has been integral to our nation's wealth, it is still too often unrecognised and unrewarded.

On average Australian women who work full-time earn almost 18 per cent less than men. It is estimated that an average 25 year old Australian women starting work today will earn AU\$900,000 less than an equivalent 25 year old Australian man over her working life. This means that Australian women have lower retirement savings than men.

Australian women are currently retiring with half the savings of men.

Madam Chair,

As the Committee would be aware, women benefit most from policies that support a balance between employment and family responsibilities.

The new *Fair Work Act 2009* made substantive reforms to the federal workplace relations system. The system commenced on 1 July 2009 and became fully operational this year, on 1 January 2010.

This includes the 10 National Employment Standards and modern awards – providing all employees in the federal system with minimum protections. The National Employment Standards include maximum weekly hours of work, various types of leave, public holidays and the right to request flexible working arrangements.

Equal remuneration

The *Fair Work Act* improves measures aimed at delivering pay equity between women and men. The Act's equal remuneration provision has been broadened to provide for equal remuneration for work of equal or comparable value.

The provision also removed the previous requirement for an applicant to demonstrate (as a threshold issue) that there had been discrimination involved in setting the remuneration.

The Australian Services Union and others have lodged an application to improve wages for community workers that will test the new provisions. This sector employs more than 200,000 people- most of whom are women.

Flexibility in the Workplace

The *Fair Work Act 2009* also provides that all modern awards and enterprise agreements must include model flexibility terms, allowing employers and individual employees to make individual flexibility arrangements that suit their particular needs, such as family responsibilities.

In addition, employees with responsibility for the care of a child under school age or a child with a disability under the age of 18 now have the right to request flexible working arrangements, such as part-time work or flexible working hours.

The National Employment Standards also effectively double the amount of unpaid parental leave available to parents and provide a right to request an extension of unpaid parental leave beyond 12 months. The employer can only refuse these requests on reasonable business grounds.

Earlier this year, the Government published its response to an inquiry undertaken by the Senate into the *Sex Discrimination Act (Cth)*. As part of its response, the Federal Government introduced amendments to the *Sex Discrimination Act (Cth)* on 24 June 2010. Among other key reforms, these amendments would provide clearer protection from discrimination for women who are breastfeeding and more comprehensive protection against discrimination in the workplace on the grounds of family responsibilities and sexual harassment.

Women on Boards

Madam Chair, as outlined in our responses to the List of Issues, Australia recognises the need to strengthen women's leadership in Australia and internationally. The Federal Government wants to see women and men equally represented in parliaments,

government, and senior levels in the public and private sectors, as well as in leadership roles in communities throughout Australia.

In the private sector, Australian women hold around one in eight private sector executive management positions.

The 2008 Equal Opportunity for Women in the Workplace Agency (EOWA) Australian Census of Women in Leadership showed that the number of companies with no female executive managers actually increased from 40 per cent in 2006 to 46 per cent in 2008.

Australia is working to support women's leadership in the private sector through a combination of regulatory and educative measures – which operate as an important component of the work of the Equal Opportunity for Women in the Workplace Agency (EOWA).

As part of the review of the EOWA and its underlying legislation the *Equal Opportunity for Women in the Workplace Act 1999*, over 130 submissions were received from businesses, unions, employers, employees, women's groups and other interested parties. Hundreds of reporting organisations and employees were surveyed and roundtables were held at five locations across the country.

Engaging with Women's Organisations

Encouraging women's voices to be heard from the community, including the voices of rural and Indigenous women, is also important. In March, the Federal Government announced funding of AU\$3.6 million over three years for six National Women's Alliances.

The role of the Alliances is to engage with women and government to ensure women's issues are represented in decision making and policy outcomes. The Alliances are made up of more than 100 national women's representative organisations from across Australia.

The National Human Rights Consultation

In December 2008 the Australian Government launched the National Human Rights Consultation to inquire into the protection and promotion of human rights and responsibilities in Australia. The community responded overwhelmingly to this opportunity to have their say on how human rights should be protected and promoted through attendance at almost 70 community forums involving over 5,000 registered participants and in 35,000 written submissions.

Many aspects of the protection and promotion of the rights of women were raised in submissions, including the right to gender equality, the right to be free from violence, the right to the highest attainable standard of health, and the rights of women experiencing multiple disadvantage such as those in prison or experiencing mental illness.

In response to the Consultation report the Australian Government released, in April 2010, '*Australia's Human Rights Framework*' which is grounded in a reaffirmation of Australia's commitment to the core United Nations treaties to which Australia is a party — including CEDAW.

The Australian Government also provided AU\$18.2 million over four years from 1 July 2010 to implement the Framework which include the following key components:

- a focus on education for community and public sector education;
- a National Human Rights Action Plan;
- consolidation of Australia's anti-discrimination laws; and
- strengthened Parliamentary scrutiny of legislation for human rights compliance including through the establishment of a Parliamentary Joint Committee on Human Rights and the introduction of statements compatibility of laws with human rights principles.

The changes included in the Framework are intended to have a broad effect and to enhance the understanding and respect for human rights in Australia including — of course — for women.

Paid Parental Leave and Increased Child Care Support

Since our last CEDAW examination, Australia announced that it would introduce a government-funded Paid Parental Leave scheme. The Government has now made provision for the scheme, with the recent passage of the *Paid Parental Leave Act 2010 (Cth)* through the Australian Parliament. The Paid Parental Leave Scheme will commence on 1 January 2011 and Parental Leave payments will be available to parents of children born or adopted on or after that date.

The Federal Government recognises taking time away from work to care for a baby is a normal part of working life. The new Paid Parental Leave scheme will provide working parents with the opportunity to spend more time at home caring for their baby or adopted child during the vital early months. Generally, mothers will claim Parental Leave, as they usually provide the primary care of their child during the initial months of the child's life. It is becoming increasingly common however, for Australian men to spend some time being the primary carer of the child during the first year. The Federal Government's Paid Parental Leave scheme is flexible and will allow parents who meet the eligibility criteria to make their own work and family decisions

Australia is also very active in working to boost the quality of child care and early childhood education which enables parents, especially women, to have confidence to better participate in paid work knowing their children receive quality care. The Government is committed to ensuring families have access to high-quality, affordable child care and is investing AU\$17.1 billion over the next four years in early childhood education and child care. This includes AU\$14.4 billion to help more than 800,000 Australian families annually with the cost of child care.

Official development assistance

Australia integrates gender equality across all areas of the aid program and is working to ensure there are equal opportunities to participate in all levels of education; that women and girls have equal access to appropriate health care; and that women have equal opportunities to participate in the economy and hold leadership positions.

Australia is also seeking strategic leadership opportunities to highlight the particular disadvantages faced by women and girls with disability in developing countries.

Conclusion

Madam Chair, distinguished members of the Committee.

We are delighted to be here with you today and I hope this overview and Australia's replies to the List of Issues assist the Committee in considering issues raised by our Periodic Report.

We welcome this opportunity to learn from your advice and discuss how Australia can achieve better life opportunities for Australian women, particularly those from disadvantaged backgrounds.

I thank you for the opportunity to discuss Australia's performance. We are proud to be a part of the United Nation's work to secure a better future for all the world's women.

We look forward to a constructive dialogue with the Committee.

Thank you.