



WRANA

**WOMEN'S RIGHTS ACTION
NETWORK AUSTRALIA**

“(Our Rights, Our Voices)”

**The ACT Community
Report on Women's
Human-Rights in
Australia**

January 2005



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Introduction

Our rights, Our voices – The ACT Community Report represents a contribution from women from the Australian Capital Territory (ACT) and region, to the national *Women's Report Card Project* and the development of the Australian Shadow Report to the United Nations' Convention for the Elimination of all forms of Discrimination Against Women (CEDAW).

We were overwhelmed and gratified that after 40 women attended the first consultation, other women felt they had missed out on the learning and fun and demanded a second consultation, and despite the Canberra cold another 30 women turned out.

The first consultation had a focus of young women and girls and was organised and supported by the YWCA of Canberra. The second was held at the request of a number of women's organisations in the Canberra region and was supported by: the Australian Federation of University Women ACT; Soroptimist International of Canberra Inc; the Women's Centre for Health Matters; UNIFEM Australia; Women's Electoral Lobby ACT; Women's Rights Action Network Australia and YWCA of Australia.

Both consultations included an education component aimed at developing women's understanding of how CEDAW related to their everyday lives and could provide a framework for improving both our own work towards gender equity and service provision to women. Feedback from the consultations indicated that many women are interested in ongoing opportunities to learn more about the application and use of human rights frameworks to their work.

The ACT Working Group is aware that there are limitations in any document of this length representing with complete fidelity the diversity of women's experiences in the ACT. We particularly acknowledge the under-representation of Indigenous women in the consultations.

In recognising some of the limitations of any consultation process the National Working Group approached a range of specialist women's organisations to ensure that particular viewpoints are considered in the final national report including: People with Disabilities Australia Incorporated; the National Network of Indigenous Women's Legal Services; the Coalition of Activist Lesbians; the Scarlet Alliance; Sisters Inside; the YWCA Australia; Youthlaw; Immigrant Women Speakout Association of New South Wales; the National Rural Women's Coalition; the National Council of Single Mothers and their Children and the Older Women's Network.

We hope that all those who participated in the project are excited by what women working together can achieve and we are grateful for your participation. The other reports that form part of this project will be available on the Women's Rights Action Network Australia's website www.vicnet.au/~wrana.



Violence Against Women

Our Rights

Women have the right to live free from violence. The CEDAW Committee has recognised that when women experience violence, a range of their rights are violated. CEDAW requires governments to ensure that laws, programs and policies are in place to enable women to live free from violence.

Our Situation

Legislation, policy and trends

While the ACT Government acknowledges the existence and impact of violence against women in the community, this has failed to translate into adequate and appropriate services. For example, while there is an understanding of the relationship between violence and homelessness for women, and the difficulty in accessing women's crisis accommodation services, additional funding for these services was not allocated in the 2004 ACT budget.

Our Voices

Culture of violence

Many women at the consultation felt that our society accepts, supports and at times cultivates a culture of violence towards women. Women felt there is an entrenched lack of respect for women and women's rights by men and boys, and that men and boys must take some responsibility for the creation of this culture,

While women participating in this process identified a general tolerance around violence towards women based in a lack of respect for women, they also identified a number of institutions which actively influence and support this culture, primarily the media and the legal system.

The legal system

Women at the consultation thought that the legal system reinforced a culture of violence against women. Blame is still placed on victims in sexual assault cases, and the adversarial legal process seeks to place doubt onto women's stories.

Violence in the media

The media influences culture, promoting stereotypes of women as sexual objects, and depicting violence as the norm and without consequence. Women felt the media also pushes a culture of sports heroes, glorifying the skills of young men and the dresses of their partners.



Domestic violence

Domestic violence is a major concern, especially in small communities where women hide domestic violence because of shame and fear of retribution and isolation. This can lead some people to think that domestic violence is not a problem in their community, and also means that women do not know about support services, do not identify themselves as requiring support, or are intimidated by community attitudes and do not seek support.

The issue of domestic violence in minority communities, including lesbian communities, was also acknowledged as an important issue which is not recognised within the general community. There is a need for broader understanding that violence is not always gendered and that all types of families need to be supported. The prevalence of violence towards minority groups, particularly due to homophobia within the community, was acknowledged as a significant issue.

Women were alarmed that certain extremist men's groups are lobbying to shift the emphasis in domestic violence to women's violence, and to produce a shift in resource allocation as a consequence. Considering the limited public comment on domestic violence, the promotion of debate about women's violence grossly distorts public understanding of the reality of domestic violence, which is that the overwhelming majority of its victims, more than 80%, are women.

Bullying

Women identified that bullying, particularly within school environments, is further evidence of the pervasive violence within our general community. Bullying remains a reported problem in schools, even though steps are being taken such as student management plans and the introduction of youth workers.

Abuse of vulnerable community members

The recent media attention on institutions in Australia including churches and schools has highlighted the huge issue of childhood sexual abuse. The extent of this issue and the knowledge we are gaining about the increased risk of victims perpetrating in later life means that there is much work to be done in this area. There is an urgent need to ensure that children are not placed at risk, that appropriate expressions of sexuality and sensuality are promoted from childhood, and that the community has the resources to reduce this significant form of violence.

The issue of elder abuse is also becoming more understood. The work which has been undertaken by the ACT Government is a positive start towards addressing this issue. However the role of the government, particularly if this is an issue in institutionalised care settings such as nursing homes, needs to be strengthened.

Older women also often lack a general feeling of safety, especially if they are alone. This fear increases after dark, and impacts negatively on their life through restricted use of public transport, an unwillingness to go out alone and a feeling of dependency and being a burden on others.



Challenges within Indigenous and Culturally and Linguistically Diverse (CALD) communities

Women participating in the consultations identified the very complex relationship between violence and cultural norms.

The significant challenges faced by Indigenous communities regarding domestic violence were discussed, acknowledging the complex relationships between racism, additional triggers such as alcohol and substance abuse and the breakdown of traditional law which previously provided controls and protection.

Just as specific challenges were identified for the management and response to violence in small communities, the issues faced by migrant and refugee communities was acknowledged. The issues of small and isolated communities were also felt by victims of violence within migrant and refugee communities. In addition, the reality of the damage experienced by individuals because of war, persecution and mandatory detention may create additional risk for some women.

Women also identified that the trafficking of women is an horrific form of violence against women. It is deeply confronting that this is occurring in Australia. There is a need to ensure that all women entering this country are protected and able to access their human rights.

Lack of consultation

On a national level, women are concerned about the systematic erosion of women's voices and the lack of systematic and transparent consulting around the development of policies such as the *National Strategy to Reduce Sexual Assault*. There is a sense of lost opportunity around some of these initiatives, as national campaigns in this area have continued to focus on women as victims and have only just started exploring the issues of community responsibility in relation to violence against women.

Focus on physical and sexual violence

In addition, these recent initiatives have failed to acknowledge different forms of violence, including mental and emotional abuse, as well as the emotional and mental health impacts of women being subjected to violence. When highlighting the issue of violence, and encouraging affected women to seek help, there is a need to ensure that there is a comprehensive system to respond to need, including specialist services. The recent experience of funding an additional short term non-specialist counselling service to complement the national awareness campaign failed to support victims of violence or adequately equip under-resourced specialist services to respond to their needs.



Our Successes

- The *2004-05 Second Action Plan Addressing Violence and Safety Issues for Women in the ACT* presents a whole-of-government approach through over 200 actions that work towards eliminating violence against women in the ACT. The Action Plan recognises violence against women as a major health and human rights concern (p1) and acknowledges the definition of violence against women as set out in the United Nations' *Declaration on the Elimination of Violence Against Women*.
- The *Human Rights Act 2004* (ACT) enshrines the rights of women to be free from violence.
- The support for international activities such as the International Day for the Elimination of All Forms of Violence Against Women is a very constructive and proactive way to engage the whole community, and men in particular, in taking responsibility for this issue.
- There is increasing recognition of the role that the education and support of men and boys to eliminate a culture of violence must play, such as the programs operated by Menslink.

Our Solutions

Overhaul responses to violence against women

Research into the causes and treatment of violence against women, including sexual assault and domestic violence, is positive in that evidence suggests that perpetrators can be rehabilitated. However, the level of violence towards women in this community is deeply troubling. This suggests that there is a need to completely overhaul our approach to responding to violence against women.

A community issue

Violence against women is the consequence of lack of respect, abuse of power and unequal relationships. Violence against women is not a women's issue but one that impacts on the whole community. The ability to engage men in this discussion and develop a sense of accountability is extremely important. Michael Flood, a men's anti-violence activist, notes that there is a role for all members of the community, particularly non-violent men in addressing the issue of violence within our community. There are also many opportunities to engage other sectors, including the private sector, in taking on a role in this issue.

Prevention and education

We need to focus on prevention through skilling our children and young people to conduct positive and constructive relationships, both intimate and familial. The development of our children and young people in this area is a key community responsibility which should not be solely located within the family or school. Examining cultural norms around issues of consent, negotiation and communication are extremely important if we are to equip our young men and women to change the current environment around violence.



Appropriate campaigns

Raising community awareness around the issues of violence against women is a positive step. However, there is a need for sophistication around the messages of reducing violence in our community. Just as prevention programs within schools need to address relationships and respect, so too do campaigns that raise this issue. There is great expertise within the community which should be drawn on in developing these initiatives and ensuring the greatest benefit for the resources invested in these types of programs. Innovative research that is currently occurring needs to be further developed and encouraged.

More funding

While the greatest gains will come from focusing on the prevention of violence against women, we can not deny that violence is still a major issue within our community and there is the need to fund activities that assist victims of this violence. Some specific strategies that should be considered include:

- Funding a peak organisation that has primarily responsibility to support and assist agencies that support victims of domestic violence.
- Increase the ability of victims of violence to access the legal system through increasing the level of legal aid.
- Increase the level of support, programs and services for specific groups affected by violence, such as older women, rural women and women with disabilities.

Conclusion

While the current picture around violence within our community, particularly towards women, is deeply troubling, there are significant opportunities to create a much more positive picture. A focus on prevention, responding to research on what works and creating a culture of mutual respect and support are all ways that we can start to create an environment where violence against women has been reduced and eliminated.



Leadership and Participation

Our Rights

Articles 7 and 8 of CEDAW require governments to ensure women's right to be involved in public and political life, including the right to vote, hold public office, participate in the formulation of government policy and non-governmental organisations concerned with the public and political life of the country, and represent these governments and communities internationally.

Our Situation

Legislation, policy and trends

There are few policy and legislative frameworks that support women's participation and leadership in the ACT that stem from the government. Positive indications have been made in the adoption of the *Human Rights Act 2004* (ACT) and the *ACT Women's Plan*, but there is no funding available in the ACT to support the work of women's advocacy organisations or operational funding for women's organisations separate from service delivery. Until the 2004-05 budget the ACT was one of the few jurisdictions in Australia not to have a grants program for women's organisations.

Challenges

Limitations in current policy and legislation often cross the barrier between territory and federal legislation. In the course of our consultations women noted that their leadership, political participation and volunteer work was hampered by the lack of paid maternity/parental leave, affordability and accessibility of childcare, and inadequate levels of social security payments, which create barriers to women's participation due to a lack of support for caring responsibilities or a lack of economic resources to support participation. Women also noted that their volunteer work often costs money.

Our Voices

Erosion of funding and status

At a Commonwealth level there is a concern that the funding and status of the Office for the Status of Women (OSW) and the Human Rights and Equal Opportunity Commission (HREOC) continue to be eroded. The relegation of OSW to the Office for Women in the Department of Family and Community Services is a retrogressive step. The funding for women's organisations provided by the then-Office for the Status of Women has moved from being operational funding to project funding, leading to increasing insecurity in the finance and staffing of women's organisations .

Women on government boards

The ACT Government reports that on ACT Government Boards where the government has complete control over appointments, women have reached 50% representation. On



boards where Ministers do not have complete control over appointments, the figure is 46%. We have a strongly promoted register for women interested in being appointed to Government Boards and in previous years the ACT Government has partnered with the YWCA of Canberra in order to deliver training for women interested in taking up board appointments.

The consultation groups raised the issue of who is not participating and what issues are holding them back. We identified issues of lack of appropriate and genuine supports for mothers in terms of access to childcare and child friendly meetings. There was also discussion on the continued existence of the glass ceiling in both the public and private sectors, despite some notable breakthroughs in increasing numbers of women leading Commonwealth Departments.

The recent report of the Select Committee inquiring into the Status of Women in the ACT noted concerns from a range of women's organisations about the overuse of a small group of women, rather than appointments of a broad, representative and diverse group of women. There were also concerns expressed about the levels representation of Indigenous women, young women and women with disabilities broadly across Government Boards and appointments.

Considering the participation of young women, women from rural ACT and low socio-economic backgrounds there are also concerns about transport and being asked to take time off from work to participate in consultations.

Lack of funding

The ACT does support an active and vibrant women's non-government organisation sector including both advocacy and service delivery groups. However, it is often the case that migrant and refugee women's organisations and Indigenous women organisations who are not service providers find it difficult to establish and secure funding. One of the largest community welfare service providers in childcare and youth services in the ACT is a women's organisation.

Our Successes

Women's non-government organisations

Many women's non-government organisations (NGOs) work in the ACT. Particularly noted in consultations was the work of organisations like:

- The National Foundation for Australian Women and the YWCA of Canberra in advocating for and providing training to women on boards and committees.
- The Women's Electoral Lobby ACT particularly in lead up to the 2001 ACT election in promoting the election of women to the ACT Assembly when we saw representation go from two to six women members, a number that remained stable at the 2004 election.
- the Youth Coalition of the ACT, the YWCA of Canberra, Women With Disabilities ACT,



and the Multicultural Women's Advocacy Centre in promoting the participation of young women, women with disabilities and women from CALD backgrounds in leadership and decision making.

After ongoing lobbying from a range of women's organisations within the ACT, the ACT Government announced in the 2004-05 budget the introduction of a small grants program for women's organisations. This will provide much needed support for projects and capacity building work for women's organisations.

ACT Women's Plan

The ACT Government in developing its *ACT Women's Plan* has recognised Australia's commitment to CEDAW and therefore is working to end discrimination against women in all its forms within the frameworks provided by the Beijing Platform for Action¹.

Work and family grants

The ACT Australian Labor Party (ALP) in the recent territory election promised 'a trial program of private sector work and family grants to a maximum of \$10,000 per business or community organisation to improve their work and family environments, particularly with regard to carer/maternity leave arrangements, flex-time and childcare facilities.' This pilot initiative will be available for 20 organisations in the ACT².

Women in parliament

The ACT is in the enviable position of having six out of seventeen members, or 35% of the ACT Legislative Assembly, women. We also have an unrivaled record of not only having had two female Chief Ministers, Rosemary Follet and Kate Carnell, but also celebrate the fact that the electorate elected them as Chief Ministers, rather than saw them appointed in the wake of a male leader's resignation.

The Government also has a Ministerial Women's Advisory Council that includes representation both from women active in their communities and representatives from a range of women's organisations including young women, immigrant and refugee women, women with disabilities, women from CALD backgrounds and Indigenous women.

Our Solutions

Leadership

We call on the government and private, public and not-for-profit organisations to not only appoint more women to their boards, but to develop structures to include girls and train women and girls for leadership positions.

The next Governor-General and the first President should be women.

There should be more scholarships for women in traditional male industries to support further study and leadership development.



Training and education

Access to leadership training and mentoring is often limited by privilege. Particular efforts must be made to ensure that such training is accessible without regard to cost or physical ability, and be culturally appropriate for Indigenous women and girls and women and girls from CALD backgrounds. There is great potential to better mentor women as they take up community-based leadership. Young women in particular need to be able to access the wisdom of those that have gone before them to ensure that their participation is positive, nurturing, ongoing and sustainable.

Governments should also ensure that human-rights education and conflict-resolution skills are taught throughout schooling so that everyone will learn to respect and support everyone's human rights.

Participation

Governments need to recognise that for many women their ability to participate in community activities is often limited by a lack of:

- Accessible, affordable, quality childcare
- A livable income
- Access to public transport

While community organisations may be able to address and support the individuals who have the skills and confidence to ask for support, many will never step forward without the government first addressing these barriers.

Resources

Governments also have a responsibility to provide:

- Operational funding for women's organisations
- Funding for a national youth peak body
- Adequate and improving resources to HREOC and women's policy machinery

Media

Self-regulation of the media continues to fail, leaving women and girls often inappropriately portrayed. If the government is unwilling to engage in stronger media regulation, education for the media on the portrayal of women in all their diversity must be provided.

Conclusion

We call on private, public and not-for-profit boards and organisations to review their activities to identify and review structural barriers that make them inaccessible to women and young women.



Law and Justice

Our Rights

Women have the right to equitable access, representation and treatment in their interaction with the legal system and policies. CEDAW obliges governments to secure these rights in Article 2 (law/policies to eradicate discrimination), Article 3 (guarantee of human rights and freedoms), Article 4 (measures to achieve equality) and Article 15 (equality before the law).

Our Situation

Legislation, policy and trends

There has been no growth in funding of legal services. Women's community legal centres cannot provide the range and quality of services to clients that they would like to, for instance many women can only be provided with telephone advice, as there is no funding for face-to-face consultations. There is little funding available to build connections and networks between women, preventing an integrated approach to assisting women.

Other policy areas impact on women's access to legal services. For example, the limited public transport service between Canberra and Queanbeyan restricts what services women can access.

Our Voices

Remedies and enforcement

Women at the consultation reported that in the ACT there is poor enforcement of Domestic Violence Orders (DVOs) and Apprehended Violence Orders (AVOs). There are also a lack of effective remedies for sexual harassment; and there is limited scope for class action or group complaints, which places an even greater emphasis on the need for individual personal wealth to achieve justice.

Anti-discrimination vs affirmative action

Women at the consultation reported that the anti-discrimination framework does not do enough for women, as it relies on the victim to take action on their own behalf. An affirmative-action framework that places positive duties on governments, businesses and NGOs to achieve gender equity would achieve better results for women. This could include a duty to report instances of gender discrimination.

Government funded legal assistance

With the guidelines for accessing legal aid very restrictive, access to legal aid and other forms of affordable legal support is decreasing. Limited legal aid funding has had an impact on access to services and on the quality of service that can be provided.



Harassment

Based on information from the Australian Bureau of Statistics (ABS)³, women in the ACT experienced far higher rates of harassment than the national average. The comparative rate of both unwanted touching by a man and indecent exposure is about three times higher in the ACT compared to the national average; inappropriate comments about women's bodies or sex lives was double the national rate; and obscene phone calls was more than 10% higher in the ACT.

Sex discrimination in the workplace is common at all levels, but is particularly evident amongst women with low socio-economic status. Sexual harassment is a very common form of workplace discrimination, as is discrimination on the basis of pregnancy. Sexual harassment is difficult to prove, even though so many women experience it. Women are often not believed, and there is a culture of blaming women and questioning the reputations of women who make harassment complaints.

User-pays legal system

Because of generally lower wages, women have less capacity to access paid legal advice and representation. In a user-pays system, women often must rely on either government funded services or the donation of pro-bono or reduced-fee-for-service legal practitioners. Women at the consultation felt that discrimination within the user-pays system is compounded for marginalised women, including Indigenous women, women with disabilities and women from migrant and refugee backgrounds.

Marginalised women

Women with mental disabilities often have difficulty using legal means to achieve their desired outcomes, particularly around giving consent and the threshold for evidence. This poses challenges for both the legal representatives of clients, and the court. Most difficult are cases that relate to the control of women's bodies, such as the right of women with mental illness to access abortion services.

Interpreter services are expensive, and few practitioners are given the training needed to work well with Indigenous women and women from CALD and refugee backgrounds.

Work-life balance

Finding a balance between working life and family and friends is a challenge for many women working in the law. In private practice, workplace policies advocate a work-life balance, but a culture of long hours and working on weekends does not allow this to happen. For women in community legal centres, there is a feeling that there is so much to do and so few resources that working unpaid overtime is the only way of getting things done. Neither situation is sustainable, and burn-out is a common problem, especially for young women entering the legal profession.



Our Successes

Reproductive rights

The ACT has become the first jurisdiction in Australia to completely remove abortion from its criminal code.

Bill of rights

The ACT is the first jurisdiction in Australia to introduce a bill of rights. The *Human Rights Act 2004* (ACT) enshrines a range of civil and political rights into ACT legislation. In the preamble the legislation states 'setting out these human rights also makes it easier for them to be taken into consideration in the development and interpretation of legislation.' The expert reference group for the development of this legislation was comprised solely of eminent women and many women's organisations were involved in the consultations. However, the Act remains limited by the failure to address economic, social and cultural rights, despite a recommendation of the reference group to this end. The inclusion of economic, social and cultural rights is subject to an Assembly review.

Anti-discrimination

Legislation has been amended to include pregnancy and potential pregnancy as grounds of discrimination under the *Discrimination Act 1991* (ACT). Significant law reform has been undertaken to removing many of the legislated discriminations against transgender people and people in same-sex relationships, including the right to adopt children for same-sex couples.

Women's Legal Centre

The Women's Legal Centre (ACT) receives most of its funding through the Commonwealth Government and the ACT Government through the Law Society. The Women's Legal Centre is a community legal centre for women in Canberra and the surrounding area. The Centre is run by women and aims to improve women's access to justice by:

- Providing legal information and advice
- Referrals to sympathetic lawyers and other support services
- Running community legal education sessions
- Producing information for women about their rights, the legal system and the law
- Conducting research, law reform and lobbying activities that help to remove barriers to women's access to justice
- Publishing a quarterly newsletter about their activities

The Women's Legal Centre offers free telephone counselling for women. Appointments need to be made to see a lawyer, and it is open on weekday mornings. Indigenous women in the ACT can also access free telephone advice through the Women's Legal Resource Centre (NSW).



Our Solutions

Alternative dispute resolution

The greater use of alternative dispute resolution mechanisms could improve women's experience of the law. On the one hand, alternative dispute resolutions could decrease the cost of accessing legal remedies for women, and it can reduce the mental and emotional pressure of the court process. Simultaneously however, this type of resolution can imply a lesser 'wrong doing' and it makes issues private rather than public. This reduces the scope of cases to shed light on the systemic nature of some forms of crimes or discrimination against women.

Legal services

By providing greater funding for legal services, the government should:

- Ensure universal access to legal services, or at least more resourcing that would allow community legal centres to represent people in courts and tribunals.
- Establish a subsidised women's legal service. Many women noted that they are willing to pay for legal representation but are unable to afford the usual private practice hourly rates.

Education

Increase education about people's legal rights and responsibilities. This can be achieved through better financing of, within the ACT, the ACT Human Rights Office, and at a Commonwealth level through an increase of funding for HREOC to expand its community education role.

Other solutions

- Incorporate economic, social and cultural rights into the *Human Rights Act 2004* (ACT)
- Better enforce current legislative and policy frameworks, including sex discrimination legislation, DVOs and AVOs



Housing and Utilities

Our Rights

CEDAW requires that governments ensure women's right to be free from discrimination in economic and social life in Article 13. The rights are also secured through the work of the Committee, which addresses issues of housing separately in its concluding comments.

Our Situation

Legislation

Rights and responsibilities in relation to housing and utilities are dispersed through different Acts. This makes it difficult for people to know their rights and exercise them. Discrimination in the private rental market breaches the *Discrimination Act 1991* (ACT), which prohibits discrimination on the grounds such as ability, race and sex.

The *Domestic Violence Agencies Act 1986* (ACT) provides for protection orders which can require the perpetrator to leave the shared property.

Funding for the Supported Accommodation Assistance Program (SAAP) is provided by the Federal Government through the *Commonwealth-State Housing Agreement* (CSHA).

Policy and trends

The ACT Government released the *Needs Analysis of Homelessness in the ACT* in June 2002, taking into account the current and future needs of specific population groups. Needs were identified for single women, single women with children, partnered women with children, women from CALD backgrounds, Indigenous women, women with a disability, older women, young women, women with mental health issues and women leaving custody. The analysis identified gaps in support and accommodation.

Our Voices

Supported Accommodation Assistance Program (SAAP)

The SAAP is the key government response to homelessness in Australia, funded by the Commonwealth Government through Commonwealth-State Housing Agreements (CSHA). It concentrates on providing short-term and transitional housing, including funding for refuge accommodation, domestic violence programs and supported accommodation. However, many women feel that the program addresses the effect, and not the cause of homelessness for women, particularly in relation to domestic violence.

Spending on the CSHA and other community funding has fallen significantly over the past 20 years. With women constituting over half of all SAAP clients, and many entering SAAP with their children due to domestic violence, this represents a significant reduction of government funding to support women's safety.



ACT Housing

ACT Housing provides priority access (early allocation category one) to women escaping domestic violence. Applicants are provided with accommodation as soon as a suitable property becomes available. The waiting time will depend on the type of housing, eligibility and how many other early allocation approvals are ahead of applicants. Women at the consultation reported that applying for priority housing can be confusing, and many women require assistance from a lawyer or other support worker to complete their application.

Further, due to the high expense of housing in the ACT and the limited availability of social housing, women who are able to access refuge accommodation are often forced to stay for lengthy periods of time as they are not able to access affordable housing outside of the refuge. This means that these women are not able to stabilise their lives with safe, affordable housing and that refuge places are being occupied for longer periods than planned and funded for.

Private finance sector policies

The policies of private financial institutions such as banks and credit unions have an impact on women's access to financial resources to buy a house. The need for borrowers to prove credit worthiness disadvantages women who have incurred debt from ex-partners. Financial institutions rarely take into account the reasons why women accumulate debt, and do not make concessions for issues such as domestic violence, family commitments or caring responsibilities. The policy of privatising utilities also means that if women are unable to pay bills on time, they may lose access to essential services.

Discrimination

Women at the consultation reported that there is wide discrimination against certain groups of women, particularly poor and Indigenous women, by real estate agents and landlords. Subsequently many women are unable to access the private rental market. Women also reported that income-based discrimination is common, and that this is not prohibited under the *Discrimination Act 1991* (ACT).

Cost

The ability of women to access safe and appropriate housing is limited because of the high cost of private rental or home ownership. There is high demand for rental properties in the ACT, so rent prices are significantly higher than most Australian capital cities. This prices many people out of suitable housing options, and into a position where their housing is inadequate or unsafe. The casual and lower paid nature of many women's work places women at an even greater disadvantage in relation to appropriate housing.

With the rising cost of house prices, women are finding home ownership increasingly difficult. Women with few savings, such as young women new to the workforce, could often afford repayments, but do not have the funds for a house deposit. This forces them to continue to pay high rent prices, while trying to save a deposit.



These issues are compounded for women with disabilities. Most lending institutions will calculate home loan amounts only on the basis of the disability support pension, regardless of other earnings. This forces women with disabilities into lower cost housing, often not appropriate for their needs.

Eligibility for public housing

The visa and residential status of women have a significant impact on their ability to apply for public housing. The public housing guidelines are restrictive, requiring applicants to have resided in the ACT for 12 months before being eligible to apply for public housing. This disadvantages people recently arrived to the ACT, such as women who have migrated to Australia. Public housing is also only available to citizens or permanent residents, so refugee women are ineligible for any public housing support.

Violence against women

Women who have experienced violence can apply for priority status in public housing, but the waiting lists are substantial, and there is no guarantee that their new housing arrangement will be safe. Participants noted that the high cost of private rental in the ACT is also a disincentive to women wanting to leave violent relationships, as they may fear not being able to afford housing costs as well as everyday living expenses. This is especially the case for women with children, women in casual or short-term employment, women on low incomes, women with disabilities, and women at both ends of the age scale.

Women at the consultation also noted the failure of the *Residential Tenancies Act 1997* (ACT) to address the needs of women forced to leave their homes because of domestic violence. The act does not recognise that women being forced to leave their home because of violence as being evicted by the perpetrator of violence.

Access to supported accommodation

There is insufficient access to supported accommodation and related programs for women with alcohol or drug dependencies. Most supported accommodation services are focused on men, with few women-specific services available.

Our Successes

Breaking the cycle

Participants in the consultation thought that the level of discussion and acknowledgement of the problems by the ACT Government and the community around housing accessibility and affordability were a success in and of themselves, notably ACT Government papers such as *Breaking the Cycle: the ACT Homelessness Strategy* and *Housing People, Building Communities*.

In response to *Breaking the Cycle: the ACT Homelessness Strategy* the ACT Government has funded a range of additional housing services, such as *A/eta*, which is an outreach service for single women affected by homelessness or the threat of homelessness.



Our Solutions

- Suspend public housing rent requirements while women are in drug or alcohol rehabilitation.
- Expand the number of crisis and short-term accommodation places that accept families.
- Encourage banks and credit unions to have policies to deal with situations where men leave relationships, leaving women carrying an unsustainable financial burden.
- The First Homebuyers scheme should be extended to women buying their first home on their own if they are leaving a relationship.
- Utilities should be government owned to remove the profit motive from essential service delivery.
- Tighten the regulation of the behaviour of real estate agents and prohibit the ongoing discrimination against tenants such as young people in groups or single women with children.

Health

Our Rights

CEDAW article 12 requires governments to eliminate “discrimination against women in the field of health care in order to ensure ... [equal]... access to health services, including those related to family planning.”

Our Situation

Legislation, policy and trends

The women's health policy machinery in the ACT has been disbanded, meaning no agency within the government is adequately resourced to progress women's health issues. Currently the ACT does not have a Women's Health Advisory Committee, which was disbanded a few years ago. The disbanding of this committee has resulted in poor representation since then.

The absence of an effective national women's health policy and the attempted removal in 2004 of all the women's health indicators from the Public Health Outcomes Funding Agreements, demonstrated a particular disregard for women's health needs at the Commonwealth level.

The lack of doctors and current trend of scarcity of bulk billing (the ACT has the lowest bulk billing rate of any state/territory⁴) is causing an increase in pressure on hospital emergency departments for primary care. The lack of trained nurses, radiographers and other health professionals means a lack of beds to transfer those needing admission⁵.



Our Voices

Community health services

Women at the consultation were concerned that community health services increasingly have to charge fees to cover costs associated with staffing and insurance. The meager resources available to community organisations and the implications of the *Social and Community Services Award* simplification process has meant, in practice, that many community health workers, who are predominately women, are paid at a lower rate than previously, have had their wage frozen, or have been offered casual employment which reduces their ability to access appropriate benefits and services. This also impacts on the community sector's ability to attract and retain staff.

Further, such women's health services are often heavily booked:

- Women wanting to access the community midwives program have to book when they are 4 weeks pregnant to confirm a place, otherwise they are put on a waiting list.
- All women gynaecologists are heavily booked. The waiting time is currently a minimum of 10 weeks but earlier access can be gained for urgent problems. There is a large waiting list for prepaid cervical screening services.
- BreastScreen, which serves NSW women over 40 and ACT women over 50, is regularly booked out several months in advance.
- The Women's Centre for Health Matters conducts a yearly survey of women general practitioners (GPs), which indicates that there are fewer women doctors available and that most of those that are well-received by clients are closed to new clients.

The Women's Health Service is often booked out several months in advance for services such as cervical screening and the Well Women's Clinic. Women from diverse backgrounds and young women use these services which are often unavailable from their general practitioners, due to financial and language barriers. The need for interpreter services means that these consultations are often lengthy. There is about a six-week wait for counselling services, and the service is currently closed to new clients and booked up several months in the case of existing clients. Medical services at the Women's Health Service are available only for women who have a history of domestic violence or trauma.

Under-resourcing

44.5% of total calls received by the Women's Centre for Health Matters (WCHM) over an 18 month period (2003-04) were in relation to the health system, and included requests for referrals and information on medical procedures. It is increasingly apparent that medical professionals and, in particular GPs, are not allocating adequate time to answer patient's full enquiries, therefore putting increased pressure on community organisations, such as the WCHM, which is asked to answer questions in relation to diagnosis and medical procedures for which there are both legal and moral implications.



Medicare and bulk-billing

The ongoing erosion of Medicare and bulk-billing and the lack public dental services and Medicare funding for dental care concerned many of the consultation participants. The availability of GPs and, more specifically, GPs that bulk bill in the ACT, has meant that women on low incomes are increasingly unable to access the health care system. Many GPs have closed their books to new patients and waiting lists continue to grow.

Our Successes

- In 2004 the WCHM, launched the *Healthy Eating Active Living* (HEAL) Project, which provides valuable resources to women on issues of healthy weight management and healthy body image.
- Having a Baby in Canberra (HABIC) runs weekly information sessions, aimed at women who are planning a pregnancy or are in the early stages of pregnancy. The purpose of HABIC is to assist women and families in making informed choices in pregnancy, birth, postnatal and parenting support services.
- The WCHM Health Information Line is an accessible resources to the whole ACT community. The centre received 1379 calls from women and their families with the most common issues including reproductive health, pregnancy and birth, pap smears, finding a woman GP, contraception, menopause and gynecological issues. The centre also provides an up-to-date library and website which are user-friendly and a comprehensive source of information.
- The ACT has become the first jurisdiction where women's access to abortion is a matter strictly between her and her doctor. Abortion has been completely removed from the criminal code and its only regulation now exists with the *Medical Practitioners Act 1930* (ACT).
- The ACT Government includes within the leadership of its health services the position of 'Chief Nurse'. This position recognises the importance of nursing within the health system.
- The *Women's Words* free short-term counselling service provided by the ACT Government is helping to address some of the unmet needs for access to counselling services for women.
- The YWCA Australia's *Encore* program, which is an exercise program designed specifically for women who have experienced mastectomy, lumpectomy or breast reconstruction surgery, is helping women to improve their mobility and flexibility in their arms and shoulders; boosting their self esteem and self image; relieving discomfort as a result of surgery and reducing the potential risk of lymphoedema.

Our Solutions

Medicare

There must be a return to the original access and equity principles of Medicare. Medicare was intended to provide one high standard of healthcare to all Australians on a prepaid basis. It is increasingly being turned into a welfare system, where those who cannot afford private insurance are forced to rely on under-resourced public health services.



Access

More must be done to ensure that accessible medical services are available in Canberra. This could take the form of the provision of more GP services on a 24-hour basis or more publicly provided services in health centres and outpatient's departments. People who are sick need to be able to access services in a timely manner and have the opportunity to develop an ongoing relationship with medical practitioners.

Both bulk-billing under Medicare and public health services need to be strengthened to ensure that there are accessible and appropriate services for people with disabilities. Beyond issues of ramps and lifts, this means ensuring that specialised facilities are available, such as adjustable height examination beds.

Social view of health

The social view of health, advocated by the women's health movement, has never been taken seriously by Australian policymakers or health professionals. 98% of Australian health expenditures are devoted to curative medical services. A focus on prevention, health promotion, information and support provided in a strong primary health care setting could greatly enhance women's experience of health. Programs preventing the occurrences of illnesses such as eating disorders could reduce mortality and morbid obesity.

Resources

Resources need to be devoted to schemes that will increase the cultural diversity and sensitivity of the spectrum of medical practitioners, through education scholarships and training.

There is a need for specific services that address the different needs of women, especially women on low incomes and their families, women with disabilities and women who face cultural and language barriers in accessing healthcare services.

Women recovering from breast cancer surgery need a more extensive range of support services, including affordable prostheses and access to post-surgery recovery programs such as *Encore*.



Education

Our Rights

CEDAW article 10 requires governments to ensure women's right to all aspects and levels of education and training.

Our Situation

Legislation, policy and trends

Women and girls in the ACT overall enjoy excellent levels of access to education. Over 62.1% of women in the ACT hold post-school qualifications compared with 34.9% of women across Australia but this remains below the rate at which men in the ACT hold post-school qualifications which stands at 69.1%. Conversely women and young women in the ACT are less likely to participate in vocational education and training than women across Australia⁶.

Austudy is paid at 37% below the poverty line and Youth Allowance at 32% of the poverty line⁷. In the ACT this is exacerbated by the high cost of housing and the capped level of rent assistance that is available for Youth Allowance recipients. No rent assistance is available to students receiving Austudy.

Our Voices

Cost of education

Women who attended the consultations reported that their and their children's access to education remains vulnerable due to a range of factors. Growing expectations in relation to extra expenses for children's education for activities such as excursions and school text books means that during the years of compulsory schooling, mothers may face difficult decisions on how to meet these additional expenses. In tertiary education, increasing fees, whether up-front or deferred through various government schemes, books and associated costs mean that women are increasingly working part or even full-time to support their studies despite the research that proves the disadvantage that this places these students under.

Women at the consultation were concerned about the ever-increasing introduction of a user-pays approach across all levels of education. Particularly in the area of tertiary education, women felt that women will take longer to pay back their HECS debt and are more likely to be discouraged from studying because of the debt incurred when obtaining a qualification. There are relatively few jobs in the ACT that do not request at least minimal further education, even in entry-level positions.

Women and girls with disabilities find it particularly difficult to meet the additional costs that they face in accessing education, such as carers and transport. While disability



support services at universities continue to expand and improve, there are still basic access issues.

Childcare

Women returning to study find childcare difficult to access, particularly for part-time and evening classes, and are challenged by the lack of flexibility in childcare centres in relation to regularly changing times of classes. There are no after hours childcare centres in the ACT, so women needing childcare to attend evening classes must make alternate arrangements. The accessibility of childcare for student parents is being further jeopardised by the government's ongoing campaign to destroy student organisations, who advocate for and support childcare on campuses.

Family commitments

Due to their caring responsibilities, women also face significant barriers in returning to the paid workforce after having a family. While there is an acknowledgement of the need to retrain and update skills, the high costs of education mean that this is often unavailable for women. The scarcity of accessible and affordable childcare presents further barriers to updating their skills for many women.

Safety

Safety on campus remains a particular concern. Reports of rapes on campus and in colleges are often denied and disparaged by senior university figures. The very design and placement of campuses exacerbates these problems. Features that make them garden-like and tranquil during the day often mean there is poor lighting and bus stops and pathways are not visible from the road, and thus not subject to casual observance.

Indigenous women

Indigenous women face particular difficulties in balancing customary family and community responsibilities within current education frameworks. While campuses provide Indigenous contact officers and centres, these remain isolated pockets of support within an inappropriate system which does not acknowledge culturally-specific obligations and requirements.

Focus on boys' education

Women at the consultations were concerned about the rise of the 'boys' education' debate which has been used as a mechanism to redefine gender analysis within education. This discussion demonstrates a lack of understanding about the work that feminists have done in education. The feminist project in education aims to free all students, both girls and boys, from the pressures of needing to fulfill outdated gendered stereotypes of behaviour. Further, the push for more male teachers fails to recognise the reasons for men's under-representation in teaching, including the low status, pay and benefits that teaching, as with many other traditionally female professions, attract. This discussion also ignores the reality that men are disproportionately found in senior teaching positions.



Pregnant and parenting students

It is ACT Government policy that “all students attending or seeking to attend ACT Government schools, including pregnant students, should have equal access to educational programs.” New initiatives such as the *Young Carers and Parents* Program to be established at Canberra College are an exciting addition to the support mechanisms required, but there is still much work to be done. A recent study conducted in the ACT found that 80% of young mothers had significant educational aspirations⁸. However, pregnant and parenting women often stop attending or delay returning to school because of problems in accessing safe and affordable housing, health services for themselves and their child and appropriate income support.

Our Successes

- The *Education Act 2004* (ACT) states within its general principles that “every child has a right to receive a high-quality education.”⁹
- There has been a significant move away from casual teaching positions towards permanent part-time appointments at the Canberra Institute of Technology (CIT). This brings benefits for the largely female workforce at CIT as well as for all the students.
- Kirinari, one of the childcare centres at the University of Canberra, receives significant financial and in-kind support from the Students’ Association. In return Kirinari runs three booking sessions a year, to facilitate students being able to change their childcare bookings to match class times and provides additional flexibility around exam periods.

Our Solutions

Abolition of fees

Abolish the Higher Education Contribution Scheme (HECS) and the Postgraduate Education Loans Scheme (PELS) and their successors (HECS-HELP and FEE-HEP) and re-institute access to a free tertiary education on the basis of merit, not ability to pay. While PELS is commonly reported by the Federal Government as a benefit to women in the women’s budget statement, the reality is that this support is needed due to the previous Labor government’s decision to deregulate postgraduate education and the fact that women are less likely to receive support from their employers to undertake postgraduate education than men.

More support

We suggest that a more significant effort is taken to ensure that all students, particularly pregnant and parenting students, are supported to obtain educational attainment. We need to ensure that all schools and colleges actively work to support student parents, rather than passively pushing them out. We recognise the opportunities which can assist this, including drawing on and coordinating community service providers.

We also call on the government to ensure that both male and female teachers are adequately supported in their work through appropriate resourcing of schools and



colleges, improving pay and conditions and developing pathways for career and personal development.

Childcare

Create more childcare places for students. This may require encouraging the co-location of childcare centres with secondary schools and colleges to alleviate transport problems. Childcare centres catering to tertiary students should be supported to provide part-time care with regularly changing hours.

Other solutions

- We call on landlords and real estate agreements to stop discriminating against student households by barring groups from applying for rental properties.
- We call on the ACT Government to expand the CIT learning space in Tuggeranong into a full campus to support greater access to education, especially for women wanting to re-enter the paid workforce after raising children.

Economic Security and Employment

Our Rights

CEDAW article 11 requires governments to ensure women's rights in relation to work, including equal pay for work of equal value, equal access to benefits, the right to not be discriminated against in the workplace, the right to paid maternity leave and access to support services to balance family and work responsibilities.

Our Situation

Legislation, policy and trends

Workplaces are increasingly casualised or employment is tied to short-term contracts. The award system is systematically being undermined and the ability of unions to defend women workers is continually challenged by the Commonwealth Government. A lack of growth in the funding of community services has a detrimental impact on their employees, the majority of whom are women. Such impacts include an inability to pay wage increases, provide benefits such as paid maternity leave or support with post-graduate course fees.

The Commonwealth Government continues to try and force single parents back into the workforce rather than supporting them in parenting. The parenting payment is paid at less than half the minimum wage.

The lack of an in-depth gender analysis of economic policy has led to the development of policies and programs that have an in-built gender bias such as the deregulation of post-graduate fees or superannuation.



Our Voices

Women's unpaid work

Many women expressed the opinion that the government does not recognise or support the contribution of women's unpaid work to Australia's economic growth. They cited examples such as the lack of financial support for single parents and the continuing outsourcing of work to community agencies that then rely on volunteers because the funding received for the services they are to provide is inadequate.

Use of public funds

There was significant support in the consultations for the tax dollar to be spent on ensuring the universal accessibility of fundamental services such as health services, housing, education, transport and maintenance and public infrastructure.

Women who are carers

Women who are caring for children, parents or other family members with a disability reported that they felt isolated from the community and highlighted the need for improved access to respite care and support to meet the increased costs of having caring responsibilities.

Childcare

Childcare costs continue to spiral, despite poor wages and conditions for the largely female workforce. Changes in government policy have withdrawn the security of grant funding from centres and made it more difficult to offer staff ongoing positions, which in turn makes it difficult to maintain places for occasional care or have the flexibility to support part-time and changing hours of childcare which would meet the needs of students or casual workers.

Work-life balance

Some participants reported concerns about overwork and a lack of support for family and caring responsibilities in their workplaces. Others struggled with casual and part-time jobs that left them under-employed and forced to work whenever work became available, which was reported to have a negative impact on income security and the balance between work and family responsibilities.

Discrimination

Discrimination against both older women and young women was reported in the consultations. Older women reported feeling discriminated against by employers assuming they lacked skills and young women reported problems with youth wages.

The anti-discrimination frameworks provided by both the Territory and Commonwealth Governments contain guidelines to make complaints. However, many women find them difficult to use and when they do use the system, find it slow to respond and difficult to have outcomes enforced, or fear that the response will not protect them from the



retribution following a complaint.

Equal pay

Women at the consultation were concerned with the low pay of workers in traditionally female industries, particularly childcare. Another concern is the increase in the gender wage gap: while in the average weekly fulltime earnings of women in the ACT in 2003 was \$949, \$124 more than for other Australian women, we still earnt \$188 or 17% less than men in the ACT.¹⁰

A cycle of economic burden

Looking at economic security across the life-cycle, women felt the increasing costs of education create a burden early in life. Women repaying the debts incurred through tertiary study felt that this was a barrier to saving and affording a first home. The high cost of both buying and renting housing was seen as a significant problem for many women. An inability to enter the housing market earlier in life was felt to be a serious barrier to being economically secure in later life. The dwindling number of bulk-billing doctors, the erosion of the healthcare system, the increasing fees and costs of accessing healthcare or having health insurance worried a number of women. The costs of having a baby were reported as extreme, and the fear of not being able to afford healthcare for children was raised.

Our Successes

- After many years of lobbying, a baby care payment scheme has been introduced by the Commonwealth Government. Support for the additional costs of a newborn baby and the loss of wages occasioned by giving birth must be welcomed, despite reservations about the length and level of the payment.
- Paid maternity leave provisions for women in both the ACT and Commonwealth public service represent some of the best in the country.

Our Solutions

- Provide sufficient levels of funding to community organisations in order to provide pay and conditions equal to those of workers in the ACT public service, especially paid maternity leave provisions. We note that a trial grants scheme of \$10,000 was raised by the Labor party during the last election.
- Increase funding to discrimination bodies to support their education work with employers and the advocacy work on behalf of employees making complaints.
- Reverse the moves away from centralised bargaining and the central role of union in enterprise bargaining.
- Reinstate grants to childcare centres in order to provide significant increases in childcare workers' wages without pushing the costs of childcare up.
- Abolish all forms of age discrimination within the social security and industrial relations systems, such as youth wages and the fact that Austudy, Youth Allowance and New Start are all paid at rates below the Aged Pension.
- Ensure that all social support systems are informed by gender analysis and a long



- term perspective.
- Introduce better education programs to encourage women to promote themselves for better jobs/conditions.
- Implement training for enterprise bargaining to ensure equity in salaries with men.

Endnotes

1. *ACT Women's Plan*, ACT Office for Women, 2004, p4.
2. <http://www.katygallagher.com.au/2004/09/act-labor-launches-work-family-committment/#more-17>
3. ABS Women's Safety Survey 1996
4. <http://www.choice.com.au/files/f114514.pdf>
5. ACTCOSS Overview of 2004-2005 ACT Budget
6. *ACT Women's Plan*, p15.
7. ACOSS INFO 304, July 18 2001, *Below-poverty line social security payments*, <http://www.acoss.org.au/info/2001/304.htm>.
8. Sandya Manickam, *Teenage Mothers Further Education – A Needs Analysis*, YWCA of Canberra, July 2004
9. Education Act 2004 (ACT) <http://www.legislation.act.gov.au/a/2004-17.pdf>
10. ABS, Average Weekly Earnings, Cat no 6302.0.