



**WRANA**

**WOMEN'S RIGHTS ACTION  
NETWORK AUSTRALIA**

**“( Our Rights, Our Voices )”**

**The Western Australian  
Community Report on  
Women**

**August 2004**



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## **Acknowledgements**

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Many women volunteered their time and energy to participate in the process of creating this community report, with the hope that the report will prove useful for women throughout the state. Thank you for your willingness to share your stories, experiences and wisdom. In particular we wish to acknowledge to contributions of the following people and organisations:

All the women who participated in the consultations, both formal and informal.

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## **Introduction**

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The *Women's Report Card Project* is a national project coordinated through the Women's Rights Action Network Australia. The National Community Report, together with a Shadow Report will be provided to the United Nations' Convention for the Elimination of Discrimination Against Women (CEDAW) Committee as an alternative source of information, to assist Committee members assess Australia's implementation of CEDAW.

To produce the National Community Report, each state and territory formed a working group to facilitate local consultations. This report is the result of the consultations undertaken in Western Australia.

The national report will contain each state and territory report, an Indigenous women's report and a federal analysis of the present status of women in Australia. Koori Women Mean Business and the National Network of Indigenous Women's Legal Services have been working with Indigenous women and Indigenous organisations to produce a report highlighting the stories of achievement and barriers faced by Indigenous women. This report will be available in March 2005, and will form part of the National report. We encourage those reading the Western Australian report to read it in conjunction with the National Indigenous Women's Report.

## **Methodology**

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Invitations to consultations and promotion of the project occurred through various informal networks of the state working group, community legal centre mailing lists, and through WACOSS E-news which circulates to around 3500 email contacts.

Members of the Western Australian working group spoke about the project at community legal education sessions with individuals and organisations, and at network meetings such as the International Women's Day collective meetings.

On 31 October 2003 Western Australia held its first metropolitan consultation meeting involving 12 women. This was followed up by a consultation and training session on 12 December 2004 attended by 28 women.

Working party members also conducted informal consultations through their networks across the state, through the course of their work. In this way, many women were involved in the project who would not otherwise have been able to participate in the metropolitan consultation meetings.



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## **Violence Against Women**

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### ***Our Rights***

According to the Western Australian Domestic and Family Violence Strategic Plan released in October 2003 “In the last three years almost 21,000 violence restraining orders have been applied for in Western Australia, a significant proportion involving families with children.<sup>1</sup> In 2000/2001, 2781 women and 25 men used crisis accommodation because of family and domestic violence.<sup>2</sup> Alarming, 72% of all female and 6% of male Western Australian homicide victims were killed as a result of family and domestic violence.” (Mouzos, 2003)

Women and children, who are victims of violence, have their rights to safety, health, shelter, economic independence and freedom of movement diminished. Positive strategies to safeguard these basic rights are essential for effective strategies to prevent violence against women.

### ***Our Voices***

The discussions in the Western Australian consultations separated the issue of violence against women into two areas: domestic and family violence; and community (including work) violence.

## **Domestic and family violence**

### ***Dislocation***

Many women and children who are victims of violence in the home are the ones who are forced to leave, while the perpetrators remain. Women and children often lose their homes, connections and communities, and so are made even more vulnerable to abuse and further violence.

### ***Restraining orders***

The process of going to court to obtain a restraining order is often daunting, but frequently police will refuse to intervene in a ‘domestic’ unless there is a restraining order. Women are therefore forced into the intimidating and adversarial court arena, to try and ensure their safety and the safety of their children.

Once a restraining order is obtained, there is often some waiting time before the police serve the order to the perpetrator. During this time, many women are forced to leave their homes for insecure temporary accommodation. Once the restraining order is served, women are reliant on police to enforce it.

### ***Police attitudes and actions***

Police officers frequently fail to charge perpetrators when they receive reports of breaches of restraining orders, and response times are poor. Women experience being treated like an ineffectual being, who complains too much. The police downplay the seriousness of



the risks to these women. The specially trained police officers are excellent, but there are not enough of them. The ordinary officers do not seem properly equipped to deal with domestic violence situations.

### ***Judicial attitudes***

Some magistrates and Justices of the Peace who hear restraining order matters seem to have no understanding of the issues surrounding domestic violence, and women who appear in court are subjected to further stress and trauma. There needs to be more training for Magistrates.

The initiative setting up a separate domestic violence court in Joondalup (the centre servicing the expanding northern residential corridor in Perth) is starting to show good results. This should be implemented in all Courts of Petty Sessions.

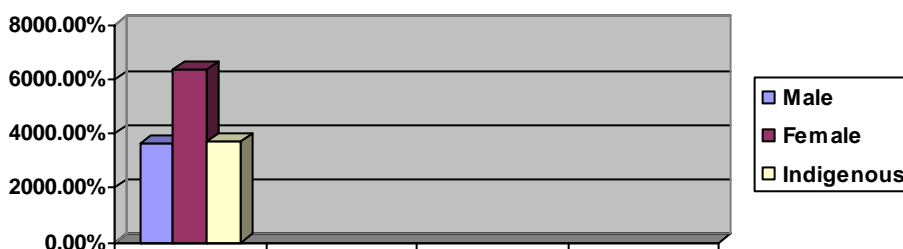
### ***Treatment and counselling programs***

Separate education programs aimed at survivors and perpetrators of violence are desperately needed. There are far too few readily available, especially outside the metropolitan area.

There is also a huge unmet need for child counseling, although it is available in some refuges now. It is crucial, as many children have learned very damaging ways to interact with women and other children, and without help, risk becoming perpetrators or victims of violence themselves. Some women report being assaulted by teenage sons. They don't want to report their sons to the police, and so are left without assistance to deal with this violence.

### ***Domestic violence and homelessness***

Below is a graph of the percentages for homelessness in Western Australia. Notably women represent the majority of homeless people in Western Australia. Of the representation, women alone, aged under 25, equal 20.4% of those who are homeless as a result of domestic or family violence and for women alone over 25, domestic and family violence is the main contributor of homelessness in 40.7% of cases. In the cases of women with children 58% are homeless and seeking accommodation as a result of family and domestic violence.<sup>3</sup>





## **Community Violence**

'Community violence' was considered to be violence against women that happened outside the home, and included violence at work. The types of violence range from threats and verbal abuse, through to violent theft, assault, sexual assault, and murder. Community violence reaches beyond the women who directly experience it. It also affects women who restrict the way they participate and interact in the community due to their fear of violence. In this way, it becomes a very controlling force in many women's lives. A key problem was the general attitude towards women in the community. There is an alarming acceptance of the denigration of and violence against women, with a perception that this type of violence is a gender issue, rather than criminal issue. There is not a general acceptance of community responsibility to prevent violence against women. Observations were made about the 'agro' male behaviour in Western Australia, where a kind of fly in – fly out, 'wild west' mentality still exists. It is exhibited in the lack of respect from salesmen and tradesmen, by colleagues and employers, and by the media which often downplays and gives no coverage to issues of violence against women.

## ***Our Situation***

### **Legislation and programs**

The legislation and government programs identified by women at the consultations as relevant to issues of violence against women are:

- *Restraining Orders Act 1987* (WA) – currently under review
- *Western Australian Family and Domestic Violence State Strategic Plan: "Whole of Government, Whole of Community Response to Family and Domestic Violence 2004 – 2008"* (WA Department of Community Development, October 2003)

## ***Our Successes***

The establishment of *Domestic Violence Advocacy Support (DVAS) Central* as a 'one stop shop' at Perth Train Station. This is a partnership between Legal Aid, Orana House, WA Police Service, Yorgum Aboriginal Counselling Service, Women's Health Care House, the Department of Justice and the Department for Community Development to assist women escaping domestic violence to access the variety of services they might need.

## ***Our Solutions***

- Legislative amendments to increase penalties for breaching restraining orders. This is being addressed in the current review of the *Restraining Orders Act 1997* (WA)
- Expand the separate domestic violence court program.
- Improve training and resourcing for police to properly deal with domestic violence situations
- Improve training for Magistrates to properly understand the issues involved in domestic violence cases, and deal appropriately with them
- Establishment of more treatment and counselling services for victims and perpetrators, including more children's programs



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## **Law and Justice**

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### ***Our Rights***

Whenever 'rights' are discussed, and the question of discrimination (and its elimination) is raised, legal issues become apparent.

The key issues were divided into two broad categories by women at the consultation. The first category, access to the law, highlighted the following key areas: barriers to access; women in detention; funding threats to systemic advocacy; threats to specialist Indigenous legal services; insufficient legal aid funding; and women in the legal profession.

The second category, equality within the law, highlighted the following key areas: barriers to equality; Indigenous women's experiences of inequality; domestic violence; social security issues; women in prison; and difficult complaints mechanisms.

### ***Our Voices***

#### **Access to the law**

##### ***Barriers to access***

There are a number of barriers that prevent many women accessing the law. By this we mean that they are prevented from getting legal assistance or using the power of the law to pursue their rights and protect themselves. The obvious barriers that women encounter are financial, educational, language and ethnicity, distance, disability and technology. The law and the assistance it can provide are readily available only to those who can afford to pay for it, understand how and when it can be used, and can communicate their instructions and make sense of the assistance provided.

##### ***Women in detention***

Women seeking asylum, and held in detention in Port Hedland, on Christmas Island or at Perth Domestic Airport have no, or severely limited, access to legal assistance. They are discriminated against in the strict application of the criteria to be deemed 'refugees', as many are here due to their association with men who are seeking asylum. These women are amongst the least powerful, most vulnerable people in Australia, who most need protection. But the law works to keep them isolated and silenced.

##### ***Funding threats to systemic advocacy***

Access to the law also means access to challenge the law and its operation. For many community-based agencies, advocacy to challenge and change systemic flaws is out of the question, as their funding is threatened when they undertake this work. This includes the Aboriginal Legal Service of Western Australia (ALSWA). As many community-based agencies are staffed by women, and offer services to women, the tied nature of their funding denies women access to systemic advocacy.



### ***Threats to specialist Indigenous legal services***

The current threat to the Aboriginal and Torres Strait Islander Legal Service (ATSILS) threatens Indigenous women with even less access to legal services than they currently have. The removal of self-determined, self-run, self-managed legal services will be a disaster in terms of providing effective legal services to Indigenous clients.

### ***Insufficient legal aid funding***

In comparison with other states, Western Australia has the smallest legal aid budget per head of population. The allocation of state government money to 'state law' means that most of it is used to provide legal representation to criminal law clients, the vast majority of whom are men. The insufficient federal funding allocation for 'commonwealth law matters' has the effect of severely disadvantaging women needing legal representation in family law matters.

### ***Women within the legal profession***

There has been an ongoing concern that the legal profession is not retaining as many women as it should, and certainly women are not represented proportionately at the upper echelons of the profession. Given that in Western Australia almost 57% of law students are women<sup>4</sup> it is alarming that less than 30% of all legal practitioners, and less than 5% of senior counsel are women.<sup>5</sup> The culture of the legal profession remains archaic and patriarchal – a boys club that excludes many women, even when those women are from a class and educational background that theoretically should give them entry. The position for women from different classes and backgrounds is even more dire.

## **Equality in the law**

### ***Barriers to equality***

When subject to the process of law women reported feeling alienated, intimidated and made to feel powerless. The barriers that exist to prevent women accessing the law also work against their equal treatment under the law.

### ***Indigenous women***

Through the consultations in Western Australia, women outlined that 'the law' operates to protect the government – the law maker. For example:

- The stolen generations continue, with the assistance of the legal system, as children are taken into 'care' and incarcerated at appalling levels. Holding the government accountable, and getting compensation seems an impossible task, as the law protects the government
- The law around native title, and the need to prove a 'continuous connection with the land', works against Indigenous people, given Australia's history since invasion
- The curfew used in Northbridge, and alarmingly spreading to some country towns, targets highly visible Aboriginal children, particularly young women
- Homeswest (public housing managed by the WA Department of Housing and Works) uses the legal system to evict Indigenous women and children from public housing



when they don't conform to white, middle class suburban mores. Indigenous women find it almost impossible to use the same legal system to fight back

### ***Domestic violence***

In situations of domestic violence, where women and children are perhaps most vulnerable, and most in need of protection, the legal systems are not effective. Police treat women as hysterical and ineffectual beings. They are made to leave the house while the perpetrator is allowed to remain. Women and children lose homes, connections, and communities, and so are made even more vulnerable by the action of the police. The restraining order laws and processes are not effective in protecting women from violence, and the penalties for offenders are insufficient.

The Family Court also does not provide enough protection for women and children who have been subjected to violence within the home and family.

### ***Social security issues***

While many women are compelled to pursue men for child support payments in order to be eligible for Centrelink benefits, the Child Support Agency fails to effectively collect the money from reluctant payers. In other words, single carer mothers are the ones who are forced to take action, as the consequences of losing essential income would be devastating. However, the legal system is ineffectual in actually collecting the money.

### ***Women in prison***

In Western Australia Bandyup Prison is the maximum security prison for women. Women prisoners are also held in a small minimum security prison in metropolitan Perth and in four regional prisons where males make up the majority of the prisoner population. According to a report by the Office of the Inspector of Custodial Services, "women prisoners in Western Australia have long suffered neglect as women, and experienced to their detriment the hegemony of policies and processes that derive from and support the masculine correctional 'mainstream'. This history is essentially what underpins a dysfunctional regime at Bandyup Prison and which creates and supports inferior regimes for women elsewhere in this state."<sup>6</sup>

### ***Difficult complaints mechanisms***

Many women find it difficult to pursue complaints of discrimination. There were various reasons for this. There is general acceptance of poor treatment of women, so many do not feel justified about making complaints. The formal nature of many complaints mechanisms makes the process too difficult for many women – they find it impossible to attend high-rise offices in the city, or express themselves in writing. Further, the idea of facing the person against whom they've made the complaint is too daunting.



## ***Our Situation***

### **legislation and programs**

The legislation and government programs identified by women at the consultation as relevant to law and justice are:

- *Restraining Orders Act 1987* (WA) – currently under review
- *Equal Opportunity Act 1984* (WA)
- *Family Court Act 1997* (WA)
- *Western Australian Family and Domestic Violence State Strategic Plan: “Whole of Government, Whole of Community Response to Family and Domestic Violence 2004 – 2008”* (WA Department of Community Development, October 2003)

### **Challenges**

The challenges identified by the consultation participants to women’s access to and equality within law and justice are:

- Securing adequate funding to legal services such as Legal Aid WA; Aboriginal Legal Service WA; and Community Legal Centre, particularly to do systemic advocacy
- Finding effective ways of breaking down barriers to access and targeting services to those women currently locked out of the legal system
- Countering political game playing within family law, and around same sex couples having access to overseas adoption and marriage
- Changing community attitudes about violence against women - including the attitudes of courts, police and lawyers

### ***Our Solutions***

- The end to mandatory detention of asylum seekers, and the provision of access to legal assistance
- Better restraining order legislation
- Training for all involved in legal system about domestic violence; and discrimination of all types that affect women, such as gender, race, ethnicity, class and sexual orientation
- Active recruitment of women into every level of the legal system



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## **Leadership and Political Participation**

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### ***Our Rights***

The continuing gap between women's formal and substantive equality and their absence from power and political decision-making is indicative of both attitudinal and structural discrimination. Discriminatory attitudes permeate education and training, political processes and institutions, restrict women's political participation and deprive us of women's leadership and vision. Only through the active participation and perspective of women of all ages, cultures and communities at all levels of decision making will equality, development and peace be achieved.

### ***Our Voices***

#### **Obvious absence**

Women consist of more than half of the population and also make up approximately 40% of the enrolments of tertiary educational institutions. Yet they are significantly under-represented in the most important decision-making processes in federal, state, and local government. Despite substantial proactive lobbying for change, the leadership roles and participation of government boards, companies and workplaces are still dominated by men.

Women at the Western Australian consultations expressed the view that society still undervalues the work by women for a number of different reasons. As women overcome the historical and more obvious barriers of equality, obstacles being thrown at them now are more subtle and systemic. They are expressed in stereotyped assumptions about women and men's abilities, biases in the evaluation of merit and ability based on gender and work patterns that systematically limit advancement.

Women at the consultations also talked about the inaccessibility of decision makers, and about being locked out of the process of making important decisions for their communities.

#### **Indigenous women**

At the consultations, Indigenous women voiced their dismay at their inadequate representation in parliament. They pointed to the indirect discrimination such as criminal record requirements that act as barriers to Indigenous participation. They recommended that there should be designated seats in parliament for Aboriginal people, at the local, state and federal levels.

Indigenous women also talked about the strength, participation and leadership of women within their particular communities. These roles may not be acknowledged by the wider community, but play a crucial, central role for Indigenous communities.



## **Stereotyped assumptions of men's and women's abilities**

The traditional perceptions of gender roles in the community and in positions of leadership lock many women out of public roles, with a presumption that women are less able to fulfill these positions. Some women, lacking mentors, encouragement and confidence may not feel able to challenge the stereotypes.

The disparity in positions is exemplified in the career differences between men and women in the education sector: A recent UNESCO-Commonwealth report states that despite the advances made in many areas in the past two decades, in the area of higher education management, women are still far away from participating on the same footing as men. Men outnumber women in the middle management level of higher education positions at 5:1 ratio, and about 20:1 ration at a senior level. Women are mainly employed at the lowest academic levels in higher education and also in lower education. They are limited to areas considered generally 'female', such as, health, education and arts, and very few have broken down the barrier of the traditionally male areas of mathematics in lower education and engineering at the tertiary levels of education. By being locked out of senior management positions in such a sector, women are less able to influence policy and practice within the sector.

## **Systemic limits to participation**

### ***Work***

Part-time and casual workers are more likely to be denied training opportunities, and to be overlooked for promotion and leadership roles.

### ***Childcare***

Childcare is a major issue for working women and their families. Access to childcare facilities is particularly tough in rural and remote areas of Western Australia and disadvantaged urban areas. Also, affordability is often a problem, with the cost of childcare increasing by 17% in 2002. For mothers on low incomes, particularly single mothers, their capacity to participate, or more particularly to take a leadership role, is often limited by their childcare obligations and family responsibilities.

## ***Our Situation***

### **Legislation**

Women at the consultations identified the following legislation as relevant to women's leadership and political participation:

- *Equal Opportunity Act 1984 (WA)*
- *Industrial Relations Act 1979 (WA)*
- *Equal Opportunity for Women in the Workplace Act 1999 (Cth)*
- *Sex Discrimination Act 1984 (Cth)*
- *Workplace Relations Act 1996 (Cth)*



## Programs

The Office for Women's Policy, Department for Community Development provides strategic policy advice to the Western Australian government on issues concerning women. This is done in consultation with women and in partnership with other government agencies and community groups. In spite of the programs that the government have implemented the statistics indicate that the change women need is not happening soon enough.

The Leadership and Development Section of the Office of Status of Women administers funding for a National Women's Leadership initiative and a National Women's Development Program. Work of the section includes:

- Implementation of strategies to support and work with government agencies to inform policy and practice on women's status and leadership
- Continuation of implementation of two budget measures: *Women's National Leadership Initiative* and *National Women's Development Program*
- Work with women's organisations to strengthen and support the role of the sector in identifying issues of interest to women and maximise constructive input to policy solutions

## Challenges

- A major challenge exists in eradicating the traditional perceptions of gender roles in the community and in positions of leadership
- Funding of special services for women's advancement in leadership roles and substantial participation will be difficult because current funding for women's services is not enough to meet the current demand
- Access to women mentors is reduced because women make up a small proportion on persons in leadership roles in workplaces, in the community and in government

## Our Solutions

Women need more encouragement to succeed and legislation cannot ensure all the help they need to participate and fulfill leadership roles. They need a range of support services; particularly:

- Family and partner support
- Workplace mentoring, whether in employment or politics
- Flexible work practices
- Part-time employment and job sharing without detrimental affect
- Special leave provisions
- Encouragement to return to work after maternity leave without any repercussion to their position and earning capacity
- Offered opportunities for advancement



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## **Housing and Utilities**

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### ***Our Rights***

Housing needs to be appropriate, affordable, and secure. Adequate housing is linked to: health; education (especially children's ability to stay in stable education); employment prospects; safety and connection with the community. These all suffer in the absence of adequate housing.

Affordable and consistent access to the basic utilities of water, power and waste disposal should be equally readily available to all members of the community. However, many women find that they are unable to gain this access.

### ***Our Voices***

#### **Public versus private housing**

The Auditor General, in the report 'A Roof Over Our Heads', has identified that the Western Australian Department of Housing and Works is the lowest spending public housing authority in Australia in relation to maintenance of public housing stock. The report finds that the department's maintenance budget averaged \$948 per property in 2002-2003. Based on industry practice of allocating 1.5% of property replacement costs to maintenance, a figure of \$1500 per property per year would be more appropriate. Inadequate public housing (either overly long waiting lists, or very poor quality housing stock) forces many women, especially women-headed households, into the more expensive private rental market. This creates a greater financial strain for such households, and provides no security of tenure.

#### **Home ownership**

Property prices have risen significantly over the past decade, driven in part by government incentives to invest in residential property. Structural impediments to women's equal economic status (for example low incomes; casual/part-time work; parenting responsibilities and unaffordable housing in remote regions) have put home ownership by single women and sole mothers with children out of reach for many. One woman attending the metropolitan consultation commented that her income level precluded her from getting a bank loan, but that her private rental rate was higher than the loan repayments would have been.

#### **Private rental**

Women at the metropolitan and regional consultation identified that increasing numbers of women were being forced to enter the private rental market as a result of the government decision to reduce the level of public housing stock, and the increasingly unrealistic goal of home ownership. As more first home owners buy properties, rents have become unaffordable, particularly for low-income women.



Women at the consultations also reported significant levels of discrimination in the private rental market, on a variety of different grounds including income levels (particularly for single mothers in receipt of Centrelink payments), ability, race and age (advocates in rural areas particularly noted discrimination against young women). This is despite the fact that the *Equal Opportunity Act 1984 (WA)* prohibits discrimination on the grounds of ability, race and sex (and other reasons) in relation to housing (and other matters).

The lack of appropriate housing for women with mobility impairments was also identified as a significant area of discrimination.

The negative impact of gentrification on affordable and accessible housing for women was identified, particularly for people on low incomes with complex behavioural issues who are housed in areas with poor access to essential medical or social services.

Systemic racism and re-victimisation of already disadvantaged Indigenous people was clearly identified as a key area of concern.

**Example:**

Troubled families from different regions have been moved from their place of origin into the community of Roeburne. Alleged increases in crime in near by towns have been attributed to these families. This is just one example of the systemic racism and cultural insensitivity that has increased the racism the women of this community now fight on a daily basis.

Systemic discrimination against women with mental and physical health problems, and the limitation of access to income for sex industry workers also became glaringly obvious areas of discrimination as outlined in literature searches and in anecdotal evidence from women.

The inadequate provision of affordable housing in regional, rural and remote areas was raised, together with the inadequate supply of basic utilities to some regions, especially to women in some Aboriginal communities.

**Example**

Ms M, 39 years old with two children under 18, a community worker, has been unable to find accommodation after leaving an abusive relationship. Ms M moved with her two children to the Pilbara (a remote region in the north of Western Australia) for the opportunity to work in 2001. This was the only work she was able to obtain. The family were living in the local caravan park for the first year. The lack of access to affordable housing meant cramped conditions which became untenable and finally lead to her 17-year-old daughter and 14-year-old son being forced to return to Perth, over 1000kms away, thus breaking up the family.



## Lone parents with dependent children, by tenure, WA

Lone parents with dependent children

Male	10,608	12%
Female	76,804	88%
Total	87,412	100%

Children < 15 in lone parent households

Male parent	7,842	11%
Female parent	63,079	89%
Total	70,921	100%

Lone parent households headed by women renting or purchasing

Home purchasing	1,939	7%
Renting	26,474	93%
Total	28,431	100%

Source: ABS, Census of population and Housing 2001: extended community profile

## Out of sight out of mind?

Commonly forgotten and impoverished, many Western Australian women reside in the regions above the 24<sup>th</sup> Parallel, commonly known as the Pilbara, Kimberly, and Gascoyne regions. Many of these women are Aboriginal women. Ironically these are also the regions which produce billions of export dollars every year. Many rich natural resources such as natural gas, iron ore, gold, salt and oil are found in and around these regions. Yet a chronic lack of access to safe, affordable housing and essential services for women and children throughout the region since the arrival of these large multinationals is accepted. Sub-standard housing public housing is often the norm, rather than the exception.

### **Example**

Nowhere is there a more stark comparison in quality of subsidised housing than in the areas of Karratha, Roebourne and Dampier. Women and their families in Roebourne public housing endure temperatures in excess of 40 degrees in summer without relief of air conditioning, in overcrowded asbestos houses, many in desperate need of repair surrounding the local neglected cemetery. Yet only an hour's drive away government subsidised housing is air conditioned, freshly painted for the government workers who work in the region. In the Dampier area only 20 minutes up the road the mine staff are housed in housing with 180 degree views of the sea, tree lined and greened environment with air conditioning units in every housing unit.



## Indigenous women

Whilst it is unlawful to discriminate on the ground of race in the area of accommodation under the *Equal Opportunity Act 1984 (WA)*<sup>7</sup> it is acknowledged that such practices are experienced by Aboriginal women on a daily basis.<sup>8</sup>

According to recent findings of the Australian Bureau of Statistics it is indicated that 65.5% of Aboriginal and Torres Strait Islanders rent in contrast to 25% of non-indigenous people. According to one of the original founding administrators of the Woodside gas plant in the northwest (which is contentiously looking to expand its operations into sacred land of the original and local custodians), 15 million dollars in gas travels throughout the gas line per day and as few as 7 staff have been known to operate this plant on night shift. Extraordinary profits are made, while little is contributed in the long-term to the regional communities.<sup>9</sup>

The government appears to be a complicit partner in facilitating in a socially non-sustainable future as these mining organisations are not required to pay land rates like any other local land owner.

Public housing has offered negligible contribution to the housing needs of women throughout the region. Public housing tenants have reflected a worn out acceptance at the state government housing authority, who, without investigation, ignored maintenance requests made by tenants for weeks.

It is common knowledge among the local women of the Karratha, Roebourne and Dampier regions that the high acidity of the water in the region has eaten through many household water pipes. This puts women in these regions, who have a lower earning capacity than their male counterparts (see table1), at a higher risk of losing water supply due to the inability to pay related costs of ensuring continued access.

### **Example**

In Kununurra a tenant received a water bill for approximately \$7,500. The local housing authority claimed the most probable reason was the high 'possibility' family members had left taps running for hours or days. Maintenance requests from the tenant had been ignored. Evidence from a private plumber allowed the Magistrate in this case to find in favour of the tenant.

Women commonly reflected that they were both the primary carer of children and vulnerable adults for whom access to clean, safe drinking water was essential. Many bills and rental properties were also in their names and so they were the ones who carried the debt and the blame when essential utilities were cut off.

The Ord River is one of the richest natural water resources available to people in the Kununurra region. However several women reflected that the only water they are allowed to access is acquired from underground water sources which are paid for at premium cost with minimal quality.



### **Example**

An Indigenous woman with five children was living in a house that had been declared uninhabitable by local council. The repairs were not completed and the tenant vacated. Three years later she was requested to pay the outstanding three years' rent. The housing body claim to have documentation verifying that the condemnation was lifted though this has not been produced to the advocate to date.<sup>10</sup>

Women noted that the lack of understanding of women's diverse experiences left many women feeling dehumanised when subject to 'the system'.

## **Women in the sex industry**

These women were recognised as having particular needs, which were not adequately addressed under current programs.<sup>11</sup> Women disclose that the most common reasons reported for entering the industry are economic.<sup>12</sup> Whilst the *Residential Tenancies Act 1987 (WA)* can protect the privacy of tenants in relation to landlord access to the property, many basic civil rights and related protections are not afforded to sex industry workers within Western Australia.

## **Our Situation**

At a structural level, the inadequate level of funding provided to address women's housing needs, in particular for feminist housing services, was identified as a key government failing. There was a perception that government ran housing programs as a business, and sought profit from the venture.

In the pre-election period the current Government promised \$10m to community housing over a four-year period however this funding has not eventuated.

The Commonwealth State Housing Agreement currently under negotiation is unlikely to include a component for GST compensation. In the event that the commonwealth's current offer is accepted by the State Government, provision will need to be made to ensure that social housing provision does not suffer.

## **Legislation**

- *Residential Tenancies Act 1987 (WA)*
- *Equal Opportunity Act 1984 (WA)*
- *Caravan Parks and Camping Grounds Act 1995 (WA)*
- *Housing Act 1980 (WA)*
- *Housing Agreement (Commonwealth and State) Act 1990 (WA)*
- *Social Security Act 1991 (Cth)*

## **Government housing programs**

The Supported Accommodation Assistance Program (SAAP) is the government response to homelessness in the Australian community, which focuses on short-term and transitional housing needs.



Women constitute the majority of people entering SAAP services. Many cite domestic violence as the reason for entering the service, and many children accompany their mother/primary carer into an SAAP service.

By failing to address the systemic causes of homelessness and domestic violence, SAAP services fail to provide a sustainable and long-term solution to either.

## ***Our Solutions***

- An increase in spending on maintenance of public housing stock, together with a commitment to maintain public housing to an acceptable standard
- An increase in public housing stock to reduce waiting times, and to provide appropriate housing for the diverse range of family structures and individual needs
- Mandatory government provision of basic utilities and services to all households in the state
- Implement a 'Utilities Assistance Scheme' for Health Care Card and Pensioner Concession Card Holders consistent with the Victorian Utilities Relief Grant Scheme. The Scheme will operate in addition to existing concessions and rebates and assist those most vulnerable to disconnection. (Cost: \$1 million)
- Provide resources to enable representation of the community in policy development and utilities reform. (Cost: \$50,000)
- Fund research into the social impact of utility policy in Western Australia to enable a more adequate contribution to the sustainability of utility policy. (Cost: \$50 000)
- Implement a 'Customer Service Code' to be included in the licence for all utilities to ensure protection of all consumers particularly in relation to utility credit control practices

## **Health**

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### ***Our Rights***

Women and children are the major users of primary health services.

"To have a good chance of a long and healthy life, there are minimum requirements that every health care system should meet equitably. These are: access to quality services for acute and chronic health needs; effective health promotion and disease prevention services; and appropriate responses to new threats as they emerge.

New threats will include emerging infectious diseases, but also long-term shifts such as the growing burden of non-communicable diseases and injuries and the health effects of environmental changes. These challenges must be met simultaneously, inclusively and sustainably at the same time as underlying determinants of health are improved."<sup>13</sup>



In addition, through the course of the Western Australian consultations it became clear that positive health outcomes are inextricably linked with housing, education, income, violence against women, and decision making power within the community. Women's health depends upon the protection and promotion of all of these rights.

## ***Our Voices***

### **Health care services**

Women clearly expressed the need for local, community based health care services designed specifically for women. There are very few such services, especially outside the metropolitan area.

The lack of services altogether in many regional rural and remote communities was an obvious and long-standing concern for many women.

Many women have to leave their homes simply to obtain even the most basic treatment. For frequently needed specialist services such as obstetrics and gynaecology, many women are forced to remain away from their homes for extended periods of time. In the event that health care services are available in regional, rural, and remote areas, there is certainly a lack of choice of service providers.

#### ***Example***

A woman who lived over 600 kilometres from Perth was distraught when she realised that her pregnancy test was positive. The cost of the termination (available only to be done in Perth) was \$150; the cheapest accommodation for two nights was \$160; bus fare \$80; food and transport to the clinic came to \$70, totalling \$510. She is a single mother who, in addition, would have to find accommodation, food and childcare for her children. This total cost forced her into having the child. She did not have adequate access to medical services just because she did not live in the capital city. Having the child has now placed this woman in further debt and stress where she struggles on a daily basis.

Many women expressed the preference for female doctors, particularly women from culturally diverse backgrounds. However, as only 33.4% of general practitioners (GPs) in Western Australia are women<sup>14</sup>, this preference frequently cannot be accommodated.

The reported increasing scarcity of bulk-billing GPs is forcing women on low incomes to either travel to a GP who will bulk-bill, attend a hospital emergency room, or not seek necessary treatment for themselves or their children. This is a significant barrier to access to primary health care to women on low incomes.

### **Indigenous health**

In 2000, the life expectancy of Indigenous women in Western Australia at 68.8 years, was 14.2 years less than for all other women in the state.<sup>15</sup>



For many Indigenous women, lack of access to adequate housing, utilities such as water, electricity, and sewerage, reliable transport, and sufficient income support are all barriers to accessing health care services and maintaining treatment regimes.

Some Indigenous women also reported the additional barriers of language, and lack of culturally appropriate health care services and health education materials.

## **Health promotion and preventative care**

Easily accessible preventative care, such as cancer screening, is essential. This is currently not easily or affordably accessible for some women, particularly those who are isolated by geography, language or ethnicity.

Beyond health care services, women expressed the need for community-based education programs, promoting women's health. Glossy brochures and television ads are not that useful. Programs that are community-specific, that women can participate in, and that include related issues like housing and domestic violence, are needed.

## **Family planning**

Women expressed particular concerns about the imposition of politicians' personal morality in the provision of family planning services, including access to a choice of forms of birth control, childbirth and the development and delivery of useful community education programs. The concern was especially acute in relation to young women, and women with disabilities.

### ***Example***

Health worker with a program used extensively and successfully throughout schools to talk about reproductive health is denied access to a large percentage of Western Australian young women with reproductive capacity due to the religious beliefs of some educational facilities.

Sadly the inability to raise the issue of birth control other than rhythm method puts young women at serious risk of sexually transmitted infections as well as pregnancy. These institutions can legally, as religious educational facilities, currently preclude young women from accessing any information which may be deemed inappropriate by the institution. This imposition of individual religious/moral belief systems also potentially affect the availability of artificial insemination in vitro fertilisation services to single women and lesbians.

The lack of access to culturally appropriate services and resources adversely affect many Indigenous women and children.

## **Mental health**

The stigma that still attaches to mental illness works to silence many women, who are reluctant to speak about their experiences of the mental health system.



In Western Australia under the *Mental Health Act 1996* (WA) persons can be forcibly taken from their home, detained in hospital against their will, and be given non-consensual treatment (usually medication) if a psychiatrist determines that they satisfy a criteria for 'involuntary status' due to mental illness. In 1991 the United Nations adopted the Principles for the Protection of Persons with Mental Illness and for the Improvement of Mental Health care (UN Principles), which set out the basic human rights of persons living with mental illness, particularly those being detained by state authorities on the grounds of their illness. In 1997, the Australian Health Ministers' Advisory council endorsed a 'Rights Analysis Instrument' which had been prepared for the purpose of measuring the compliance of state and territory mental health legislation with the UN Principles. When the Instrument was applied to the mental health laws in Western Australia, they were found to lag behind nearly every other jurisdiction in Australia in terms of their compliance with the UN Principles.<sup>16</sup>

Women saw the need to secure funding for women-specific services as a priority, as a way of assisting women to redress the particular powerless experienced by those caught up in the mental health system.

### **Lack of access to decision makers**

Women saw themselves as having little access to the powers or authorities who made decisions on such crucial issues as:

- Which public health programs and services to fund
- Funding levels for public hospitals
- Funding for regional rural and remote health services
- Subsidisation of medication (the pharmaceutical benefits scheme)
- Medicare – the rate paid to doctors, and therefore how many can bulk bill

The vast majority of women consulted were not aware of their rights to follow up concerns or complaints about health care services.

## ***Our Situation***

### **Legislation and programs**

- *Mental Health Act 1996* (WA) – currently under review
- *Criminal Law (Mentally Impaired Defendants ) Act 1996* (WA)

Health policy and delivery is generally the responsibility of state governments, although there are funding arrangements between the federal and state government to ensure that tax revenue is distributed equitably. The federal government administers the Medicare scheme.<sup>17</sup>



## ***Our Solutions***

- The development and implementation of a recruitment and retention plan for women doctors, both general practitioners and specialists
- Increased number of accessible bulk-billing doctors statewide
- Ongoing resourcing and support for advocacy to protect the rights of health consumers
- Enforce the obligation of all Western Australian health services ensure clients are aware of their right to accessing quality health care and the reporting options available for raising health service concerns
- Exclude the right of any educational institution to deny any woman of reproductive age access to all available information and support options that may impact on their future sexual health

## **Education**

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### ***Our Voices***

#### **Women with disabilities**

Women with disabilities are limited in their educational opportunities by the nature of the institutions they attend and by the programs offered. The education and training of people with disabilities has often occurred within the segregated environment of the special education system, sheltered workshops and activity therapy centres.

The lack of flexible, adaptable and innovative learning environments that are accessible to women with a range of abilities limits the choices for many women with disabilities.

#### **Indigenous women**

The Royal Commission into Aboriginal Deaths in Custody noted that Indigenous education is characterised generally by lower levels of success, lower levels of achievement, lower retention rates and inadequate education. It felt that low levels of attendance and low retention rates were a reflection of the widely held Indigenous perception that the education system is irrelevant and inappropriate to their needs.<sup>18</sup>

According to the 1996 census<sup>19</sup>, almost 3 per cent of Aboriginal and Torres Strait Islander people aged 15 years or more had never attended school, compared with less than 1 per cent of the total population of Australia. Females, both Indigenous and non-Indigenous, are less likely than their male counterparts to have a post-school qualification. Less than 10% of Indigenous women have post-school qualification, the lowest of any group.<sup>20</sup>

Aboriginal people consistently raise their concerns that schooling outcomes for their children are woefully inadequate. Aboriginal cultural customs, values and codes of behaviour are an essential part of the lives of Aboriginal people. Yet they are obliged to send their children to mainstream schools where these customs, values and codes are usually ignored. Not only the teaching style, but the very cultural basis and assumptions of



the schooling is often inconsistent with their cultural background.

Indigenous women at the consultations reported their experiences of schooling taking away children's Aboriginality.

They spoke of extreme racism in schools where teachers are not equipped to teach Aboriginal children – some are both culturally ignorant and racist - and suggested that it should be compulsory for teachers to take at least one Aboriginal studies unit in their degrees.

The mainstream education system doesn't recognise that Australia is not an English speaking country, and for Aboriginal children meaning can often be lost in translation.

The cost of continuing and further education puts it out of the reach of many Indigenous women and their children. Women demanded that education be free for everyone.

## **Access**

A century ago, women campaigned for the right to enter universities; today they have to campaign to be allowed to stay. The Higher Education Contribution Scheme (HECS) has undermined women's access to university, as the majority of women defer paying university fees until they are earning. Studies have shown that one in four women will still be paying their HECS debt off at the age of 65, compared with only 1 in 25 men. The difference is a direct result of the disparity in wages and earning capacity between men and women. This disparity will increase as more women are forced into part-time or casual positions, unless significant changes are made. The new optional increases introduced by the federal government dictates that the HECS debts will increase and repayment threshold is a minimum wage earned by the vast majority of women in the workforce, this will therefore encourage women to live in poverty as they pay off their HECS debt.

## ***Our Situation***

### **Legislation**

*Equal Opportunity Act 1984 (WA)* is intended to eliminate discrimination in education and employment on the grounds of sex, marital status, or pregnancy.

### ***Our Successes***

The Conductive Education Association of Western Australia Inc. is a chapter of the National Association for Conductive Education and a non-profit, incorporated, parent-run organisation. The mission of the Conductive Education Association of Western Australia (Inc) is to assist in the development of children with motor impairments through the promotion of Conductive Education The mission will be carried out by:



- Establishing a regular and permanent Early Intervention Conductive Education program in the Perth Metropolitan Area for children with motor impairments, for example, cerebral palsy
- Educating the public, the government school system, government school system, government officials and the medical community in the benefits of Conductive Education's holistic therapies and educational approach
- Raising funds and attracting program sponsors in order to support the implementation of Conductive Education programs

The organisation received funding from Commonwealth Programs Special Education Children/Students with Disabilities Non-Government Centre Support Non-School Organisations, funding initiative. The ultimate aim of the Conductive Education Association (WA) is to have Conductive Education available as an option, in early intervention and for school aged children, no matter where they are receiving their education, whether it is in an inclusive or segregated setting.

## ***Our Solutions***

All members of the Ministry of Education have a responsibility to ensure that the objectives of the social justice in education policy are met, by:

- Providing guidelines which assist schools in priority setting and program development which is gender inclusive and is relevant to their particular context
- Providing all staff with education about the issues, policies and practices of discrimination
- Funding Aboriginal studies – culture and language – and making it mandatory
- Assisting schools to develop projects and strategies that will ensure that gender is irrelevant or not limit female access to subject choice based on their traditional gender roles
- Exploring single sex groupings as a strategy to allow boys greater experiences in traditional female subjects and similarly, giving girls exposure to subjects geared traditionally toward boys
- Providing pregnant girls and teenage mothers with specific programs to prepare and encourage them to return to study
- The federal government needs to rethink its approach to university fees arrangements and prevent women from living in poverty to pay off their HECS debt



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## **Employment and Economic Security**

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### ***Our Rights***

The decentralisation of the labour market has led to an increased casualisation of the workforce, with women making up the majority of casual workers. It has also led to a concerning increase in contract work. This has particularly been the case in female dominated areas of work such as cleaning. The advent of enterprise bargaining has disadvantaged some women, who have reported needing to trade off wages for flexible hours. The fact that women in Western Australia earn less than women elsewhere and Western Australia has the largest gender pay gap in the nation is a major issue. Other workplace issues include increasing incidents of unreasonable hours including extended hours and situations such as split shifts.

Many concerns raised by women arise from the difficulty of balancing work and family life. Western Australian women have mentioned the difficulties of accessing affordable childcare; the lack of entitlements for parental leave; the lack of promotional opportunities for women who take time out of the work force to have children, or who work part-time; and the negative attitudes displayed by many employers towards women who try to balance work and family life.

Indigenous women had particular concerns in areas where discrimination against women in the work place intersected with the racism they were subject to in every aspect of their lives, and the lack of educational opportunities afforded them.

### ***Our Voices***

#### **Pay equity**

Western Australia continues to have the biggest gender pay gap in Australia. Women in Western Australia earn around 24% less than men in Western Australia, while Australian women earn 16% less than their male counterparts. Contrary to the national trend, the situation for Western Australian women has been worsening. One reason for this may have been the proliferation of individual workplace agreements as well as increasing insecure forms of employment with a greater percentage of women working casual and part-time jobs. Other states in Australia have begun to address this issue by introducing a pay equity principle which allows wage rates for female dominated industries to be modified on the basis that the rates have been suppressed due to gender discrimination. The wages and financial security of women in the workforce also affects their financial security in retirement. Lower wages for women will continue to be an issue after active participation in the workforce has ended. Women's capacity to perform within the superannuation system is significantly constrained by: their traditional roles as care givers; broken work patterns; and their concentration in low paying jobs, many of a part-time/casual nature. It is probable the majority of women will be poor in retirement, partially a consequence of their workforce experience.



## **Casualisation**

The casualisation of the workforce is a major challenge facing the community and featured as a major concern for many women we consulted. Casual workers now make up over 25% of the workforce in Australia, and women are the majority of casual workers with casual work prevalent in many female dominated areas. Many of the new jobs created since the 1990s were casual and poorly paid, and the trend remains. Casual workers experience job and income insecurity and many casual workers remain in casual work for the majority of their working life. An increasing number of casual workers work regular hours for the same employer and yet have no paid leave entitlements or security of tenure.

## **Unreasonable hours including extended hours, split shifts**

Australia now has the second longest working hours of OECD countries. Women have also commented that as well as long hours, unreasonable hours such as split shifts are a major concern. The inability to plan your time effectively, including childcare responsibilities, is a major consequence of unreasonable working hours. There is a link between the casualisation of the workforce and unreasonable hours. Many casual workers, including women, have no job security and thus are in a difficult position to demand more reasonable hours.

## **Work/life balance**

Managing the work/life balance as well as women's access to the paid workforce continues to remain a potent issue in the community. Western Australia has no scheme of private sector paid parental leave. Other issues of concern for women in managing the work/life balance includes the need for genuine flexibility in their workplaces such as the ability to work flexible hours, entitlements to carer's leave and leave for family emergencies and flexibility around annual leave, such as for the purposes of school holidays. Another very important issue is the right to return to work on a part time basis after parental leave. The refusal to allow women to return to work on a part time basis after parental leave has been considered to be indirect discrimination but continues to be a very real concern for many women. The lack of an entitlement to parental leave is also a important issue for many casual workers, particularly those who have worked for the same employer for a number of years with consistent hours of work.

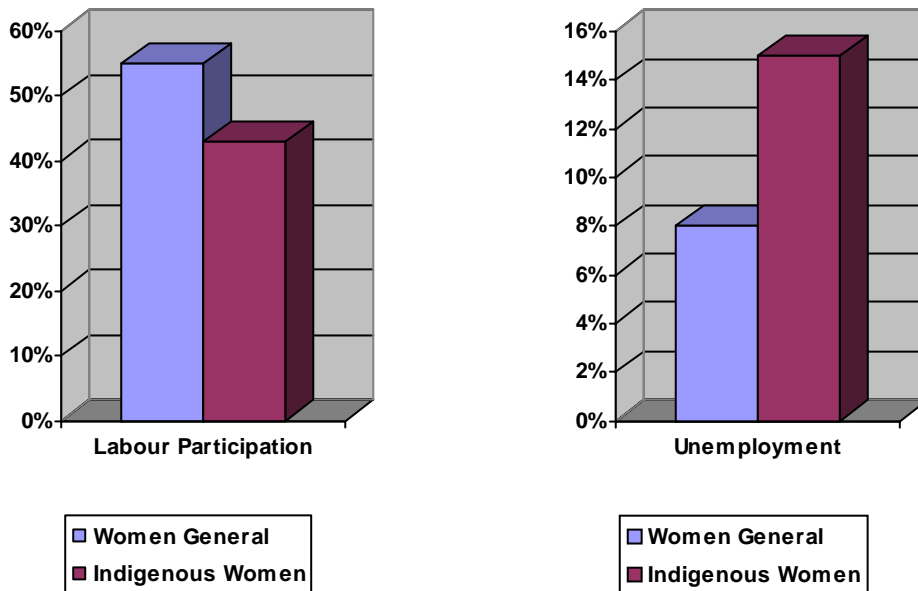
## **Indigenous women**

Indigenous women highlighted the complex intersection between all the issues raised above, and their experiences of racism in every facet of their lives. Women commented that their primary employment concerns are: Firstly the high unemployment rates for Indigenous women, who lack opportunities to break into paid employment and discrimination by employers.

Secondly, the exploitative Community Development Employment Projects (CDEP) where cheap Indigenous labour has been used as a 30-year 'stepping stone' to jobs that do not exist. This 'work for the dole' program often provides very little by way of useful job skills, but assists in improving the unemployment statistics. Indigenous women remain welfare



dependent, and wondering why if there is enough work for CDEP positions, there is not enough work for ongoing permanent employment.



Thirdly, the lack of recognition and remuneration for Indigenous women as knowledge specialists. Women talked about the frequency of ‘consultants’ working with and depending upon local women. Knowledge is transferred out of the community; nothing is brought back to the community. However, the consultants get paid significant amounts, and perhaps base academic qualifications on the work they do. The local women do not get recognition or payment for their work.

## ***Our Situation***

### **Legislation**

The two key pieces of legislation are:

- *Industrial Relations Act 1979* (WA)
- *Minimum Conditions of Employment Act 1993* (WA)

The *Industrial Relations Act 1979* sets out the industrial relations framework for the state including provisions relating to the making of awards and agreements and regulating industrial issues in the workplace. The *Minimum Conditions of Employment Act 1993* sets out a series of minimum conditions of employment that apply to all employees in Western Australia regardless of their instrument of employment. The minimum conditions contained in the Act include matters such as minimum wages, annual leave, sick leave, bereavement leave and 12 months’ unpaid parental leave. While not containing any directly discriminating provisions, these Acts could be improved to address many of the issues discussed above.



## **Challenges**

The key challenge is to enhance and protect women's working conditions in an increasingly hostile industrial relations environment, particularly at the federal level. Women are particularly vulnerable given their prevalence in casual employment and the level of sex segregation in Australian occupations and industries. The casualisation of the workforce is a huge challenge for the Western Australian community. Casualisation and the fact that the majority of casual employees do not choose to be casual detrimentally affects wage outcomes and leads to lesser conditions of employment including few leave entitlements and unreasonable hours. Increased job security and genuine flexibility in the workplace are what women want and need to be active and full participants in the workforce and to maintain economic security.

## ***Our Solutions***

- The *Industrial Relations Act 1979* needs to be amended to ensure there is a mechanism for women to take pay equity matters to the Industrial Relations Commission
- The *Minimum Conditions of Employment Act 1993* should be amended to enhance and protect the entitlement of casual workers. Such amendments could include entitlements for long term casual workers to convert to permanent employment, increase the casual loading which is currently 20% to 25% and provide parental leave to long term casual employees
- The parental leave entitlements in the *Minimum Conditions of Employment Act 1993* should also be enhanced by providing at the very least an entitlement to return from parental leave on a part time basis. Further amendments could include extending unpaid parental leave to 24 months and including a scheme of paid parental leave
- Amendments to the *Industrial Relations Act 1979* and the *Equal Opportunity Act 1984* could be made to allow for discrimination and industrial matters to be heard together in appropriate circumstances



## Endnotes

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