



Convention on the Elimination of All Forms of Discrimination against Women

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Committee on the Elimination of Discrimination against Women

Ninth periodic report submitted by Australia under article 18 of the Convention, due in 2024*,**,***

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* The present document is being issued without formal editing.

** The present document was submitted pursuant to the simplified reporting procedure. It contains the responses of the State Party to the Committee's list of issues prior to reporting (CEDAW/C/AUS/QPR/9).

*** The annex to the present document may be accessed from the web page of the Committee.



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Introduction

1. Australia welcomes the opportunity to submit its ninth periodic report (periodic report) under the *Convention on the Elimination of All Forms of Discrimination against Women* (CEDAW) to the Committee on the Elimination of Discrimination against Women (Committee). The periodic report outlines measures implemented in Australia to advance gender equality and responds to the Committee's list of issues provided on 6 March 2023.

2. Australia is committed to being a global leader on gender equality and putting gender equality at the heart of policy and decision-making. Australia has made progress to achieve gender equality over the last 40 years.¹ The Australian Government's (the Government)² reform agenda is being delivered in partnership with state and territory governments, in consultation with the Australian public, civil society and First Nations communities.³

3. Australia's first national strategy to achieve gender equality, *Working for Women: A Strategy for Gender Equality* (Working for Women), was released in March 2024 to guide Government and whole-of-community actions to achieve a gender-equal society by 2034. Working for Women priorities include gender-based violence (GBV); unpaid and paid care; economic equality and security; health; leadership, representation and decision-making.

4. Working for Women complements other Government efforts to achieve gender equality, including the *National Plan to End Violence against Women and Children 2022–2032* (National Plan), *National Women's Health Strategy 2020–2030* (National Women's Health Strategy) and state and territory gender equality plans.

5. Rates of violence against women in Australia have remained high over recent decades, despite increased national efforts. In October 2022, the Government with state and territory governments released the National Plan to guide action to end violence against women and children in one generation. The National Plan includes the *First Action Plan 2023–2027* and development of a standalone *Aboriginal and Torres Strait Islander Action Plan 2023–2025* (Aboriginal and Torres Strait Islander Action Plan) in partnership with the Aboriginal and Torres Strait Islander Advisory Council on family, domestic and sexual violence.

6. Women's economic equality has improved, with increases to women's workforce participation, growth in women's level of educational attainment, reductions in the gender pay gap and narrowing the retirement income gap. In August 2024, Australia achieved a record low gender pay gap of 11.5 per cent. Legislative, policy and structural reforms include:

- Reintroducing gender-responsive budgeting and gender impact assessments to the federal Budget process, requiring policymakers to consider gender impacts of all new proposals;
- Extending the Government's Paid Parental Leave (PPL) scheme, and increasing its flexibility, accessibility and gender equity, acknowledging both parents play a role in caring for children;

¹ Australia's Status of Women Report Card 2024, <https://genderequality.gov.au/status-women-report-cards/2024-report-card> <https://genderequality.gov.au/status-women-report-cards/2024-report-card>.

² 'The Government' refers to the Australian Federal Government.

³ Indigenous people, First Nations people and Aboriginal and Torres Strait Islander people are used interchangeably.

- Amending the *Workplace Gender Equality Act 2012* (Cth) (WGE Act) enabling the Workplace Gender Equality Agency (WGEA) to publish the gender pay gap of employers with 100 or more employees at a national, industry and occupational level;
- Improving early childhood education and care affordability and investing in childcare accessibility for First Nations families;
- Investing to better value paid care work and feminised industries, through reforming aged care, early childhood education and care, veterans' care and disability support, to create a sustainable and productive care and support economy that delivers quality care and support with quality jobs;
- Banning pay secrecy, legislating statutory equal remuneration principle and establishing an Expert Panel on Pay Equity in the national Fair Work Commission under the *Fair Work Act 2009* (Cth) (Fair Work Act);
- Establish entitlements to paid family and domestic violence (FDV) leave;
- Prohibiting discrimination against employees on the basis of gender identity, intersex status, breastfeeding and subjection to FDV.

7. Gender equality in Australia cannot be achieved without reconciliation and equality for First Nations women, girls and gender-diverse persons. The Government is committed to working in partnership with First Nations women, aligned to Priority Reforms under the *National Agreement on Closing the Gap* (Closing the Gap). First Nations women lead a body of work to address their unique lived experiences of racism and gender inequality, including the *Wiyi Yani U Thangani (Women's Voices): Securing Our Rights, Securing Our Future Report* (Wiyi Yani U Thangani), the Wiyi Yani U Thangani Change Agenda for First Nations Gender Justice, its Implementation Framework and Change Agenda; and the Aboriginal and Torres Strait Islander Action Plan under the National Plan.

8. Australia pursues gender equality in foreign policy, international development cooperation, humanitarian action, trade and security efforts. Australia's International Development Policy has a target that 80 per cent of overseas development investments address gender equality, and all investments over \$3 million have a gender equality objective.

Australia's system of government

9. The Constitution of Australia prescribes a federal system of government in which powers are distributed between the Commonwealth and the states. Under Australia's system of government, powers are distributed between:

- Commonwealth Government;
- 6 state governments: New South Wales (NSW), Queensland (QLD), South Australia (SA), Tasmania (TAS), Victoria (VIC), Western Australia (WA);
- 2 self-governing territory governments: Australian Capital Territory (ACT) and Northern Territory (NT);
- 537 local government councils.

10. Australian governments work together to progress gender equality. The periodic report focuses on the Government's actions at a national level and, where relevant, outlines state and territory measures.⁴

⁴ See Australia's Common Core Document – <https://ohchr.org/HRI/CORE/AUS/2023>.

Preparation of the periodic report

11. The Government undertook public consultation in developing the periodic report – see Annexure A.

12. The Government also funded Australia's National Women's Alliances to develop an independent shadow report.

Question 1: Women's rights and gender equality – the pandemic, recovery efforts and global crises

13. The Government's response to COVID-19 involved development of national health strategies and plans, that considered the diverse health needs of Australians.⁵ Recognising COVID-19 would exacerbate existing gender inequalities and violence against women in Australia, the Government implemented measures to guard against backsliding on gender equality and women's empowerment, and future-proof against other global crises.

Health response

14. The Government implemented health-related initiatives targeted to women:

- \$11.4 million to the Multicultural Centre for Women's Health (March 2022 to February 2024) to establish Health in My Language programs, delivering COVID-19 vaccine information and health education to culturally and linguistically diverse (CALD) people in their languages;
- \$9.7 million to BreastScreen Australia in 2022 for surge capacity to support women who missed or delayed breast and cervical cancer screening due to COVID-19.

15. Australia assessed its national capacity as 'high' (score: 5/5) against International Health Regulations Indicator C1.2 – gender equality in health emergencies – in the 2022 States party self-assessment annual reporting tool.⁶ Contributors include:

- The Government expanded its approach to gender budgeting. Since 2023-24 gender-responsive budgeting has been embedded across the budget process. All government agencies are required to conduct gender analysis on new policy proposals.

16. The *Australian National Action Plan on Women, Peace and Security 2021-2031* notes humanitarian crises disproportionately affects women and girls, with 60 per cent of maternal mortality occurring in humanitarian and fragile settings.⁷ Government actions adopts a gender-responsive approach to resilience, relief and recovery in humanitarian action, stabilisation, development and disaster management. Including engaging men and boys in protecting and advocating for the rights and inclusion of women and girls in humanitarian assistance.

⁵ Australian Health Sector Emergency Response Plan for Novel Coronavirus (COVID-19) and the National COVID-19 Health Management Plan for 2023. Australia was one of the first countries in the world to recognise the mental health impacts of the pandemic and develop a *National Mental Health and Wellbeing Pandemic Response Plan*, released in May 2020.

⁶ World Health Organization <https://who.int/capacity-score>.

⁷ UNFPA, Trends in Maternal Mortality: 1990-2015 – estimates by WHO, UNICEF, UNFPA, the World Bank and the UN Population Division, United Nations, New York.

Financial support

17. Women were more likely to experience economic insecurity during COVID-19 due to factors including existing labour market inequalities, disproportionate share of unpaid care and domestic work, and female-dominated industries being most affected by health restrictions.

18. The Government delivered a series of economic support during COVID-19 that benefited women, including:

- JobKeeper Payments: the largest fiscal measure in Australia's history, operating between March 2020 and March 2021 to support businesses and households with temporary/targeted payments. On average, 55 per cent of JobKeeper recipients were men and 45 per cent were women, compared with men and women's pre-pandemic shares of employment of 52.9 per cent and 47.1 per cent respectively;⁸
- 'Coronavirus Supplement', provided as an additional top-up for new and existing recipients of select social security payments, approximately 54 per cent of recipients were women;
- Economic Support Payments to eligible social security recipients, Family Tax Benefit Recipients, veterans, income support recipients and concession card holders. 58 per cent of first payment recipients were women and 60 per cent of second payment recipients were women;
- COVID Disaster Payments: supported around 2 million Australians with over \$9 billion in payments, particularly in the later stages of the pandemic. The temporary payment began once a state reached 70 per cent full vaccination of its population (16-years and older).

Women's safety

19. COVID-19 coincided with the onset or escalation of physical and sexual violence against women by a current or former cohabiting partner. Groups more likely to experience this included First Nations women, young women aged 18 to 24, women with a restrictive health condition, women with disability, pregnant women, migrant and refugee women (including those on temporary visas), and women experiencing financial stress.⁹

20. The Government provided \$130 million to state and territory governments in 2020 under the National Partnership on COVID-19 Domestic and Family Violence Responses, for support services for women and children experiencing or at risk of violence during COVID-19. The Government provided \$260 million to the National Partnership in 2021-23, a further \$159 million for 2023-25, and will invest an additional \$351 million over the next 5 years on a renewed National Partnership Agreement on Family, Domestic and Sexual Violence Responses to frontline services. Government funding to states and territories for frontline violence services continued during this time.

⁸ See, <https://treasury.gov.au/Independent-Evaluation-ofthe-JobKeeper-Paymentss.pdf>
<https://treasury.gov.au/sites/default/files/2023-10/p2023-455038.pdf>.

⁹ Australian Institute of Criminology, 'Who is most at risk of physical and sexual partner violence and coercive control during the COVID-19 pandemic?', February 2021,
https://www.aic.gov.au/report_physicalandsexualpartnerviolence_covid-19.pdf.

Responses to future crises

21. The Government's COVID-19 Response Inquiry¹⁰ (report delivered October 2024) reviewed the Government's response and identified opportunities to improve Australia's preparedness for future pandemics. The inquiry considered mechanisms to better respond to the needs of groups, across genders, age, disability, socio-economic status, geographic location, First Nations and CALD communities.

22. The Government is committed to a gender-responsive approach to climate change, disaster and crisis mitigation, preparedness, response and recovery efforts including leadership and advisory positions. Future disaster management arrangements must be inclusive and provide opportunities for diverse representation and meaningful governance participation.

Question 2 and 3: Legislative and institutional framework

Reservation to CEDAW Article 11(2)

23. Australia is reviewing its reservation to CEDAW Article 11(2), noting the existence of and recent reforms to Australia's legislated PPL scheme.

24. Australia's national, federally funded PPL scheme introduced on 1 January 2011, provides eligible working parents access to a payment for taking time off work to care for an infant or newly adopted child. Eligibility factors include income, a work test and residency rules.¹¹

25. The Government has modernised Australia's PPL scheme, key reforms include:

- Expanding access from 20 weeks by 2 weeks annually from 1 July 2024, until it reaches 26 weeks per family from 1 July 2026;
- Making the scheme more gender neutral so either parent can claim first;
- Introducing 'reserved leave' from 1 July 2023, increasing by one week annually from 1 July 2025. By 1 July 2026 each parent will have 4 weeks of entitlement for exclusive use. The remaining 18 weeks can be shared;
- Legislating payment of superannuation on its PPL scheme for births or adoptions from 1 July 2025, to reduce gendered gaps in superannuation balances at the time of retirement.

26. The Government's PPL scheme is in addition to employer-funded PPL schemes operating through statutory entitlements, enterprise agreements and workplace policies. Approximately 63 per cent of Australian employers with 100 or more employees offer independent PPL; with 86 per cent of them pay superannuation on that leave; 33 per cent offering PPL regardless of gender:

- Under the National Employment Standards, employees in the national workplace relations system are entitled to unpaid parental leave and related entitlements. Each parent can take up to 12 months unpaid parental leave or up to 24 months if their employer agrees. Neither is affected by how much leave their partner takes.

¹⁰ Department of the Prime Minister and Cabinet, 'COVID-19 Response Inquiry Report, 29 October 2024, <https://www.pmc.gov.au/resources/covid-19-response-inquiry-report>.

¹¹ Who can get Parental Leave pay – July 2023, <https://www.servicesaustralia.gov.au/who-can-get-parental-leave-pay-for-child-born-or-adopted-from-1-july-2023>.

Legislative amendments following previous concluding observations

27. In 2017, the *Marriage Act 1961 (Cth)* (Marriage Act) was amended to enable same-sex couples to legally marry in Australia. Same-sex marriages represented 6 per cent of all marriages in 2018, 5 per cent in 2019, 4 per cent in 2020 and 3 per cent in 2021.¹²

28. The *Crimes (Domestic and Personal Violence) Act 2007* (NSW) has undergone amendments to ensure the safety and protection of victim-survivors in domestic violence situations are at the forefront of police response. Commencing between March 2020-2021, amendments include:

- Extending the default duration of Apprehended Personal Violence Orders (APVOs) from one-2 years (s79A);
- Clarifying Apprehended Domestic Violence Orders (ADVOs) may be sought and made for an indefinite duration in severe cases (s79B);
- Requiring ADVOs be made against adult offenders sentenced to a prison term with a duration 2 years longer than their prison sentence (s39(2A) and (2C));
- Stipulating matters the court is to consider when determining duration of an ADVO (s79A(3));
- Clarifying police powers to vary Apprehended Violence Orders conditions in urgent circumstances (provisions under Part 7 (s27(3A), 28B, 29, 32(1)(c), 33(1)(b) and 33A(1)).

29. Following reforms to ADVO duration, NSW Bureau of Crime Statistics and Research released a report (November 2023) on the impact of ADVO duration on offending and breaches.¹³

30. In 2022, as part of reforms made by the *Crimes Legislation Amendment (Coercive Control) Act 2022* (NSW), a statutory definition of 'domestic abuse' was introduced into the *Crimes (Domestic and Personal Violence) Act 2007* (NSW) as s6A.

31. The *Crimes Legislation Amendment (Slavery, Slavery-like Conditions and People Trafficking) Act 2013* (Cth) criminalised forced marriage and harbouring a victim of trafficking and established standalone offences of forced labour and organ trafficking. Subsequent amendments (*Crimes Legislation Amendment (Powers, Offences and Other Measures) Act 2015* (Cth) and *Combatting Child Sexual Exploitation Legislation Amendment Act 2019* (Cth)) expanded the definition of forced marriage, increased applicable penalties, and captured all marriages involving children under 16. The Australian Federal Police (AFP) report forced marriage is one of the most reported crimes within the definition of human trafficking and modern slavery.

32. In 2013 the *Sex Discrimination Act 1984* (Cth) (Sex Discrimination Act) was amended to prohibit direct discrimination against employees on the basis of sexual orientation, gender identity and intersex status. From 2013 to 30 September 2024, the Australian Human Rights Commission (AHRC) has investigated over 1,400 complaints of unlawful discrimination on these grounds.

33. Between 2021-2024, the Government amended the Sex Discrimination Act in response to recommendations from *Respect@Work: Sexual Harassment National*

¹² See, <https://aifs.gov.au/research/facts-and-figures/marriages-australia-2023> <https://aifs.gov.au/research/facts-and-figures/marriages-australia-2023>.

¹³ NSW Bureau of Crime Statistics and Research, "The long and short of it: The impact of Apprehended Domestic Violence Order duration on offending and breaches", (A Teperski and S Boiteux), Crime and Justice Bulletin, Number 261, November 2023.

Inquiry Report (Respect@Work Report). The Government passed *Anti-Discrimination and Human Rights Legislation (Respect@Work) Act 2022* (Cth), providing safe and sexual harassment-free workplaces. The Government passed the *Australian Human Rights Commission Amendment (Costs Protection) Act 2024* (Cth), modifying ‘equal access’ cost protection to apply consistently across federal anti-discrimination laws to alleviate barriers to justice where adverse costs orders may pose a risk for applicants.

34. In 2024, Part IAD of the *Crimes Act 1914* (Cth) was amended to implement trauma-informed measures supporting vulnerable persons when appearing as complainants and/or witnesses in Commonwealth criminal proceedings. The amendments implement recommendations from the Royal Commission into Institutional Responses to Child Sexual Abuse.

35. In 2023, amendments to the *Family Law Act 1975* (Cth) (Family Law Act) made the family law system safer and simpler for separating families to navigate, requiring the court to consider arrangements promoting the safety of the child and the child’s carers, including safety from family violence, abuse, neglect or other harm. There are measures to protect victim-survivors of family violence from systems abuse through introduction of harmful proceedings orders.

Question 4: Constitutional and legal framework

Federal human rights and anti-discrimination legislation

36. Australia’s framework for protecting and advancing human rights involves a combination of common law, federal, state and territory legislation, administrative measures, policy and practice, in addition to an independent judiciary.

37. Federal anti-discrimination legislation prohibits direct and indirect discrimination based on protected attributes in key areas of public life, including employment, education, the provision of goods and services, and facilities and accommodation. Federal anti-discrimination legislation regulates public life not the private domain, to balance the rights to equality, non-discrimination and privacy.

38. Federally, Australian anti-discrimination legislation comprises the *Sex Discrimination Act*, *Disability Discrimination Act 1992* (Cth), *Racial Discrimination Act 1975* (Cth) (Racial Discrimination Act) and *Age Discrimination Act 2004* (Cth). Australia’s anti-discrimination legislation does not prescribe a process for making complaints of intersecting discrimination; however, complainants can be made to the AHRC on multiple grounds of discrimination.

39. The Sex Discrimination Act makes discrimination against women unlawful, giving effect to many of Australia’s obligations under CEDAW. The Act prohibits discrimination on the grounds of sex, marital or relationship status, pregnancy or potential pregnancy, breastfeeding, sexual orientation, and gender identity or intersex status. It prohibits discrimination on the grounds of family responsibilities in the area of work, sexual and sex-based harassment and subjecting someone to a hostile work environment, and includes a positive duty on employers to eliminate certain forms of sex discrimination.

40. On 15 March 2023, Australia’s Attorney-General referred Australia’s Human Rights Framework for inquiry to the federal Parliamentary Joint Committee on Human Rights (PJCHR), with the report tabled in Parliament on 30 May 2024:

- The PJCHR made 17 recommendations to improve human rights protections in Australia, including that the Australian Parliament enact a federal Human Rights Act, and the Government commit to national human rights education,

enhancements to human rights parliamentary scrutiny, and review existing legislation for compatibility with human rights. The Government is considering the Committee's report.

Recognition of the First Nations People in the Constitution

41. In October 2023, the Government held a referendum to recognise the First Peoples of Australia in the Constitution through establishment of an Aboriginal and Torres Strait Islander Voice. The referendum was not successful. The Government respects the outcome of the referendum.

42. Under Closing the Gap, all Australian governments agree to strengthen existing formal partnerships and shared decision-making approaches, including through national policy and place-based partnerships with Indigenous peoples to ensure policies and programs are community-led and self-determined to achieve better outcomes for Indigenous peoples, including women.

Harmonising federal, state and territory legislation

43. Australian state and territory jurisdictions have adopted anti-discrimination legislation making discrimination unlawful on the basis of protected attributes, including sex and gender identity:

- ACT: *Discrimination Act 1991, Human Rights Act 2004*;
- NSW: *Anti-Discrimination Act 1977*;
- NT: *Anti-Discrimination Act 1992*;
- QLD: *Anti-Discrimination Act 1991, Human Rights Act 2019*;
- SA: *Equal Opportunity Act 1984*;
- TAS: *Anti-Discrimination Act 1998*;
- VIC: *Equal Opportunity Act 2010, Charter of Human Rights and Responsibilities Act 2006*;
- WA: *Equal Opportunity Act 1984*.

44. Where a state law is inconsistent with a federal law, section 109 of the Australian Constitution provides that Commonwealth law will prevail to the extent of the inconsistency. Similar principles apply to inconsistency between territory and federal laws. These rules apply to inconsistencies between state or territory anti-discrimination legislation and the Sex Discrimination Act. Federal anti-discrimination legislation does not displace or limit the operation of state and territory laws where they are capable of operating concurrently.

45. Australian governments work together to ensure consistency and application of CEDAW, for example:

- During 2021-2023, the Standing Council of Attorneys-General (state, territory and federal Attorneys-General) reviewed the consistency of sexual harassment and sex discrimination laws in response to the AHRC's Respect@Work Report. In September 2023, Attorneys-General agreed to continue progressing further legislative alignment to improve consistency across jurisdictions, noting in a

federal system changes to state and territory legislation is a matter for individual jurisdictions.¹⁴

Enhancing effectiveness of the Sex Discrimination Act

46. The Government is considering recommendations to enhance the effectiveness of the Sex Discrimination Act, and has made amendments to the Act since the *2008 Senate Standing Committee on Legal and Constitutional Affairs Report*.

Question 5: Access to justice

Australian Law Reform Commission 1986 recommendations - Indigenous customary laws

47. In 1992, the High Court of Australia handed down its decision in *Mabo v Queensland* (No 2) [1992] HCA 23; (1992) 175 CLR 1 (3 June 1992) (Mabo No. 2). The court recognised the Meriam people of the Torres Strait held 'native title' over part of their traditional lands. The court found the common law of Australia recognises rights and interests to land held by Indigenous peoples under their traditional laws and customs. Native title rights/interests vary from community-to-community.

48. Following the decision in Mabo No. 2, the Government enacted the *Native Title Act 1993* (Cth) which commenced 1 January 1994. The Act creates processes through which native title can be recognised and protected.

Productivity Commission 2014 recommendations on access to justice arrangements

49. The Government's response to the *2014 Productivity Commission Inquiry Report into Access to Justice Arrangements* was published in 2016.¹⁵ Responses to the Committee's recommendations include:

- Recommendation 16.3: Legal Aid Schemes and Services Approval 2023 allows people receiving legal assistance from approved providers be exempt from court fees in the federal courts;¹⁶
- Recommendation 21.6: since 2015, federal funding under the National Legal Assistance Partnership (NLAP) uses funding allocation models to support legal aid commissions, community legal centres and Indigenous legal assistance services;
- Recommendation 25: a National Legal Assistance Data Standards Manual was developed in 2015 to standardise definitions, counting rules and collection protocols for the legal assistance sector. Australian Attorney-General's Departments partnered with the Australian Bureau of Statistics (ABS), to deliver the first national legal assistance data collection (published 9 May 2024);

¹⁴ See, Standing Council of Attorneys-General Working Group Report, <https://working-group-report-exec-summary-consistency-of-sexual-harassment-and-sex-discrimination-laws-in-Australia>.

¹⁵ See also Government response to the Productivity Commission's Report, <https://www.ag.gov.au/government-response-productivity-commissions-report-access-justice-arrangements>.

¹⁶ Federal Circuit and Family Court of Australia, Federal Court of Australia, High Court of Australia.

- Recommendation 22: legal assistance funding and funding to Aboriginal and Torres Strait Islander Legal Services (ATSILS) is a shared responsibility of Australian governments.

National Access to Justice Partnership

50. The National Access to Justice Partnership will commence on 30 June 2025, providing an increase of nearly \$800 million in funding over 5 years from 2025-26 to the legal assistance sector, focusing on uplifting legal services responding to GBV.

Australian Law Reform Commission's 2019 review of the family law system

51. The Government's response to the *2019 Australian Law Reform Commission Inquiry into the Family Law System* was published in 2021,¹⁷ and included:

- Recommendation 9: the Family Law Act was amended (2023), to expand definitions of 'family' to be more inclusive of Indigenous culture and traditions, to reflect Indigenous peoples may have extended family structures or kinship systems and child-rearing responsibilities may extend beyond immediate family groups;
- Recommendation 45: Federal Circuit and Family Court of Australia engaged 12 Indigenous Family Liaison Officers to support First Nations women and children engaging with the family court system.

Indigenous legal professionals

52. The Government funds the legal assistance sector including ATSILS, Family Violence Prevention Legal Services and peak representative bodies, to provide culturally-appropriate legal and other services to Indigenous people, including women.

53. In 2022, 749 solicitors identified as First Nations, representing 0.8 per cent of all solicitors in Australia. In 2022, consistent with gender distribution of the total profession, there were 57 per cent female First Nations solicitors, compared to 43 per cent male.¹⁸

54. The Government funds a network of 14 native title representative bodies and native title service providers to assist native title claimants and holders. Under the Native Title Act, native title claimants can make an application to the Federal Court of Australia to have their native title recognised by Australian law.

Question 6: National human rights institution

55. The Government supports the work of the AHRC as Australia's independent National Human Rights Institution (NHRI).

¹⁷ See Government Response to ALRC Report, <https://www.ag.gov.au/alrc-government-response-2021.PDF>.

¹⁸ 2022 National Profile of Solicitors, https://www.lawsociety.com.au/2022_Final.pdf.

56. To address Global Alliance of NHRI Sub-Committee on Accreditation (SCA)'s 2022 recommendations, the Government passed legislative amendments, developed policy and guidelines and provided additional funding to the AHRC.

- Consistent with the Paris Principles, the *Australian Human Rights Commission Legislation Amendment (Selection and Appointment) Act 2022* (Cth) (commenced 10 November 2022) requires AHRC appointments be made through a merit-based and publicly advertised selection process.
- Consistent with legislative amendments and supporting the AHRC re-accreditation as an 'A' status NHRI (November 2023), Attorney-General's Department's developed Policy and Guidelines for Appointments to AHRC in consultation with AHRC.
- In 2022, the Government invested \$49.8 million over 4 years to AHRC, to implement Respect@Work Report recommendations, a National Anti-Racism Strategy, development of an anti-racism Framework, and extension of '*Racism. It Stops with Me*' campaign.
- The Commission's annual appropriations from Government for 2024-25 are \$32.1 million.

57. In July 2023, Dr Anna Cody was appointed as Australia's Sex Discrimination Commissioner for a term of 5 years under a merit-based selection process. Former Commissioner, Ms Kate Jenkins, finished her 7 year term in April 2023.

Question 7: Temporary special measures

58. The Sex Discrimination Act provides that a person does not discriminate against another person if a measure is intended to achieve substantive equality. The Act authorises affirmative action – allowing a person to take special measures to achieve substantive equality between men and women. Intersectional special measures are possible if the special measure complies with legislative requirements under the relevant Act. Similarly, the Race Discrimination Act allows for special measures to be taken to advance the human rights of certain racial or ethnic groups.

59. The Sex Discrimination Act empowers the AHRC to grant temporary exemptions from certain provisions under the Act that may constitute unlawful discrimination.¹⁹

Gender-responsive public procurement

60. The Workplace Gender Equality Procurement Principles require businesses employing 100 or more people to be compliant with the WGE Act if they are to be considered for Government contracts. Businesses must meet gender equality standards, report to WGEA on performance against Gender Equality Indicators, and report this performance to employees, shareholders and governing bodies.

¹⁹ Exemption applications under the *Sex Discrimination Act 1984* (Cth), <https://humanrights.gov.au/exemption-applications-under-sex-discrimination-act>.

Question 8: Stereotypes and harmful practices

Overcoming discriminatory stereotypes

61. Working for Women is underpinned by the need to change gender attitudes and stereotypes (including for First Nations women, women from CALD backgrounds, older women, women with disabilities, and those who identify as part of the LGBTIQA+ community), and is complemented by state and territory governments commitments to address harmful gender stereotypes.

62. Government is driving change on gender norms, including under the National Plan; the PPL scheme; reducing gender segregation in industries and workplaces; developing evidence on society views on women and girls; demonstrated equality in Government leadership and public service; reform to improve representation of women in media and advertising.

63. The Government's Healthy Masculinities Trial and Evaluation will evaluate activities designed to encourage healthy expressions of masculinity among school-aged boys and young men, with a goal of reducing GBV and promoting more respectful relationships among young people.

Sexist portrayals of women in the media and online abuse

64. In response to the Respect@Work Report, the Government provided \$3 million to Our Watch,²⁰ to deliver the National Media Engagement program which promotes ethical reporting of violence against women, provides guidelines and upskilling for journalists. Our Watch undertakes primary prevention training in workplaces, media, educational institutions, the sports sector, and governments. In 2024, Our Watch reported Australian attitudes toward violence against women and gender inequality have improved since 2013.²¹

65. Women and girls are more likely to be targets of online abuse, with one-in-3 women experiencing online abuse in a work context. In 2021, Australia passed the *Online Safety Act 2021* (Cth), empowering Australia's eSafety Commissioner to request/require social media companies, and other online platforms and services, to remove serious online abuse, image-based abuse, cyberbullying, and harmful content targeted at adults and children.

66. Australia's eSafety Commissioner operates regulatory schemes to address different forms of online harm, including the Adult Cyber Abuse Scheme; Image-Based Abuse Scheme; Cyberbullying Scheme; Online Content Scheme, which regulate illegal and restricted content. Approximately two-thirds of adult cyber-abuse complaints to the eSafety Commissioner originate from women.

67. The Government has worked with the online dating services industry to develop a voluntary, industry-led code (commenced October 2024) requiring them to take steps to address and prevent harms to users on their platforms. The eSafety Commissioner will assess the codes' effectiveness in July 2025 and will provide advice to the Minister for Communications on whether further action, including regulation, is required.

²⁰ An independent, not for profit organisation driving change in culture, behaviours and power imbalances to prevent violence against women and children.

²¹ Our Watch, 'Report card: tracking progress in the primary prevention of violence against women' (July 2024, <https://ourwatch/Tracking-Progress-in-Prevention-Report-July-2024.pdf> pp 3-6.

68. The Government has invested in preventing and responding to technology-facilitated abuse, including:

- The Preventing Tech-based Abuse of Women Grants Program;
- Safe Phones initiative to assist women leave FDV without the fear of being tracked;
- National Roundtable on Online Dating Safety to improve safety for Australians using online dating platforms;
- Establishing Online Harms Ministers Meetings to coordinate policy across Government;
- Strengthening criminal offenses against non-consensual sharing of artificially-generated or real sexual material online, for example in *Criminal Code Amendment (Deepfake Sexual Material) Act 2024*.

69. On 29 November 2024, the Online Safety Amendment (Social Media Minimum Age) Bill 2024 was passed through Australian Parliament, putting the onus on social media platforms,²² to take reasonable steps to prevent Australians under 16 years of age, from having social media accounts. Platforms will face fines of up to \$49.5 million for systemic breaches.

- The Bill makes clear that no Australian will be compelled to use government identification for age assurance on social media.
- The Bill has been designed following consultation with young Australians, parents, experts, industry, community organisations and National Cabinet, to ensure fundamental protections are in place to support young people who face online harassment and negative effects on health and wellbeing.
- New laws come into effect no later than 12 months from passage of the Bill to allow social media platforms time to implement required systems.

Preventing and protecting women and girls from forced marriage

70. Australia's response to forced marriage forms part of the Government's strategy to combat modern slavery, including human trafficking, slavery and slavery-like practices, criminalised in the *Criminal Code (Cth)*²³ (Criminal Code) that defines forced marriage as a slavery-like practice.

71. The AFP can refer people who are in or at risk of forced marriage to the Support for Trafficked People Program (STPP), delivered by the Australian Red Cross, for assistance with accommodation, medical, mental health, legal, migration, skills development or social support needs. The Government is implementing the Additional Referral Pathway pilot (to November 2025) to enable eligible victims and survivors to access STPP without having to engage with law enforcement.

72. In 2022, Australia's Standing Council of Attorneys-General agreed to address forced marriage through a coordinated national response, including developing options for a model to enhance civil protections and remedies.

73. The Government committed \$12.1 million over 5 years from 2023-24 (\$3.8 million annually ongoing) to establish the Forced Marriage Specialist Support

²² Minimum age will apply to 'age-restricted social media platforms' including Snapchat, TikTok, Facebook, Instagram, X and others.

²³ *Criminal Code (Cth)*, divisions 270, 271.

Program, providing caseworker support, counselling, temporary accommodation and financial support for those at risk of, or who have experienced, forced marriage.

74. Australia runs awareness raising on forced marriage including grant-funded projects and initiatives under the National Action Plan to Combat Modern Slavery, to encourage people to seek help and report suspected cases to the AFP.

75. The Government committed \$2.2 million over 4 years from 2024–25 to extend “Speak Now”, Australia’s national forced marriage community education service, in collaboration with frontline workers, to prevent forced marriage and other forms of modern slavery.

76. The Government regulates Commonwealth-registered marriage celebrants, requiring professional development annually. Since 2022, celebrants must complete activities on real consent focused on forced marriage and capacity. The Marriage Act was amended in 2024 requiring celebrants meet separately with each party to establish consent, introducing remote witnessing of Notice of Intended Marriage as a permanent option under the Marriage Act.

Question 9: Gender-based violence against women

Changing behaviours and attitudes leading to gender-based violence

77. In addition to addressing discriminatory stereotypes, the Government adopted measures to change behaviours and attitudes leading to high rates of GBV in Australia.

78. The Government provides national leadership and investment to end family, domestic and sexual violence including through National Cabinet.²⁴ The Government oversees the National Plan that delivers support for victim-survivors. Australian governments are working together to strengthen and harmonise sexual assault laws, criminal justice responses to sexual assault, and cross-jurisdiction recognition of domestic violence orders.

79. The Government leads the ‘Stop it at the Start’ campaign, which aims to break the cycle of violence by encouraging adults to reflect on their attitudes and have conversations about respectful behaviours with young people aged 10-17. The campaign’s fifth phase was launched on 17 June 2024.

80. The Government invests \$77.6 million over 5 years from 2023-24 to states and territories and non-government school sectors to deliver evidence-based, age-appropriate Consent and Respectful Relationships Education in Australian primary and secondary schools.

81. The Government invested \$40 million over 4 years from 2021-22 for a new national consent campaign (launched May 2024), to better inform adults and young people about the importance of consensual and respectful relationships.

82. Implementation of the *National Strategy to Prevent and Respond to Child Sexual Abuse 2021-2030*, includes measures to build awareness, education and child safe cultures to prevent child sexual abuse. The Government invested \$22.4 million in ‘One Talk at a Time’ campaign to prevent child sexual abuse through adult education and preventative conversations with children, young people and adults.

²⁴ National Cabinet includes the Australian Prime Minister and state and territory Premiers/Chief Ministers.

Federal legislation on gender-based violence

83. Under Australia's federal system of government, states and territories are responsible for the majority of laws related to GBV, including the making of domestic violence orders and criminal offences. Each jurisdiction manages its own criminal justice system, including criminal laws, policing, courts and corrections. The Government is responsible for the Family Law Act, which has seen recent amendments to better recognise and respond to GBV, as well as the Criminal Code, which contains offences on forced marriage.

84. In 2022, Parliament passed the *Fair Work Amendment (Family and Domestic Violence Leave) Act 2022* (Cth) providing employees, including casual employees, with an entitlement of 10-days paid FDV leave (accrued annually) to deal with impacts of FDV where it is impractical for the employee to do so outside work hours. The leave is paid at the employee's full rate of pay and employers are prohibited from including information about the leave on payslips, to respect confidentiality. Over 2023–24 the entitlement came into effect in 3 stages, depending on employer type, to cover all Australian employees.

85. The *Fair Work Legislation Amendment (Closing Loopholes) Act 2023* (Cth) amended the Fair Work Act to make it unlawful for an employer to take adverse action against an employee or potential employee because they have been, or are being, subjected to FDV. The amendment requires the Fair Work Commission to consider the need to prevent and eliminate discrimination on the basis of subjection to FDV when performing functions or exercising its powers under the Fair Work Act.

Implementation status of the National Plan to End Violence against Women

86. The National Plan identifies 4 domains for action to end GBV in Australia: prevention, early intervention, response and recovery, and healing.

87. In August 2023, Australian governments launched the *First Action Plan 2023–27*, the Aboriginal and Torres Strait Islander Action Plan, and the Outcomes Framework. The Outcomes Framework details 6–10 year outcomes and 34 supporting sub-outcomes used to track and monitor progress over the life of the National Plan.

88. In September 2024, National Cabinet agreed a comprehensive package to prevent violence and homicides against women and children, and support legal services through the new National Access to Justice Partnership. National Cabinet agreed to maintain focus on missing and murdered First Nations women and children.

89. This brings the Government's investments in support of women's safety and the National Plan to \$4 billion, since 2022.²⁵ It includes \$925.2 million over 5 years from 2023–24 to establish the Leaving Violence Program which helps people experiencing intimate partner violence leave relationships, providing those eligible with access to up to \$5,000 in financial support, referral services, risk assessments and safety planning.

90. Australia is one of 3 countries to have appointed a Domestic, Family and Sexual Violence Commissioner (commenced October 2022), to provide evidence-based

²⁵ All financial figures in this periodic report are in Australian dollars. \$4 billion refers to Commonwealth Government investment (not including Australian states and territory governments) between 2022-23 and 2024-25 Budget.

policy advice to the Government, promote coordination across jurisdictions and amplify voices of people with lived experience.

91. The Government has invested in frontline services for women experiencing GBV, extending the National Partnership on Family, Domestic and Sexual Violence Responses and funding 500 frontline service and community workers, with support targeted to women and children in rural, regional and remote areas, Indigenous people, CALD communities, women with disability, and the LGBTIQA+ community.

92. Despite significant investment in human, technical and financial resources, the Government recognises more must be done to eliminate GBV.

93. On 15 August 2024, the Australian Senate Legal and Constitutional Affairs References Committee delivered its report on missing and murdered First Nations women and children. The report, *inter alia*, calls for harmonisation of police best practice to ensure all interactions with Indigenous people include standards of cultural awareness and safety. Australian governments will work in partnership with Indigenous communities to consider implementation of the report's recommendations.

Prevention and early intervention

94. Prevention programs include:

- In 2022-23, the Government invested close to \$185.8 million for early intervention programs including specialised family violence services, nationally accredited training for frontline workers, counselling services for men who use violence, and programs to support children and adolescents who have experienced FDV;
- The Government committed \$8.5 million from 2023-24 to 2026-27 for further early intervention initiatives, including extending the MensLine Changing for Good Service and developing a national directory of services for people perpetrating violence, to improve uptake of intervention services;
- The Government invested \$10 million to expand the family violence provisions within the Migration Regulations 1994 to most permanent visa subclasses. The family violence provisions aim to ensure visa applicants do not feel compelled to remain in a violent relationship for a permanent visa outcome;
- The Government committed a further \$6.1 million in 2024-25 to provide ongoing funding for the specialised visa support service for victim-survivors of FDV. The service assists visa holders experiencing family violence to regularise their visa status;
- In September 2024, Australian governments agreed initiatives to better identify high-risk perpetrators, share information across jurisdictions, and intervene earlier to stop violence escalating, including:
 - i. National best-practice FDV risk assessment principles and model best-practice risk assessment framework;
 - ii. Enhancements to National Criminal Intelligence Systems enabling information sharing across jurisdictions to assist police responding to high-risk perpetrators;
 - iii. Increase nationally-consistent, information sharing between family law courts and state and territory courts, child protection, policing and firearms agencies;

- iv. Strengthen system responses to high-risk perpetrators to prevent homicides, trial deterrence models and Domestic Violence Threat Assessment Centres. Centres to use intelligence, monitor individuals and intervene with those at high risk of carrying out homicide;
- *NSW Strategy for the Prevention of Domestic, Family and Sexual Violence 2024–2028* sets out frameworks to address underlying attitudes, social-norms, practices and structures that tolerate/condone violence against women and children;
- *QLD's Plan for the primary prevention of violence against women 2024–2028*, a 5 year plan to address drivers of violence against women and prevent domestic, family and sexual violence from occurring;
- SA Royal commission into Domestic, Family and Sexual Violence was established to explore prevention, early intervention, responses, recovery and healing and coordination across government and non-government agencies.

Implementing findings of the National System for Domestic and Family Violence Death Review report

95. Australian governments implemented several reforms related to findings from AHRC's 2016 report following the National System for Domestic and Family Violence Death Review.

96. The Outcomes Framework under the National Plan includes a target to reduce the number of women killed by their intimate partners by 25 per cent each year.

97. The National Homicide Monitoring Program delivered by the Australian Institute of Criminology (AIC) is Australia's national data collection on homicide incidents, victims and offenders. On 26 June 2024, the Government introduced a national statistical dashboard, providing timely reporting on female victims of intimate partner homicides. The dashboard will produce quarterly updates.

Question 10: Extraterritorial obligations

National action plan on business and human rights

98. Australia is not progressing with a National Action Plan on business and human rights, at this stage, but is focused on supporting the United Nations (UN) Guiding Principles on Business and Human Rights (UN Guiding Principles):

- Australia co-sponsored the resolution adopting the UN Guiding Principles and encourages businesses to apply the principles in their operations in Australia and abroad.

Free, prior informed consent of Indigenous women before large-scale development and extractive industry project is approved

99. The *Environment Protection and Biodiversity Conservation Act 1999* (Cth) protects natural, historic or Indigenous places of outstanding national heritage, and recognises the role of Indigenous peoples in protecting and sustainably using the environment, applying Indigenous peoples' knowledge with their cooperation.

100. Under the *Critical Minerals Strategy 2023-2030*, the benefits from the growth of Australia's critical minerals sector must be shared with and driven by the strengths and aspirations of the Indigenous communities in which projects take place. Governments and industry are responsible for progressing meaningful engagement, agreement making and benefit sharing with Indigenous communities:

- Over 60 per cent of Australian resource projects operate on land covered by Native Title claim or determination. Nationally, Native Title holders and registered Native Title claimants have different procedural rights (including the right to be consulted or right to negotiate) regarding mining interests.
- Approximately 50 per cent of the NT's landmass and 80 per cent of its coastline is Indigenous land subject to the *Aboriginal Land Rights Act 1976* (Cth). The Act gives a right of veto to Traditional Owners regarding exploration and mining on Indigenous lands.

Measures taken to investigate violations of women's human rights by business corporations

101. Australia expects multinational businesses operating in Australia, or operating overseas, to adhere to standards in the OECD Guidelines for Multinational Enterprises on Responsible Business Conduct.

102. The Government delivers the Australian National Contact Point for Responsible Business Conduct to resolve complaints against multinationals as a non-judicial grievance mechanism for individuals or communities allegedly impacted by adverse human rights or other negative impacts from multinational operations. Several Australian companies or multinationals based in Australia have participated in this grievance mechanism.

Compensation and rehabilitation of women victims of the Bougainville conflict

103. Australia continues to support rehabilitation and peace building efforts in Bougainville, including through community-based peacebuilding, conflict resolution and counselling services to women.

Question 11: Climate change and disaster risk-reduction

104. Australia is committed to the *United Nations Sendai Framework for Disaster Risk Reduction 2015-2030*. Australia's domestic approach to disaster risk reduction is guided by the National Disaster Risk Reduction Framework, and implemented via National Action Plans. The Government is considering options for domestic implementation of the *Gender Action Plan to support implementation of the Sendai Framework for Disaster Risk Reduction 2015–2030* (Sendai GAP).

105. Successful Indigenous initiatives include the Indigenous Ranger Program and Indigenous Protected Area (IPA) program, supporting climate adaptation and improved resilience through use of Traditional Knowledge in managing land, sea and Country. The Government is doubling the number of Indigenous rangers to 3,800 by 2030, focusing on increasing representation of First Nations women.

106. The Government is developing Australia's first National Climate Risk Assessment and a National Adaptation Plan, to better understand the risks and impacts to Australia from climate. Recognising impacts from climate change

disproportionately affect women, the National Adaptation Plan will be gender-sensitive, participatory and fully transparent and will ensure climate adaptation funding is targeted to support groups in vulnerable situations.

107. The *National Health and Climate Strategy* (released December 2023) commits to co-designing environmental management and disaster response policy in partnership with Indigenous people, recognising Indigenous communities' care for Country based on knowledge developed over tens of thousands of years.

108. In 2022, the Government legislated Australia's greenhouse gas emissions reduction targets, to reach net zero by 2050 and 43 per cent below 2005 levels by 2030. The Government has committed to developing a Net Zero Plan, outlining how Australia will transition to a net zero economy, consistent with our international and domestic commitments.

109. The Government is advancing gender equality through our commitment to the international 'Equal by 30' campaign. Following consultation across government and industry, the Government developed 5 additional commitments under Equal by 30, including developing a Women in Energy Resources Hub and Australian Women in Energy Roundtable, for industry to share initiatives and policies that accelerate women's participation in the clean energy workforce.

110. Australia's international development program is focussed on gender equality across the Indo-Pacific region to enhance women's leadership in climate mitigation, adaptation, disaster risk reduction and resilience.

111. All investments over \$3 million are required to have a gender objective and from 2024-25, 50 per cent of new investments must have a climate objective.

Question 12: Trafficking, exploitation of prostitution

Investigations, prosecutions, convictions and sentences imposed on traffickers

112. Australia's laws criminalising human trafficking and other forms of modern slavery are contained within Divisions 270 and 271 of the Criminal Code.

The AFP receives human trafficking referrals with all reviewed and investigated. Breakdown of referrals by offence.

Referrals	2018-19 FY	2019-20 FY	2020-21 FY	2021-22 FY	2022/23 FY	2023-24 FY
Forced Marriage	95	92	79	84	90	91
Sexual Servitude	31	40	42	54	73	59
Forced Labour	29	29	35	42	57	69
Child Trafficking	7	<5	12	21	22	35
Trafficking in Persons	20	<5	12	19	38	39
Exit Trafficking	13	24	16	37	30	35
Debt Bondage	9	3	<5	6	18	10
Domestic Servitude	9	20	15	18	16	21
Slavery	<5	<5	6	8	<5	<5
Deceptive Recruiting	<5	6	<5	5	6	16
Organ Trafficking	<5	0	<5	0	0	<5

Referrals	2018-19 FY	2019-20 FY	2020-21 FY	2021-22 FY	2022/23 FY	2023-24 FY
Harbouring	0	0	0	0	0	<5
Other	0	0	0	0	0	0
Total	220	223	224	294	340	382

113. In the 5 years between 2018-19 and 2022-23, the Federal Office of the Director of Public Prosecutions commenced or conducted 28 prosecutions for human trafficking and slavery-related offences (FY18-19: 0 men, 2 women prosecuted; FY19-20: 6 men, 5 women prosecuted; FY20-21: 3 men, 2 women prosecuted; FY21-22: 3 men, 1 woman; FY22-23: 5 men, 1 woman prosecuted).

114. From 2004 to 30 June 2023, 30 people in Australia have been convicted for these offences.

Pacific Australia Labour Mobility (PALM) scheme

115. The Government has zero tolerance for worker mistreatment of Pacific and Timor-Leste workers in Australia, committing \$440 million to strengthen oversight of the PALM scheme, including minimum hour requirements and income guarantee, enhancing conditions and support for PALM workers. PALM scheme employers must comply with the *Modern Slavery Act 2018* (Cth) (Modern Slavery Act), related state or territory legislation, the Criminal Code, and additional relevant Government obligations. PALM scheme workers have the same workplace rights and protections as Australian workers. The Government is considering gender equality, disability, social inclusion and GBV in the scheme.

Measures to implement the Modern Slavery Act

116. The Modern Slavery Act (commenced 1 January 2019) requires certain large businesses and other entities, undertaking business in Australia, to report annually to the Government on their actions to assess and address the risks of modern slavery in their operations and supply chains.

117. Modern slavery statements are normally published (public) online on the Modern Slavery Statements Register (the Register).

118. As at 10 October 2024, over 11,500 statements have been published on the Register, covering entities headquartered in more than 60 countries. There have been over 5.1 million searches on the Register.

119. The Modern Slavery Act requires the Government to report annually to the Australian Parliament about its actions to implement the legislation. To date, 4 annual reports have been tabled and published. The Government must prepare an annual modern slavery statement setting out Government efforts to assess and address modern slavery risks in its operations and supply chains.²⁶

120. In 2024-25, the Government announced \$2.5 million investment over 2 years to review Commonwealth procurement procedures and supply chains for modern slavery risks.

²⁶ See, <https://modernslaveryregister.gov.au/>.

Support for Trafficked People Program

121. The Government committed \$24.3 million to the STPP (2023-24 to 2026-27) to meet needs of victim-survivors and introduce a referral pathway allowing people to access the program without having to engage with the AFP. From 1 July 2023:

- Victim-survivors referred to the STPP receive a minimum of 90-days support, irrespective of their willingness or unwillingness to participate in the criminal justice process;
- Additional support available for dependents of victim-survivors;
- Financial support available to visa holders matching financial support to those who can access Government social security payments;
- After leaving the STPP, victim-survivors who remain in Australia can check in with a caseworker at 3, 6 and 12 months.

122. The Department of Home Affairs (Home Affairs) administers the Government's Human Trafficking Visa Framework, enabling foreign nationals not holding a valid visa and suspected victims of human trafficking and slavery, to remain in Australia lawfully - temporarily or permanently.

Early identification and referral of victims of trafficking

123. The AFP's 'Look a Little Deeper' (commenced 2018) program on human trafficking and other modern slavery offences, aims to raise awareness for frontline officers, first responders and other government agencies.

124. In 2022-23 financial year, AFP delivered program presentations to 2,081 persons. E-learning material is available for AFP members and adopting agencies.

De-criminalising sex work

125. Under Australia's federal system of government, each state and territory manages their own criminal law and related systems. The decriminalisation of sex work falls under state and territory responsibility.

126. Across Australian jurisdictions there are 3 legislative approaches to sex work – legalisation, decriminalisation and criminalisation. Consensual adult sex work is legalised in the ACT through a licensing model (sole operator sex workers are not required to hold a licence), street-based solicitation remains criminalised. Aspects of sex work for self-employed sex workers have been legalised in TAS. SA and WA have fully or partially criminalised this form of work. NSW decriminalised sex work in 1995, NT in 2019, VIC in 2022 and QLD in 2023.

127. Decriminalisation models recognise sex work as a legitimate profession regulated through standard business law, rather than through licencing and criminalisation. The VIC model contains provisions preventing the discrimination of sex workers on the basis of their 'profession, trade or occupation'.²⁷

²⁷ Victorian Government, *Decriminalising sex work in Victoria* <https://www.vic.gov.au/review-make-recommendations-decriminalisation-sex-work>; *Sex Work Decriminalisation Act 2022* (Vic) s 34, <https://www.vic.gov.au/review-make-recommendations-decriminalisation-sex-work>.

Addressing sexual servitude and exploitation

128. The *National Action Plan to Combat Modern Slavery 2020-25* (National Action Plan) provides the strategic framework for Australia's response to modern slavery, including human trafficking, slavery and slavery-like practices. The Criminal Code criminalises human trafficking, slavery and slavery-like practices in all industries, including the sex industry.

129. On 28 May 2024, the Australian Parliament passed the Modern Slavery Amendment (Australian Anti-Slavery Commissioner) Bill 2023, establishing the Australian Anti-Slavery Commissioner as an independent statutory office holder. On 2 December 2024, Mr Chris Evans commenced a 5 year term as the inaugural Australian Anti-Slavery Commissioner, following a merit-based selection process.

130. The Anti-Slavery Commissioner will further strengthen the work undertaken across government, business and civil society to prevent and respond to modern slavery by supporting victims and survivors, raising community awareness and helping business address the risk of modern slavery practices in their operations and supply chains.

3 Year Review of Modern Slavery Act

131. On 25 May 2023, the report of the 'statutory review of the *Modern Slavery Act 2018* (Cth): the first 3 years', was tabled in the Australian Parliament. On 2 December 2024, the Government released its response to the report. The response agrees in full, part, or in-principle, to 25 of the 30 recommendations, in line with the Government's commitment to strengthening the Modern Slavery Act, including by increasing the clarity of reporting obligations and simplifying the regulatory framework.

Implementation of the National Plan to Combat Modern Slavery 2020-25

132. The National Action Plan underpins the whole-of-government strategic framework for Australia's efforts to combat modern slavery over 2020-25 and includes 46 actions in support of 5 National Strategic Priorities - prevention; disruption, investigate and prosecute; support and protect; partner; and research.

133. All 46 action items have either been completed or are in progress and on track for implementation by the term of the National Action Plan in 2025. The National Action is underpinned by an evaluation framework managed by the AIC.

Support for victims of trafficking

134. A priority under the National Action Plan is to provide holistic, tailored support and protection that meets the needs of victims and survivors of modern slavery.

135. Compensation for victims of crime is traditionally a matter for the states and territories under Australia's federated justice system. Under the National Action Plan, the Government is undertaking a review of state and territory victims of criminal financial assistance schemes and their availability for victims and survivors of modern slavery.

136. The Government provides victims of modern slavery with access to civil mechanisms, including the Fair Work Ombudsman and Fair Work Commission, and

the ability to pursue civil and administrative remedies, including for unpaid wages and entitlements, irrespective of their nationality or visa status.

137. Courts in Australia may order offenders convicted of a federal offence to make reparation to victims for loss suffered or expense incurred by reason of the relevant offence under the *Crimes Act 1914* (Cth).

Question 13: Participation in political and public life

138. There have been improvements in women's representation in Australia's political and public life, and key leadership roles over recent decades, particularly at all levels of government.

Representation of women in political and public life

139. The Government does not implement special measures for women's representation in Parliament. Political parties may implement their own temporary special measures, including targets for women's representation. Funding is provided to Women for Election Australia, under Working for Women, to improve gender equality and diversity in politics. This equips and encourages women across the political spectrum to run for public office at local, state and federal levels.

140. In the 47th Australian Parliament (as of June 2024), there are 59 women in the House of Representatives and 43 of the 76 senators are women. The Cabinet - currently consisting of 23 Ministers – comprises 10 women which is the highest number in Cabinet in Australia's history.

141. As of September 2023, there were 9 First Nations women (15 per cent of all Parliamentarians) in the 47th Parliament and 28 women (47 per cent of all Parliamentarians) who identified as having at least one non-English speaking ancestry, with 6 of these women born in a country other than Australia.²⁸ Data on women with disabilities in Parliament is not collected.

Representation of women on Government boards

142. In 2024, the Government renewed targets for gender balance on Australian Government boards – 50 per cent representation of women at a whole-of-Government level, and at least 40 per cent representation of women at the individual board level. The Government also strengthened its commitments to achieving and maintaining gender balance on Australian Government boards through agreeing to 2 additional targets: women to hold 50 per cent of positions and 50 per cent of Chair and Deputy Chair positions on Australian Government boards at the portfolio level:

- At 30 June 2024, women held 54.4 per cent of Australian Government board positions and 45.3 per cent of Chair and Deputy Chair positions on Australian Government boards. At 30 June 2024, 78.4 per cent of Australian Government boards have met the target of women holding at least 40 per cent of positions.²⁹

²⁸ See, https://www.aph.gov.au/Parliamentary_departments/.

²⁹ See, <http://www.pmc/womens-leadership/gender-balance-australian-government-boards>.

Recognition of women in public life

143. The Government launched '#NominateAWoman' campaign in 2023 to increase nominations for women for the Order of Australia,³⁰ where women were previously underrepresented. The campaign reached 550,385 people (August 2023) and resulted in increased Order of Australia honours for women. In the January 2024 Australia Day Order of Australia Awards List, women received 50.5 per cent of awards (General Division), an increase from 48.1 per cent in January 2023.

144. Women received 50.5 per cent of the Order of Australia awards in the 2023 King's Birthday honours list (General Division). The first time women received a majority of the awards. #NominateAWoman will run in 2025.

Question 14: Women, peace and security

National Action Plan on Women, Peace and Security

145. Australia's National *Action Plan on Women, Peace and Security 2021-2031* (WPS Plan) aims to support the human rights and participation of women and girls in global stability, including stability after disasters, preventing conflict and creating durable peace in the wake of conflict. In 2024, Australia will release its first progress report under the WPS Plan, outlining progress and activities under the 4 outcomes of supporting women's meaningful participation and needs in peace processes; reducing sexual and GBV; supporting resilience, crisis, and security; law and justice efforts to meet the needs and human rights of all women and girls; and demonstrating leadership and accountability for women, peace and security.

146. WPS Plan partners have their own WPS implementation plans, and allocate resources to support delivery. Examples of work from the Departments of Defence, Foreign Affairs and Trade, Home Affairs, and AFP include:

- Department of Defence: enhancing capacity through increased women's participation and leadership across all ranks and employment occupations, deploying more women on exercises, operations, humanitarian and disaster response missions, and their appointment to key engagement and representational roles;
- Department of Foreign Affairs and Trade (DFAT): supports women and girls' participation and leadership in peace and security processes including through international advocacy, membership of global WPS alliances, and support to regional women peace mediator networks;
- Home Affairs: advances participation of Pacific women in customs and border protection domain; improves safety and security for women and girls through expanded family violence provisions in migration legislation and programs addressing violent extremism;
- AFP: partners with law enforcement services to integrate gender-related policies and practices across Australia's international policing operations. AFP collaborates with partners to build environments that prevent gender-based crime, and improve gender mainstreaming where AFP operates internationally.

147. DFAT committed \$25 million to the WPS agenda for 2022-27 to support partnerships with UN Women Asia-Pacific, Women's Peace and Humanitarian Fund,

³⁰ The Order of Australia recognises Australians who have demonstrated outstanding service or exceptional achievement.

ActionAid Australia, Legal Action Worldwide, and the Centre for Peace and Conflict Studies.

148. Australian export controls include consideration and assessment of human rights and international obligations, although obligations around gender equality and the human rights of women and girls are not explicit.

149. Through gender-responsive budgeting, Government entities are required to analyse the gender equality impacts of new policy proposals related to the security sector and arms exports.

Question 15: Nationality

150. Australian states and territories have implemented procedures to facilitate access to birth registration and certificates, which under Australia's federated structure is a jurisdictional responsibility:

- ACT introduced revised Births, Deaths and Marriages policies, easing access to identity documents through relief from associated fees and having greater regard to First Nations peoples kinship family structures;
- NSW partners with non-government organisations to provide birth registration and birth certificate services to vulnerable persons in areas with high birth rates and low registration rates. NSW Government partners with Pathfinders to deliver the National Aboriginal Birth Certificate program and provides a quantity of free birth certificates for Indigenous clients. The partnership helps identify unregistered births of First Nations children;
- NT operates a Remote and Regional Circuit Program (since 2017) in rural and remote areas, issuing approximately 1,400 birth certificates across many remote communities;
- QLD is implementing *Closing the Registration Gap Strategy and Action Plan (2021-2024)* to improve the birth registration rate for First Nations children. At March 2023, 83 per cent of First Nations children born in 2022 were registered within one year of birth (increased from 78 per cent in 2020 before the strategy commenced). QLD 'Our Kids Count' campaign provides parents, caregivers and partners living in rural, remote and regional communities, with face-to-face support from service providers in their community, to assist with registering births;
- SA has online and hardcopy birth registration. Registration is free but birth certificates have fees, which can be waived upon supporting evidence of financial or other hardship. SA regularly engages with support services including Link-Up and Relationships Australia to assist Indigenous communities with access to services;
- TAS has an online birth registration service to improve accessibility and coverage for residents in remote and rural areas to facilitate access to birth certificates. There are no penalties for late registrations;
- VIC supports First Nations communities' access to services, including mobile registration services and visits to communities to assist with registering births. The Marguk-bulok koolin-ik Team works to support First Nations community access births, deaths and marriage services;
- The federal Registry of Births, Deaths and Marriages launched an Online Birth Registration Portal to provide accessible assistance to regional and remote communities registering births. The digital platform streamlines the birth

registration process and the Registry improves access to vital services. The Registry continued its participation in the Department of Justice's Aboriginal Justice Open Days and interagency Community Service Delivery Days to increase remote and regional communities' access to identity documents and registration services.

Question 16: Education

Denial of education on the basis of motherhood

151. Among states and territories, there are no grounds for suspension and expulsion on the basis of motherhood. States and territories have policies and programs to support students who are pregnant or parenting to access education:

- Public schools in Australia, where the school can accommodate, may provide adjustments to support continuing education of pregnant students or young parents, including but not limited to, flexible timetables; leave from attendance before and/or after birth of baby; option to complete year 11 or 12 over a period of up to 5 years; distance education where no local provision is available; studies at TAFE; a school crèche where possible;
- The ACT CCCares at Canberra College provides alternate education and support programs for pregnant and parenting students. CCCares uses Personalised Learning Plans tailored to individual student needs, with flexible delivery of learning and content towards receipt of an ACT Senior Secondary Certificate and certified competency-based training;
- In NSW, pregnant students attending a school with a Wellbeing and Health In-reach Nurse can access specialist health staff for support. There are 95 nurses working in over 356 schools across NSW;
- NT's Gender Equality Action Plan 2022-25 includes a commitment to programs and activities assisting young parents and carers to continue their education and participate in the workforce, including building parenting capacity and re-entry of young mothers (Literacy for Parents - Strong Young Mums Program); and developing a cross agency framework to enable young parents to complete schooling with wrap around health education and parenting support services;
- QLD guidelines retain and support young people who are pregnant and parenting in education, for example guidance officers, school-based youth health nurses, youth support coordinators, and support connecting the student with government and external agencies;
- SA's Open Access College enrolment policy supports students who are unable to attend their enrolled school on a full-time basis due to family commitments, including a pregnant student or new parent. Schools ensure students can access education and health counselling services provided through the Department for Education, with external supports within government and non-government agencies to encourage students to continue their education;
- TAS's Pregnant and Parenting Student Policy and Procedure supports pregnant and parenting students to receive an education in a flexible and safe learning environment and commits schools not to discriminate, directly or indirectly, against pregnant and parenting students. TAS Child and Family Learning Centres provide support to families with children from pregnancy to 5 years. This may include supporting parents to re-engage in education;

- VIC's Pregnancy and Parenting Students policy supports young parents continue their education through flexible options for continuing education, support to balance workload and out of class commitments, tailoring programs and resources to individual needs, and preparing an Individual Education Plan and a Student Support Group;
- WA guidelines support students in regional and remote areas with additional contextual support. School staff ensure students can return to school after birth in safe and supportive environment. Childcare is accessed through local Child and Parent Centres, located on, or near, public schools.

Science, technology, engineering and mathematics (STEM) for Indigenous girls

152. The Indigenous Girls' STEM Academy is a \$25 million, 10 year national investment between 2018-28 in First Nations women and girls aspiring to pursue education/careers in STEM professions. The Academy operates nationally, with locations chosen according to populations, language groups and maximising access.

153. The Academy's 2 initiatives are Student Initiative and Teachers of STEM which supports up to 1,000 high-achieving First Nations young women from high school, through university, and into graduate careers; and teachers of STEM which supports training of up to 99 new, STEM specialised First Nations women teachers.

Information and communications technology (ICT) - education for girls and women in remote regions

154. The non-exhaustive list of ICT initiatives states and territories provide to enhance access to education for girls and women in remote regions, include:

- NT's Katherine School of the Air is continuing the use of iSee, a contemporary IT platform with low bandwidth, to enhance access to education for girls and women through delivery of curriculum;
- SA's SWiFT Program provides high-speed fibre internet to schools and preschools in regional areas, to reduce barriers to accessibility and connectivity to digital technologies. Schools in remote areas where fibre internet is unavailable have bespoke connections to a high performing, stable Starlink business service;
- VIC funds Software for Connected Learners program, which provides teachers and students with no-cost access to high quality, curriculum-aligned software and digital content, across various curriculum areas, including Science, Digital Technologies and Design and Technologies.

Measures to promote non-traditional educational choices of girls and women

155. Australia's *Advancing Women in STEM Strategy (2019)* guides Australia's efforts to increase gender equity and raise visibility of women in STEM. Government initiatives include:

- Investment of \$55.6 million over 4 years (commencing 2024–25) in Building Women's Careers programs to boost women's participation in construction,

clean energy, advanced manufacturing, and technology and digital industries/sectors;

- An independent Pathway to Diversity in STEM Review evaluating existing women in STEM programs; providing \$38.2 million over 8 years from 2023–24 (and \$1.3 million ongoing) to support education for a skilled and diverse STEM workforce promoting retention of women and other underrepresented groups;
- STEM Equity Monitor, a national data resource on girls and women in STEM reporting on STEM gender equity in Australia, published online.

Safe and inclusive learning environment

156. The Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability final report made recommendations regarding provision of inclusive and safe learning environments. All Australian governments accepted, in principle, recommendations for more accessible and inclusive education, building workforce capability and expertise, and strengthening complaints management practices.

157. The Government implemented recommendations from the 2020 Review of the Disability Standards for Education 2005, including ensuring education policies are consistent with disability discrimination laws, supporting educators to meet and co-design resources for students with disability and supporting families to understand and advocate for their child's rights.

158. Respectful relationships education is embedded in the Australian Curriculum (version 9.0), which was endorsed by state, territory and federal education Ministers in April 2022 for implementation in schools from 2023.

159. Respectful relationships education involves the non-government education sector, and uses the education system as a catalyst for generational and cultural change by engaging schools to comprehensively address the drivers of GBV and create a future free from violence and discrimination.

160. States and territories safe and inclusive programs and policies include:

- ACT Safe and Supportive Schools Policy: ACT public schools have a minimum of 2 Safe and Supportive Schools Contact Officers, who are teachers selected to support students experiencing or involved in bullying, discrimination and/or racial or sexual harassment;
- NSW Multicultural Education Policy supports inclusive teaching practices for cultural, linguistic and religious diversity of students, including targeted programs supporting students learning English as an additional language or dialect for newly arrived and refugee students;
- NT *Framework for Inclusion 2019-2029* is a 10-year strategy to improve inclusive education for all NT public school students. Consultation has commenced on a Statement of Commitment on Supporting Diversity of Sexual Orientation, Gender Identity and Sex Characteristics in Education;
- QLD delivers evidence based support, advice and professional development to QLD state schools and department staff to provide safe, supportive and inclusive environments for all students, including gender and sexuality-diverse students, based on state and federal anti-discrimination, human rights and education legislation;
- SA developed practice guides for educators that articulate evidence-based strategies to improve learning and wellbeing outcomes for learners with

additional needs. Specific practice guides on autism in girls are now available to SA schools;

- TAS schools create Learning Plans for students who identify as First Nations, speak English as an additional language, and/or have a disability and require educational adjustments. Specialised school staff support vulnerable young people with complex needs. Inclusive Language Guidelines, Aboriginal Education Services, and the TAS government's Supporting Sexuality, Sex and Gender Diversity in Schools policy, help schools foster an inclusive environment for students, families, and staff;
- VIC's Child Safe Standards implement compulsory minimum standards on inclusivity for all VIC schools, requiring schools to uphold diversity and equity in policy and practice, paying attention to the needs of students with disability, students from CALD backgrounds, students unable to live at home, international students, LGBTIQA+ students and Indigenous students;
- WA's 'Tracks to Two-Way Learning' facilitates co-design of place-based strategies with Indigenous and non-Indigenous educators; resources teachers and staff to identify language backgrounds of Indigenous students; and applies Indigenous English in teaching new skills in Standard Australian English (spoken and written).

161. The Government is responding to high rates of sexual violence on university campuses through a National Higher Education Code to Prevent and Respond to GBV, and establishing an independent National Student Ombudsman.

Secondary schools established in Indigenous communities

162. Accessible secondary schools established in Indigenous communities include:

- NSW: 11 secondary or central/community government schools in remote and very remote areas with majority Indigenous students enrolled;
- NT: 94 combined and secondary schools located throughout remote and very remote areas with majority Indigenous students enrolled;
- QLD: 17 schools located in Indigenous communities;
- SA: 15 government primary and secondary schools servicing regional and remote Indigenous communities;
- WA: 21 government remote community schools, one with campuses in 8 remote communities.

Incorporating education on Indigenous communities into the school curriculum

163. Version 9.0 of the Australian Curriculum includes deepening students' understanding of Indigenous histories and cultures and their contribution to modern Australia, including perspectives of Indigenous peoples on the arrival and impact of British settlers.

Question 17: Employment

Addressing gender segregated industries and occupations

164. Australia's labour market is segregated by industry and occupation. Working for Women outlines Australia's vision to achieve less gender-segregated industries and occupations, improve gender attitudes and stereotypes about 'men's and women's work' and a higher valuing of feminised industries.

165. Further initiatives to increase representation of women in male dominated industries include:

- The Australian Skills Guarantee (commenced July 2024), introduces national targets to increase the proportion of women working on major projects in ICT and construction and reduces gender segregation in apprenticeship schemes. The 2024-2028 National Skills Agreement, will strengthen the vocational education and training sector, improve women's economic participation, reduce industry and occupation gender segregation and improve the gender pay gap;
- The Government developed an Australian Apprenticeship service delivery model with support for women in male dominated trades;
- The Government announced Parent Pathways (2024) a voluntary pre-employment service supporting eligible parents of young children. Parents and non-government stakeholders are contributors;
 - i. Parents in non-remote areas who are not in paid employment, have a child aged under 6 years, and are receiving certain payments, will be eligible. First Nations parents will not need to be receiving payments to be eligible.

Implement the principle of equal pay for work of equal value

166. Employers must pay all employees equally for work of equal or comparable value. Australia improved transparency and reporting on gender pay gaps including amendments to the WGE Act.

167. Workplace relations system reforms include:

- Making gender equality an object of the Fair Work Act;
- Guiding how the Fair Work Commission considers equal remuneration and work value cases;
- The Fair Work Commission must consider gender equality, when setting modern awards conditions and minimum wages;
- Establish Expert Panels for pay equity in the Care and Community Sector;
- Expand bargaining systems to low-paid, female-dominated sectors;
- Prohibiting pay secrecy clauses in employment contracts.

168. The Secure Jobs, Better Pay Act amendments to the Fair Work Act instructs the Fair Work Commission to consider gender as a criteria to delivering pay increases. Reform examples include:

- In 2022-23, the Fair Work Commission increased the national minimum wage by 8.6 per cent to benefit low paid workers (more likely to be women);

- Increased the award wage for more than 250,000 aged sector employees, historically undervalued because of assumptions based on gender, by up to 28.5 per cent.

Implementation of 2017 Senate Inquiry into gender segregation in the workplace

169. The Government response to the Senate Inquiry into gender segregation in the workplace, was published in July 2018. The Government committed to conduct the Time Use Survey - data collection (ongoing from 2024) which records activities Australians take part in each day, including time spent on unpaid work (caring for children and older people, doing housework).

Australian Human Rights Commission – ‘Supporting working parents: pregnancy and return to work national review’

170. Australia has undergone reforms since the 2014 AHRC report, which examined discrimination in the workplace after pregnancy, including women’s experiences while on parental leave and on returning to work. Employer obligations and employee rights are published by various Australian departments and agencies including the Fair Work Ombudsman,³¹ AHRC,³² Department of Employment and Workplace Relations,³³ and WGEA.³⁴

Code of Practice

171. Australia does not have a code of practice on the legal obligations of employers regarding pregnant employees/employees with family obligations. Australia has a legislative framework outlining employer obligations and employee rights, including the Sex Discrimination Act, Fair Work Act and *Paid Parental Leave Act 2010* (Cth).

Gender analysis of Australia’s pension fund

172. Australia’s retirement income system aims to protect older Australians in retirement from formal employment and includes compulsory superannuation employer contributions, additional voluntary employee contributions, and the Government Age Pension safety net. The Age Pension is a social support payment supporting basic living standards of older Australians who need it. 55.5 per cent of Age Pension recipients are women.

173. Working for Women outlines a commitment to implement actions to reduce the retirement income gender pay gap, develop superannuation-system supports for people to catch up after time out of the workforce, and implement a social security system safety net.

174. For births or adoptions, from 1 July 2025, the Government will pay superannuation on its PPL scheme signalling that time out of paid work to care for

³¹ See, Parental Leave – Fair Work Ombudsman, <https://www.fairwork.gov.au/leave/parental-leave>.

³² See, Working Parents, a guide to rights, <https://humanrights.gov.au/our-work/sex-discrimination/working-parents-quick-guide-your-rights>.

³³ See, Understanding workplace rights, <https://www.dewr.gov.au/workplace-relations/understanding-your-workplace-rights>.

³⁴ See, Developing a Leading Practice Parental Leave Policy, <https://www.wgea/WGEA-Leading-Practice-Parental-Leave-Policy-Guide.pdf>.

children is part of working life for both parents; normalising parental leave as a workplace entitlement; and reducing impact of parental leave on retirement incomes.

175. New policy proposals concerning Australia's retirement income system must undergo gender analysis.

176. Gender gaps in superannuation balances are largely a result of lower lifetime earnings, and greater part time work, rather than superannuation system settings. Beyond superannuation balances, the Age Pension plays an important role in narrowing the gender income gap in retirement relative to working life.

Respect@Work Report

177. The Government provided \$367 million to implement all recommendations of the Respect@Work Report.

178. Reform requiring federal legislative change has been implemented through amendments including:

- Sex Discrimination Act: broadened the scope of the Act to apply to all forms of workers;
- The *Australian Human Rights Commission Act 1986* (Cth) was amended to provide the AHRC with new powers to inquire into, and report on, systematic unlawful discrimination, and new compliance and enforcement functions to complement the positive duty;
- The Fair Work Act and *Fair Work Regulations 2009* (Cth) were amended to prohibit sexual harassment in connection with work, introduce powers for the Fair Work Commission to deal with workplace disputes concerning sexual harassment including issuing a 'stop sexual harassment order', and clarifying that sexual harassment can be conduct amounting to dismissal;
- WGE Act has been amended to require federal public sector organisations, in addition to non-public sector employers, to report on gender equality indicators annually and enhance information sharing;
- The *Australian Human Rights Commission Amendment (Costs Protection) Act 2024* will prevent a court from ordering an applicant to pay a respondents cost in discrimination cases in Federal Court, except in certain limited circumstances.

179. Non-legislative measures taken by the Government in response to recommendations from the Respect@Work Report include:

- Developing training and education materials for critical groups on workplace sexual harassment;
- Funding a Sexual Harassment Research Program to support a national evidence base to inform policy and practice;
- Developing Guidelines on the use of confidentiality clauses in settlement agreements in sexual harassment matters;
- Commissioning the Australian National University to undertake research on costs and damages in sexual harassment litigation to inform a review into an appropriate costs protection model for discrimination matters;
- Providing funding for working women's centres, community legal centres and legal aid commissions and 1800RESPECT to support individuals who experience sexual harassment;

- Ratifying the International Labour Organization's Violence and Harassment Convention No.190;
- Conducting and releasing the results of the fifth national survey on sexual harassment;
- Establishing the Respect@Work Council to provide advice on implementation of the recommendations;
- Developing a Good Practice Indicators Framework for preventing and responding to workplace sexual harassment;
- Launching the Respect@Work website to deliver information and resources on workplace sexual harassment, including guidance on external pathways to address workplace sexual harassment.

Question 18: Sexual harassment

Addressing workplace sexual harassment

180. Measures taken to encourage reporting of sexual harassment in the workplace can be found in response to question 17c.

181. The *Fair Work Legislation Amendment (Secure Jobs, Better Pay) Act 2009* amended the Fair Work Act to prohibit sexual harassment in connection with work, and provide workers with the option to deal with sexual harassment complaints through the Fair Work Commission, in addition to existing channels for complaints through AHRC and state and territory anti-discrimination or workplace health and safety bodies.

182. The Government provided funding for working women's centres in all states and territories, to provide information, advice and assistance to women who experience workplace sexual harassment and other workplace issues, and the implementation of a national body to facilitate collaboration and coordination between centres. The national body is tasked with leading industry initiatives to prevent workplace sexual harassment, and lead research and analysis on systemic issues affecting working women, whilst contributing to policy debates about working women's rights and entitlements.

Independent Review into Commonwealth Parliamentary Workplaces

183. The Government committed to implement recommendations of the *Set the Standard: Report on the Independent Review into Commonwealth Parliamentary Workplaces*. The Report aims to ensure Commonwealth parliamentary workplaces are safe and respectful. To date, measures include:

- A human resources entity, established to support parliamentarians and their staff, through professional development, resources to professionalise management practices, guidance to manage suspension and termination decisions, training on respectful workplace behaviour and codes of conduct; in addition to conducting complaints reviews made about certain alleged workplace misconduct;
- The Australian Parliament endorsed interim behaviour standards and codes for parliamentarians, their staff and Commonwealth parliamentary workplaces that, amongst other things, prohibit sexual harassment in the workplace;

- Legislative amendments to parliamentary employment frameworks to ensure parliamentarians' staff work in safe, respectful and accountable workplaces;
- The Australian Parliament's standing orders were reviewed with a view to improving safety and respect in the parliamentary chambers.

184. The Government, in consultation with the Australian Parliament, established an Independent Parliamentary Standards Commission to investigate complaints of breaches of behavioural codes and standards for parliamentarians, staff and Commonwealth parliamentary workplaces.

185. Public reporting on implementation of the recommendations is available online and updated regularly.

Question 19: Health

186. The National Women's Health Strategy outlines a national approach to improving health outcomes for all women and girls. The Strategy identifies 5 priority areas: maternal, sexual and reproductive health; healthy ageing; chronic conditions and preventive health; mental health; and health impacts of violence against women and girls.

187. The Government provides support for pregnancy termination services through Medicare Benefits Schedule rebates for relevant services, including telehealth consultations, subsidies for the cost of medicines under the Pharmaceutical Benefits Scheme and via the National Health Reform Agreement.³⁵ In 2023, the Government introduced changes to the dispensing and prescribing of a medical abortion drug, mifepristone and misoprostol (MS-2 Step©), reducing barriers to safe and affordable abortions, especially for women in rural and remote areas.

188. The Government is supporting awareness raising and access to sexual and reproductive health services, including:

- \$5.2 million over 3 years from 2024–25 to support health practitioners undertake training in long-acting reversible contraception (LARC) insertion and removal to improve access to effective, reversible forms of contraception;
- \$1.1 million over 4 years from 2024–25 for development of a virtual contraception decision-making tool for women and health practitioners;
- \$1.1 million over 4 years from 2023–24 for the Australian Contraception and Abortion Primary Care Practitioner Support Network to provide health professionals with support in delivering LARCs and medical termination of pregnancy.

Abortion services in Australian states and territories

189. Abortion is legal in every Australian state and territory, but legislation differs between jurisdictions.³⁶ States and territories have made progress via laws, policies and initiatives to make abortion more accessible, including state-wide abortion care

³⁵ NHRA is an agreement between the Government and all state and territory governments for governance and financing of Australia's public hospital system.

³⁶ *Health Act 1993 (ACT); Abortion Law Reform Act 2019 (NSW); Termination of Pregnancy Law Reform Act 2017 (NT); Termination of Pregnancy Act 2018 (QLD); Termination of Pregnancy Act 2021 (SA); Termination of Pregnancy Regulations 2022 (SA); Reproductive Health (Access to Terminations) Act 2013 (Tas); Abortion Law Reform Act 2008 (Vic); Abortion Legislation Reform Act 2023 (WA).*

helplines, online consumer information resources in multiple languages, and partnerships with non-government organisations to support access to high quality sexual and reproductive health services and information.

190. All Australian states and territories have legislation establishing safe access zones of 150 metres around the premises where abortion/termination services are provided, with the exception of the ACT. In the ACT safe access zones of an area no less than 50 metres can be declared by the Minister for Health based on community need (to date only one zone has been declared).³⁷

191. All Australian states and territories have legislation, or are in the process of legislating, an obligation requiring medical or health practitioners with a conscientious objection to performing pregnancy terminations, to make a referral to other health service providers who can provide advice.

Mental health

192. In 2020–22, the ABS found, one-in-4 women (24.6 per cent) had a mental health disorder in the previous 12 months, compared with almost one-in-5 men (18.3 per cent). In 2020, the Wiyi Yani U Thangani report,³⁸ commissioned by the AHRC, found 34 per cent of First Nations women have been clinically diagnosed with a mental health condition. Transgender and gender-diverse Australians had higher rates of mental health disorders (33.1 per cent) than cisgender Australians (21.3 per cent).

193. Federally, mental health support is available to eligible Australians, regardless of gender, under the Better Access to Psychiatrists, Psychologists and General Practitioners initiative (Better Access). Better Access aims to improve outcomes for people with a clinically diagnosed mental health disorder through evidence-based treatment. Benefits are available for up to a maximum of 10 individual and 10 group mental health services per calendar year. Services can be provided by trained General Practitioners (GPs), psychologists (clinical/registered), eligible social workers and occupational therapists.

194. Additionally, the Government funds national free or low cost, digital mental health services, including crisis support, helplines and webchat, clinician-supported online therapies, self-directed education programs and tools, and moderated peer support forums.

195. The Government is providing \$888.1 million over 8 years from 2024–25 to expand free mental health services available to all Australians, including women. From January 2026, every Australian will have free access to a new low-intensity digital service for people experiencing mild mental health systems, without a referral. The Government is investing over \$80 million from 2019–20 to 2024–25 to support universal perinatal mental health screening and working with states and territories to support data collection to enable new and expectant parents to access early support for perinatal mental health issues.

³⁷ *Health (Patient Privacy) Amendment Act 2015* (ACT); *Public Health Amendment (Safe Access to Reproductive Health Clinics) Act 2018* (NSW); *Termination of Pregnancy Law Reform Act 2017* (NT); *Termination of Pregnancy Act 2018* (Qld); *Health Care (Safe Access) Amendment Act 2020* (SA); *Reproductive Health (Access to Terminations) Act 2013* (Tas); *Public Health and Wellbeing Amendment (Safe Access Zones) Act 2015* (Vic); *Public Health Amendment (Safe Access Zones) Act 2021* (WA).

³⁸ Securing our Rights, Securing our Future', Australian Human Rights Commission, <https://humanrights/aboriginal-and-torres-strait-islander-social-justice/wiyi-yani-u-thangani>.

196. The Government, through the Indigenous Advancement Strategy is investing close to \$13 million in 2024-25 to support mental health and suicide prevention for Indigenous people, including:

- \$5 million in support of suicide postvention and related supports, provided nationally;
- \$5 million for mental health first aid training, including accredited courses specific to youth and service provider staff supporting youth clients, provided nationally;
- Approximately \$2.7 million for community-led youth and family support services in the Kimberley (WA) in support of suicide prevention.

197. In 2024-25, the Government committed \$12.8 million from the Indigenous Advancement Strategy to continue the Indigenous Youth Connection to Culture program for a further 4 years in regional and remote Australia.

198. States and territories have their own mental health legislation, and diverse strategies to support the mental health of women. A non-exhaustive list of other initiatives include:

- ACT: implementation of the *Mental Health Workforce Strategy and Action Plan*; Expanding Public Healthcare Services for Eating Disorders project; and improvements to perinatal mental health screening. The ACT *Disability Health Strategy 2024-2034*, under development, aims to ensure people with disability have equitable and appropriate access to healthcare, including mental health services;
- NT's bilateral agreement with the Government on Mental Health and Suicide Prevention (2022-26) supports expanding Headspace services and Head to Health centres in Katherine and Alice Springs, including a focus on First Nations children. The NT provides an effective territory-wide child and adolescent service and is improving services for children experiencing harmful sexual behaviours. The NT is improving access to specialised perinatal mental health services and enhancing screening during the perinatal period for women and families. The perinatal and infant mental health service improves equity of access, service delivery, and early identification and intervention for women and families in vulnerable situations;
- NSW Health Perinatal and Infant Mental Health Services (PIMHS) provide perinatal women with serious mental illness with consultation liaison services or direct care, including assessment, intensive support and referrals to specialist mental health mother-baby-units or general inpatient units for acute care. PIMHS offers services within women's prisons and telehealth outreach to rural and remote areas. Programs support early parent-child relationships when parental mental ill-health affects attachment;
- QLD released the *Queensland Women and Girls Health Strategy 2032* which considers all aspects of women and girls' health, including mental health. The QLD Government funds programs supporting the mental health of women and girls, including eating disorder responses;
- SA's Refugee Health Service is a specialist health service for newly arrived refugees and asylum seekers, focusing on new arrival families and individuals with complex health and psycho-social needs. It provides interventions to address acute and chronic physical/psychosocial consequences of torture, trauma and GBV;

- TAS supports the mental health and wellbeing of Tasmanians under the Bilateral Schedule for Mental Health and Suicide Prevention between the Commonwealth and TAS governments (May 2022), including establishing an eating disorder service and universal aftercare services;
- VIC is investing in supports for mothers experiencing acute mental health and wellbeing issues during the perinatal period and expanding the Perinatal Emotional Health Program;
- WA provides funding to 11 community organisations under Proud and Connected Community Grants to increase connection and build resilience within the LGBTIQA+ community, aligning with outcomes in *Western Australian Suicide Prevention Framework 2021-2025*.

Transgender women

199. The Government recognises individuals may identify and be recognised within the community as a gender other than the sex they were assigned at birth or during infancy, or as a gender which is not exclusively male or female. The Sex Discrimination Act makes discrimination on the grounds of gender identity unlawful in key areas of public life. There is no requirement for any person to obtain legal recognition of their gender identity, however some people may wish to obtain legal recognition on their birth certificate.

200. Government Guidelines on the Recognition of Sex and Gender, released in 2013, apply to all Government departments and agencies maintaining personal records (including employee records), and/or collect sex and/or gender information. The Guidelines support departments to meet obligations under the Sex Discrimination Act, outlining a consistent standard of evidence required for people to change or establish their sex and gender information on personal records.

201. In 2021, the ABS released *Standard for Sex, Gender, Variations of Sex Characteristics and Sexual Orientation Variables 2020* (ABS Standard). The Standard states “gender is about social and cultural differences in identity, expression and experience as a man, woman or non-binary person. A person’s gender may differ from their sex and may differ from what is indicated on their legal documents.” The Standard guides policy and data collection across all Australian governments.

202. States and territories are responsible for laws associated with registering a change of gender:

- ACT’s *Births, Deaths and Marriages Registration Act 1997* (ACT) removed criteria requiring a person to have gender re-assignment surgery before being eligible to alter their registered sex. In March 2024, further amendments mean a person can apply to alter their registered sex if the person believes their sex to be the sex nominated in their application. Clinical treatment, authorisation or verification from a medical practitioner is no longer required;
- NSW *Births, Deaths and Marriages Registration Act 1995* (NSW) provides a person who is 18 years or above and has undergone a sex affirmation procedure, may apply for an alteration of their birth certificate. NSW is considering reform to the requirements for sex markers on birth certificates;
- NT’s *Births, Deaths and Marriages Registration Act 1996* (NT) allows for a change of sex or gender without medical treatment. A statement from a medical practitioner or psychologist must accompany an application, certifying the adult has received appropriate clinical treatment;

- QLD's *Births, Deaths and Marriages Registration Act 2023* (Qld) no longer requires transgender and gender-diverse people to undergo gender re-assignment surgery before obtaining legal recognition of their gender. The Act supports bodily integrity, autonomy and self-determination. A person aged 16 years and over may apply to alter their record of sex through a declaration accompanied by a supporting statement from an adult who has known the applicant for at least 12 months. Parents of, or persons with legal parental responsibility for, a child under 16 years may apply to alter their record of sex with a report from a developmentally-informed-practitioner that confirms the child understands the legal implications of amending the record of sex;
- SA's *Births, Deaths and Marriages Registration Act 1996* (SA) allows a person 18 years or above to apply to record their new sex or gender identity if they have undergone required clinical treatment, which may include counselling and may not involve invasive medical treatment;
- TAS's *Births, Deaths and Marriages Registration Act 1999* (Tas) allows for registration of gender identity on the basis of self-identification, without requirement for medical treatment. Birth certificates can be issued with a person's chosen gender or no gender at all;
- VIC's *Births, Deaths and Marriages Registration Act 1996* (Vic) no longer requires a person to undergo gender re-assignment surgery to apply to change their record of sex, reflected in published guidance to health services on inclusive collection and reporting of sex and gender data;
- WA's *Births, Deaths and Marriages Registration Amendment (Sex or Gender Changes) Act 2024* (WA) abolished the Gender Reassignment Board in April 2024, and introduced a streamlined administrative process for sex and gender recognition. There is no requirement to undergo medical or surgical re-assignment to change a person's sex or gender on their birth certificate. A statement from a medical practitioner or psychologist certifying the person has had appropriate clinical treatment, may include counselling, is sufficient.

Culturally-appropriate, gender-sensitive and non-discriminatory health-care services, and training for Indigenous health professionals

203. The Government has made cultural and gender-responsive health investments and reforms, including:

- \$3.5 million over 4 years from 2024–25 (and \$0.4 million per year ongoing) will expand the Midwife Professional Indemnity Scheme to enable Birthing on Country³⁹ programs to engage midwives who can provide culturally-safe, continuous midwifery care, in order to improve health outcomes for First Nations women and babies;
- \$12.5 million over 4 years to the National Aboriginal Community Controlled Health Organisation (NACCHO) to facilitate community-led distribution of menstrual products in regional and remote Indigenous communities where menstrual products are expensive and hard for First Nations women and girls to access.

³⁹ On Country is a term used by First Nations peoples to refer to the lands, waters and skies to which they are connected through ancestral ties and family origins.

204. The *National Aboriginal and Torres Strait Islander Health Workforce Strategic Framework and Implementation Plan 2021–2031* addresses structural, systemic, organisational and personal barriers to recruiting and retaining First Nations people across the health landscape.

205. The Government will grow the Indigenous health workforce across levels, roles, and locations to eliminate racism and build capacity to deliver culturally-safe, trauma-informed, appropriate health care to Indigenous peoples (including multicultural communities):

- \$54.3 million over 5 years (2022-23 to 2026-27) for NACCHO to deliver a First Nations Health Worker Traineeship Program to support up-to-500 Indigenous trainees to undertake qualifications enabling them to work in various health settings and deliver culturally-appropriate care to Indigenous peoples;
- \$52.9 million over 4 years (from 2022-23 to 2025-26) provided to First Nations Health Professional Organisations to support and develop the Indigenous health workforce;
- \$197.9 million to NACCHO to employ up-to-260 new positions in Indigenous community-controlled health services to deliver cancer treatment and other supports including health promotion activities, support for patients navigating cancer care post-diagnosis, and access to treatment and care on Country.

206. State and territory strategies and initiatives delivering culturally-appropriate, gender-sensitive and non-discriminatory health-care, and support to Indigenous health professionals, include:

- NSW: funding to the Aboriginal Allied Health Cadetship since 2011, and to the Health Education and Training Institute, Training and Support Unit to provide culturally-responsive, evidence-based education and support to staff working in the Aboriginal Maternal and Infant Health Service and Building Strong Foundations teams;
- TAS implements initiatives under *Improving Aboriginal Cultural Respect Across Tasmania's Health System Action Plan 2020-2026*, including increasing capacity of Aboriginal Health Liaison Officers and establishing an Aboriginal Health Worker traineeship pilot program;
- WA established dedicated Indigenous health workforce officers within WA health service providers; the Aboriginal Cadetship Program offering Aboriginal University students opportunities for paid work experience in WA's health system; the Health Aboriginal Leadership Excellence and Development Program - prepares talented Indigenous leaders in WA's health system for senior management and executive positions.

National framework for the mental health and well-being of First Nations peoples

207. The Government actively participates in the Social and Emotional Wellbeing Policy Partnership aiming to improve social and emotional wellbeing and mental health, and reduce suicide rates in Indigenous communities:

- On 3 August 2023, the Social and Emotional Wellbeing Policy Partnership established a working group to refresh the *National Strategic Framework for Aboriginal and Torres Strait Islander Peoples' Mental Health and Social and Emotional Wellbeing 2017-2023*. The Government contributed funding to support the refresh and implementation planning process.

208. The National Plan and Aboriginal and Torres Strait Islander Action Plan recognises ongoing impacts of colonisation on Indigenous peoples, including intergenerational-trauma. The Aboriginal and Torres Strait Islander Action Plan's second reform area is 'Strength, resilience and therapeutic healing' - aiming for:

- Primary prevention, early intervention, response and recovery services to be trauma-informed, healing-focused, culturally-safe, place-based and kinship centred;
- Cultural knowledge and practices to be developed by and for Indigenous peoples to address impacts of intergenerational trauma;
- Health and wellbeing to be prioritised.

209. The Government is committed to Closing the Gap, and funds programs in partnership with communities to provide crucial opportunities for trauma recovery, including Healing for Families program which delivers culturally-based and trauma-informed healing support including counselling and therapy, financial support and advice. The program recognises the role First Nations women play in ensuring the strength and wellbeing of their families and communities, while working to address the disproportionately high rates of violence they experience.

Question 20: Social and economic benefits

Ensuring an adequate standard of living

210. Australia's social security system is a taxpayer-funded, non-contributory system supporting basic living standards and economic participation of Australians.

211. Income support payments, including JobSeeker, support Australians unable to support themselves while looking for a job or have a temporary injury or incapacity. Those receiving an income support payment are eligible for at least one additional supplementary payment, which could include the Energy Supplement, Family Tax Benefit or Rent Assistance. Family Tax Benefit is available to Australians who do not receive an income support payment if their income is below a certain threshold.

A higher basic rate of JobSeeker is payable to single recipients with dependent children. Parenting Payment's provide financial assistance to principal carers with parenting responsibilities for a young child.

212. Single principal carers on the Parenting Payment receive a higher basic payment rate compared to partnered recipients. Reforms in 2023-24 allow single principal carers to receive the Parenting Payment (Single) until their youngest child turns 14 (up from age 8). As of 31 May 2024, this measure has benefited around 82,000 women and 10,075 Indigenous carers.

213. In 2022, the Government established the Economic Inclusion Advisory Committee to provide advice to Government on economic inclusion and the adequacy, effectiveness and sustainability of income support payments ahead of every Federal Budget. The Committee's role explores options to address barriers to economic inclusion for long term unemployed and disadvantaged groups. The Committee reports to the Government ahead of each Budget.

Economic empowerment of single mothers

214. The Government delivered legislation to improve the collection of child support owed to parents. The Government is investing \$5.1 million to action child support

recommendations of the Family Law Inquiry, which includes establishing a Child Support Stakeholder Consultation Group and Child Support Expert Panel to ensure stakeholders engaged in the Child Support Scheme, and experts, inform future policy.

215. The Government is making early childhood education and care (ECEC) more affordable. The Government provides the main source of funding to support families' access ECEC services through the Child Care Subsidy (CCS) and Additional Child Care Subsidy.

216. The percentage of CCS to which a family is entitled was increased from July 2023 as part of Government's \$4.7 billion Cheaper Child Care package. Eligible families earning a combined income of \$83,280 or less receive a subsidy of 90 per cent of their CCS entitlement. For family incomes above \$83,280, the subsidy gradually decreases to 0 per cent when family income reaches \$533,280 or more.⁴⁰

217. Through Fee-Free TAFE Skills Agreement, the Government partnered with states and territories to deliver over \$1.5 billion for 500,000 Fee-Free TAFE and vocational education and training (VET) places across Australia over 2023-26. Fee-Free TAFE removes financial barriers to study and supports training places in areas of high demand and skills need. Priority sectors include Agriculture, Care, Construction, Defence, ECEC, Hospitality and Tourism, Manufacturing, Sovereign Capability, Technology and Digital, and the VET workforce from 2024.

218. From 1 November 2024, the Government introduced a voluntary pre-employment service to provide support to eligible parents of young children to meet their education, employment and career goals, without limiting the need to prioritise family. A Parents Advisory Group has been established to ensure continuous improvement of the service.

Question 21: Indigenous women

National Congress of Australia's First Peoples

219. National Congress of Australia's First Peoples went into voluntary administration in 2019. The Government provided National Congress \$5.4 million between 2013-17 for National Representative Body Consultation and approximately \$3.3 million between 2016-19 for capability projects.

220. The Government invested \$3 million across the next 3 financial years to assist in establishing the Wiyi Yani U Thangani Institute for First Nations Gender Justice. The Institute's key focus will be to undertake multidisciplinary research and initiatives to identify root causes of intersectional discrimination and other systemic barriers impacting the lives of First Nations women and girls.

Safe, secure and affordable housing

221. The Government committed to a comprehensive housing agenda which includes the National Housing Accord, the Housing Australia Future Fund, the National Agreement on Social Housing and Homelessness (NASHH) with states and territories, the Social Housing Accelerator Fund, and the National Housing Infrastructure Facility - through which the Government has targeted an additional \$1 billion toward crisis and transitional accommodation for youth, and for women and children fleeing domestic violence.

⁴⁰ The Child Care Subsidy rates correct at December 2024.

222. The Government, with states and territories is developing a National Housing and Homelessness Plan.

223. Established in 2023, the Housing Australia Future Fund is a key element of the Government's commitment to boost supply of social and affordable housing, to support 30,000 new social and affordable housing dwellings in its first 5 years. Disbursements from the Fund will provide:

- \$200 million for repair, maintenance and improvements of housing in remote Indigenous communities;
- \$100 million for crisis and transitional housing for women and children impacted by family and domestic violence, and older women at risk of homelessness;
- \$24 million for capital works projects providing additional crisis and transitional housing stock for veterans and their families. An additional \$6 million to fund specialist support services for those in the veteran community experiencing, or are at risk of, homelessness.

224. Closing the Gap includes a target that 88 per cent of Indigenous people be in appropriately sized (not overcrowded) housing by 2031. At the 2021 Census, 81.4 per cent of Indigenous people were living in appropriately sized housing.

225. Agreed in 2020 and established under Closing the Gap, the Housing Policy Partnership is a key mechanism to deliver outcomes for Indigenous housing and provides a forum for Indigenous people to engage in design and delivery of First Nations housing services.

226. NASHH is a 5 year agreement providing \$9.3 billion to states and territories to assist people experiencing, or at risk of, homelessness. Under the agreement, the Government provides a funding component of around \$400 million a year. States and territories are required to match their share of homelessness funding. Indigenous people are the only priority homelessness cohort specified in the NASHH, addressing disproportionate housing inequality affecting Indigenous people. NASHH requires decisions affecting Indigenous people to be decided in partnership with Indigenous communities and state government.

227. At the federal level, initiatives to ensure safe, secure and affordable housing for First Nations women, includes \$172.6 million over 7 years for the Safe Places Emergency Accommodation Program, which provides capital works grants to support building, renovation or purchase of emergency accommodation supporting women and children experiencing FDV. Of this, \$100 million will deliver Safe Places Inclusion Round focused on improving access to appropriate emergency accommodation for First Nations women and children, women and children of CALD backgrounds, and women and children with disability.

Question 22: Refugee and asylum-seeking women

Intercepting and returning asylum-seeking women and girls arriving by sea

228. The Government's policy is to intercept any vessel seeking to reach Australia irregularly and to safely return those on board to their point of departure or country of origin, consistent with all applicable domestic and international laws.

229. If people are unable to be safely returned, they will be transferred to Nauru. The Government of Nauru is responsible for assessing protection claims.

230. Australia is committed to upholding its *non-refoulement* obligations under the 1951 Convention Relating to the Status of Refugees and its 1967 Protocol (together referred to as the Refugee Convention) and other international human rights treaties to which it is a party.

231. Consistently with international legal obligations, Australia does not return individuals to countries where they face persecution or a real risk of torture, cruel, inhuman or degrading treatment or punishment, arbitrary deprivation of life or the death penalty.

232. Australia is one of only a few resettlement countries with a dedicated refugee visa program to assist women and their dependent(s) at risk. Woman at Risk visa subclass provides a pathway for the resettlement of women refugees and their dependents in vulnerable situations.

Regional processing arrangements

233. There has been one child in Nauru under regional processing arrangements since February 2019. This child and his parents were accommodated together, and have since voluntarily returned home.

234. The Government of Nauru is responsible for the conduct and operation of regional processing arrangements within its territory. Australia supports Nauru to ensure dedicated health and welfare services for women and girls are in place for new arrivals taken to Nauru for regional processing.

235. Protection claims assessment for all individuals, including women and girls, under regional processing arrangements is a matter for the regional processing country under their domestic legislation.

236. Protection visa applications are assessed against criteria set out in the *Migration Act 1958* (Cth) (Migration Act) and the *Migration Regulations 1994* (Cth). All protection claims are assessed individually on their own merits and the particular circumstances of the applicant are taken into consideration.

237. The Government acknowledges women may experience persecution, harm and discrimination because of their gender. Visa decision makers are supported, to effectively and sensitively assess claims related to gender. Visa decision makers undertake Domestic Violence Interview training.

Mandatory detention

238. Immigration detention supports Australia's well-managed migration system and is used to manage potential risks to the Australian community, including national security, health and character risks. Under the Migration Act, a person who does not hold a valid visa is an unlawful non-citizen and must be detained.

239. Immigration detention is used as a last resort. Whenever possible, people who are unlawful non-citizens facing detention are accommodated in the community or less restrictive placements, particularly where children are involved.

240. People who are unlawful non-citizens and who are detained, are subject to placement in immigration detention facilities. Decisions about the most appropriate immigration detention accommodation are determined on a case-by-case basis and involve consideration of a number of factors including the operational capacity of each facility, and the safety and security of people who are unlawful non-citizens, staff and visitors.

241. As of 30 April 2024, there are 50 women held in immigration detention, representing less than 6 per cent of the total detention population. More than 40 per cent of these women had their visa cancelled under section 501 of the Migration Act. There are no women who arrived in Australia by sea and became unlawful non-citizens upon entry held in immigration detention.

Access to health and education

242. The Government has contracted 2 service providers to deliver services to people in immigration detention. Facilities and Detainee Services Provider delivers security, garrison, welfare and facilities management services, while Detention Health Services Provider provides health and wellbeing services to detainees.

243. Healthcare services for people in immigration detention are comparable with those under Australia's public health system. Detention health services are provided within an integrated primary care framework, delivered by a multidisciplinary team. Detention Health Services Provider provides regular health information to all people in immigration detention including women's health topics, lifecycle information, contraception, sexual and reproductive health, breast and ovarian cancer.

244. Detention Health Services Provider provides access to sexual and reproductive health services, including antenatal screening and obstetrics, termination of pregnancy if requested, emergency contraception and assistance to victims and survivors of female genital mutilation and family violence.

245. Culturally-appropriate interpreters and support services are provided in immigration detention and all care is taken to ensure interpreters and support services are responsive to gender, culture and religion. Steps are taken to ensure confidentiality and provide reassurance of confidentiality to detainees.

246. All refugee and asylum seeker children have access to primary and secondary education consistent with the education provided to citizens in states and territories where they are located.

Status resolution support services

247. Home Affairs administers the Status Resolution Support Services (SRSS) Program. SRSS provides needs-based, targeted support to eligible individuals whilst they are resolving their immigration status. Support will depend on individual circumstances and is targeted toward eligible individuals facing significant barriers to support themselves or engage in status resolution actions. Refugee and asylum seeking women and girls may be eligible for SRSS if they meet criteria for support (hold a bridging visa in association with a protection visa claim and can demonstrate hardship). Assistance may include income support, case management, access to health care, accommodation and development of a case plan to improve independence and support integration.

248. SRSS providers must ensure personnel undertake Child Safeguarding Framework training, and family and domestic violence awareness training.

Gender-based violence in immigration facilities

249. Women in immigration facilities are able to lodge a complaint or provide feedback on any aspect of their immigration detention without hindrance or fear of

reprisal. Complaints can be made to Home Affairs, Australian Border Force, service providers, and/or oversight bodies.

250. Laws, policies, rules and practices govern how people are treated in immigration detention facilities in Australia. The length and conditions of immigration detention are subject to regular internal and external review. The Commonwealth Ombudsman, AHRC and Australian Red Cross conduct ongoing inspections of immigration facilities.

Question 23: Women in criminal justice detention

251. States and territories administer their own criminal justice systems, correctional and prison services. Detail can be provided as part of the State Party Dialogue.

Holistic early intervention, design prevention and diversion strategies

252. The Government works with states and territories to address underlying factors leading to contact with the justice system by focussing on strengthening prevention, early intervention and diversion strategies.

253. Largely owing to the perpetration of violence against them, First Nations women continue to be over-represented in the criminal justice system and are the fastest growing incarcerated population.⁴¹ The Government is working in partnership with Indigenous organisations and communities to improve justice outcomes for Indigenous peoples, complementing state and territory efforts through Justice Policy Partnership, and the Indigenous Advancement Strategy's Safety and Wellbeing Programme. Reducing incarceration rates and contact with the criminal justice system is aligned to Targets 10 and 11 under Closing the Gap.

254. The Government has invested in justice reinvestment initiatives to improve outcomes for Indigenous people, including:

- Establishing a National Justice Reinvestment Program to support up to 30 community-led justice reinvestment initiatives addressing underlying causes of incarceration (\$69 million over 4 years);
- Designing and establishing an independent National Justice Reinvestment Unit to coordinate and support justice reinvestment initiatives at a national level (\$12.5 million over 4 years);
- Place-based justice reinvestment initiatives in Central Australia.

255. State and territory initiatives include:

- NT's *Sentencing and Other Legislation Amendment Act 2022* (NT) abolishes mandatory sentencing terms of imprisonment and mandatory non-parole periods for violent offences, drug offences and breach of domestic and family violence order offences. This Act reformed non-custodial sentencing options, as well as community youth programs focused on diversion and early intervention;
- QLD Corrective Services released the *Queensland Corrective Services Reframing the Relationship Plan 2024-2033*, a 10-year First Nations Strategy, committed to Closing the Gap on Indigenous peoples incarceration and victimisation from violence, increasing opportunities for connection to culture

⁴¹ Howard-Wagner, D, 2021, 'Increased incarceration of First Nations women is interwoven with the experience of violence and trauma' The Conversation (6 August 2021).

and family, providing meaningful rehabilitation, and assisting successful returns to community. QLD Corrective Services is developing associated action plans. The First Nations Justice Office in Department of Justice and Attorney-General is developing a 7 year co-designed whole-of-government and community strategy to address overrepresentation of Indigenous peoples in the criminal justice system;

- In 2023, VIC amended bail laws to reduce unnecessary remand for people accused of low-level offending and to reduce disproportionate impacts on groups including women.

Supporting the needs of women in prison

256. Across jurisdictions, programs to address the needs of women in detention and promote alternatives to prison, especially for First Nations women, include:

- ACT: women in prison can access rehabilitative and re-integrative programs and services, including alcohol and drug programs, mental health supports, employment and education programs and community resource services that provide eligible detainees leaving custody with housing, health, income, family and community connections;
- NSW: First Nations women have access to programs designed to address their unique and complex needs, including access to cultural programs, pathways to employment, education, housing, criminogenic needs, and initiatives providing essential documents including birth certificates. NSW offers the Miruma Program, a diversionary program for female offenders with mental health and drug and alcohol issues;
- TAS and NT Correctional Services provide programs and supports to meet the needs of women in detention, including education and training courses, therapeutic, cultural and health-based recreation and offence-specific programs;
 - i. NT programs are administered with Indigenous cultural and practice advisors. NT provides Bail Support Accommodation services in Darwin and Alice Springs for women as an alternative to detention. In NT, Aboriginal Mental Health First Aid facilitates visits by Elders and Yarning Circles. NT Correctional Services is developing 2 correctional centres for women designed on therapeutic foundations, extending beyond adult custodial facilities, including alternatives to custody facilities;
- QLD is undertaking a suite of women's system reforms including increasing women's access to programs and services such as those targeting drug and alcohol, mental health, parenting, and domestic, family and sexual violence;
- In SA, Yalakiana Tapa delivers Marni Tapa, a program providing individualised support, cultural accommodation, and drug and alcohol residential treatment for women exiting custody on bail.

Comprehensive health screening

257. States and territories conduct physical and mental health needs upon admission to detention, for example:

- NSW ensures gender specific issues, including health, abuse and trauma related factors, are taken into account when assessing the needs of women offenders.

NSW is developing a Women's Intervention Pathway to inform inmate case plans and referrals to gender-responsive programs and services;

- TAS detainees undergo an initial health screening on reception to custody, undertaken by a registered nurse, to determine priority steps and ensure a rapid health response is provided. Within 4 weeks of being in custody, prisoners are seen by a doctor to review ongoing health needs. Dedicated health teams comprising nurses, GPs and psychiatrists operate on-site, and further referrals are available where required;
- In WA, a registered nurse will conduct a full health assessment within 24-hours for adult prisoners and 12-hours for a young person. Young women and girls in detention in WA have access to services including psychologists, GPs and dentists, and may access referrals to external specialist services where required. WA is developing a service model for screening, assessment and intervention for neurodevelopmental disabilities and mental health issues. Preliminary negotiations are underway to engage Indigenous Medical Services to supplement medical services provided in custody.

Gender-sensitive training and behaviour of correctional staff, and complaints mechanisms

258. States and territories provide gender-specific training and professional development opportunities for staff in correctional facilities, with several jurisdictions collecting data on completion rates of this training, for example:

- ACT delivers the Women in Custody course to custodial officers during their recruitment course. Since 2015 (as at October 2023), 83 per cent of staff have completed this training;
- QLD delivers trauma-informed and gender-responsive practice training for Community Corrections staff working with individuals in the criminal justice system, and introduced into custodial officer training in 2024-25;
- In SA, a Working with Women mandatory training package is delivered to all new correctional officer staff and is underpinned by relational and trauma-informed practices;
- VIC's *Standards for the Management of Women Prisoners in Victoria* requires staff complete training on issues related to managing women in detention, including women' pathways into offending; intersections between women's harmful substance use, mental health and past victimisation; empathetic communication between staff and women in detention; mother-child relationships; and professional boundaries.

259. In all states and territories, women in prison can make complaints to staff, external complaint bodies and oversight agencies, including relevant jurisdictional Ombudsman's, receiving information on how to make complaints as part of admission and induction procedures.

260. Regarding confidentiality, there are avenues for women in detention can make confidential complaints, for example:

- In ACT, women can make complaints to external oversight bodies;
- In WA, women in detention can make complaints through confidential mail to regulatory and governmental bodies. The prisoner grievance process and WA health service for prisoners are confidential complaints processes. Women can also access confidential legal services.

Investigations, prosecutions and punishments of cases of sexual violence against women in detention

261. All jurisdictions take allegations of sexual violence against women in prison seriously. Each jurisdiction adopts a different approach to the collection of data relating to investigations, prosecutions and punishments of cases of sexual violence against women in detention:

- ACT identified 3 allegations in the last 2 years involving sexual violence against women in police custody. These complaints have been finalised and allegations were not substantiated;
- NSW collects data on relevant investigations but does not publicly report this data. In 2023, NSW introduced a Sexual Misconduct Reporting Line for prisoners to report sexual harassment or assault perpetrated by staff which they experienced or witnessed. These allegations are considered to be serious misconduct and are referred to Corrective Services Investigations Unit for criminal offending which are staffed by police officers;
- NT identified no known investigations, prosecutions or punishments regarding sexual violence against women in custody in the last 3 years;
- TAS, SA, VIC and WA do not publicly report on and/or collect data on the number of investigations, prosecutions and punishments of sexual violence against women cases in custody. QLD collects data on prosecutions and punishments of sexual violence which the Queensland Sentencing Advisory Council publishes periodically.

Alternative screening methods

262. States and territories use full-body x-ray scanners as an alternative to strip-searching, to improve prisoner dignity, particularly women, and facility security. All jurisdictions have or are in the process of procuring, installing or trialling x-ray body scanners in their correctional facilities:

- ACT installed 2 x-ray body scanners at Alexander Maconochie Centre in June 2022 to reduce non-admission strip searches and improve detainees dignity and the facilities security;
- NSW funded full body x-ray scanners in most of NSW's 34 correctional centres. Custodial Operational Policy and Procedures amendments mean strip searches are only necessary where body scanning is unavailable or impractical, or when body scanning indicates presence of an anomaly;
- In NT, a full unclothed search of prisoners is required in certain circumstances, notably on reception to the prison. Women should not be strip-searched unless absolutely necessary. NT Correctional Services is considering creation of a search facility with x-ray technology in Alice Springs and Darwin Correctional Centres;
- QLD Corrective Services committed to trauma-informed practice including reducing demand for removal of clothing searches in women's prisons where alternatives such as x-ray body scanners are available. In 2024, QLD Corrective Services commenced trialling body scanner technology at Brisbane Women's Correctional Centre before rolling out to other women's correctional centres;
- SA Correctional Services installed new body scan technology for Adelaide's Women's Prison. This provides an alternative to use of strip-searching practices;

- TAS women's prison recently installed a body scanner machine. Once in use, women will only be strip-searched if they are at risk of self-harm or suicide or the scanner shows they have something on their person;
- VIC undertook work to reduce strip searching requirements in Victorian custodial corrections system, including use of body scanning technology and saliva drug testing. Strip searching is used as a last resort as part of a suite of other mechanisms to limit contraband entering prisons;
- WA has a policy outlining methods to be adopted for women, transgender, gender-diverse or intersex prisoners, and persons with disabilities, as well as culturally-appropriate approaches to searching women. In 2022, WA installed the first x-ray body scanning device at Melaleuca Women's prison.

Women's conditions of detention

263. State and territory justice and correctional agencies have regard for international, national and state-level obligations in the management of women in custody, including Bangkok Rules and Mandela Rules.

264. *Guiding Principles for Corrections in Australia (2018)* guides how states and territories develop practices, policies, and performance standards. Principles are informed by internationally accepted rules, standards and practices including Mandela Rules, Bangkok Rules, Tokyo Rules and mechanisms including the Optional Protocol to the Convention Against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT). Considering needs of prisoner cohorts including young adult offenders, women, aged and frail, LGBTIQA+ offenders, those with mental health issues and/or disabilities, and remand prisoners.

265. OPCAT requires Australia to establish a National Preventive Mechanism to enable independent bodies, including the United Nations Subcommittee on Prevention of Torture, to inspect and monitor places of detention. The mechanism ensures women, girls, sistergirls,⁴² and gender-diverse persons, are treated with dignity and humanely in places of detention.

266. On 21 June 2023, AIC released the national real-time reporting of deaths in custody dashboard to assure the public that all Australian governments are transparent and accountable for their respective criminal justice systems. Data includes Indigenous status, custody type, sex and age group and is published nationally as an aggregate, real-time total for Indigenous and non-Indigenous deaths in custody.

Question 24: Marriage and family relations

Family Law Act amendments

267. The Family Law Act was amended in 2023, in response family law system reviews.⁴³ Amendments remove the requirement to consider equal shared parental responsibility for children when parents separate. The provision has led to legal misunderstandings which may lead parents agreeing to unsafe/unfair arrangements.

⁴² Sistergirl describes gender diverse people that have a female spirit and take on female roles within the First Nations community.

⁴³ For example, Australian Law Reform Commission's Family Law for the Future – An Inquiry into the Family Law System and the Joint Select Committee on Australia's Family Law System Inquiry.

The Family Law Act is gender-neutral, without assumptions of parenting roles, or how much time a child should spend with each parent.

Cultural-community divorce

268. The Marriage Act establishes the framework for legal marriages in Australia, including requirements for marriages to be validly solemnised under Australian law, and for foreign marriages to be legally recognised under Australian law. Australian law provides for no-fault divorce for dissolution of legal marriages. This process is regulated by the Family Law Act.

269. It may be that a legal marriage is dissolved (divorce under the Family Law Act), but a cultural or religious marriage continues in effect, pursuant to relevant cultural customs or religious practice. Successive Australian governments have not supported recommendations within 2001's Family Law Council's Report. There are concerns amendments would undermine concepts of no-fault divorce.

270. Australians are entitled to express and practise their religion and beliefs, without interference, as long as those practices are within the framework of Australian law. Australia has a legal tradition in which secular law is separate from religious law and applies to everyone equally.

Question 25: Additional information

Integrate a gender perspective into efforts to achieve Sustainable Development Goals (SDGs)

271. Australia's Voluntary National Review on Implementation of SDGs was submitted in 2018.⁴⁴ Achieving SDGs is in Australia's interests, contributing to lasting regional and global prosperity, productivity and stability. SDGs are consistent with Government's priorities and long standing commitment to gender equality, particularly SDG Chapter 55 which focuses on achieving gender equality and empowering all women and girls, where greater gender equality, especially in leadership and decision-making, improves economic circumstances at the country, local, and household level.

⁴⁴ See, <https://www.dfat.gov.au/report-of-the-implementation-of-the-sustainable-development-goals.pdf>.