

# Sex and Age Discrimination Legislation Amendment Bill 2010 [Provisions]



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11 October 2010

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## Introduction

Women's Health Victoria is a statewide women's health promotion, information and advocacy service. We are a non government organisation with most of our funding coming from various parts of the Victorian Department of Human Services. We work with health professionals and policy makers to influence and inform health policy and service delivery for women.

Our work at Women's Health Victoria is underpinned by a social model of health. We are committed to reducing inequities in health which arise from the social, economic and environmental determinants of health. These determinants are experienced differently by women and men. By incorporating a gendered approach to health promotion work that focuses on women, interventions to reduce inequality and improve health outcomes will be more effective and equitable.

Women's Health Victoria's vision is for a society that takes a proactive approach to health and wellbeing, is empowering and respectful of women and girls and takes into account the diversity of their life circumstances.

Women's Health Victoria's ways of working are guided by four principles:

- We work from a feminist framework that incorporates a rights based approach.
- We acknowledge the critical importance of an understanding of all of the determinants of health and of illness to achieving better health outcomes.
- We understand that the complexities involved in achieving better health outcomes for women require well-considered, forward thinking, multi-faceted and sustainable solutions.
- We commit to 'doing our work well'; we understand that trust and credibility result from transparent and accountable behaviours.

## **Comments on the Sex and Age Discrimination Legislation Amendment Bill 2010 [Provisions]**

Women's Health Victoria would like to endorse the changes proposed in the Sex and Age Discrimination Legislation Amendment Bill 2010 [Provisions]. The operation of the Sex Discrimination Act shows serious limitations, confirmed by the recommendations arising from the Senate Committee's *Inquiry into the Effectiveness of the Sex Discrimination Act*<sup>i</sup>. We would like to commend the Government for its timely response in addressing the issues raised in that report.

The Government has stated that it will give further consideration to implementing the outstanding recommendations of the SDA Review as part of the proposed consolidation of federal discrimination laws, as recommended in the Australian Human Rights Framework. We urge you to consider this action as part of the current legislative changes.

Further to this, we suggest that you consider further recommendations made by the Australian Human Rights Commission in the *Gender Equality Blueprint*<sup>ii</sup>, particularly:

- The powers of the Sex Discrimination Commissioner should be strengthened by inserting into the Sex Discrimination Act a function for the Commissioner to initiate investigations within Australian workplaces without requiring an individual complaint, in order to drive down the incidence of sexual harassment.
- The Australian Government should improve the quality of government decision-making and policy-making relating to women by ensuring that the federal Officer for Women is adequately funded and has influence at the highest level of government.
- The independent agencies that contribute to gender equality should be strengthened, including the Equal Opportunity for Women in the Workplace Agency and the Australian Human Rights Commission.
- Concrete measures such as the setting of targets should be considered to increase the proportion of women running for election and entering both houses of federal Parliament.
- The Sex Discrimination Act should be amended to require the Sex Discrimination Commissioner to monitor progress towards eliminating sex discrimination and achieving gender equality and report to Parliament every two years.
- Australia's reservations under CEDAW should be removed.

These measures will serve to complement the changes proposed in the Sex and Age Discrimination Legislation Amendment Bill 2010 [Provisions], and strengthen Australia's response to sex discrimination by providing a strong platform for promoting gender equity.

We look forward to full implementation of the Bill, and commend the Government on behalf of the Australian women, men and families that stand to benefit from this legislation.

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## References

<sup>i</sup> Senate Legal and Constitutional Affairs Committee. 2008. Effectiveness of the Sex Discrimination Act 1984 in eliminating discrimination and promoting gender equality. Available from: [http://www.aph.gov.au/senate/Committee/legcon\\_ctte/sex\\_discrim/report/index.htm](http://www.aph.gov.au/senate/Committee/legcon_ctte/sex_discrim/report/index.htm)

<sup>ii</sup> Australian Human Rights Commission. 2010. Gender Equality Blueprint. Available from: [http://www.hreoc.gov.au/sex\\_discrimination/publication/blueprint/index.html](http://www.hreoc.gov.au/sex_discrimination/publication/blueprint/index.html)