

The Convention on the Elimination of all forms of Discrimination Against Women (CEDAW) in its Article 11 requires countries to protect women's rights to work, equal pay for work of equal value and that they have the same access to benefits in relation to retirement. Also Article 15 requires equality before the law for men and women. The Australian Government has not achieved this in relation to the provision of superannuation as women are still discriminated against in that:

- the current superannuation model is based on male working patterns;
- women earn less than men throughout their working lives and therefore cannot contribute to any scheme at the same rate as men;
- Women live longer than men (81.5 years versus 75.9 for men, ABS 3302.0 of 2001) and have a greater need for financial security and support because of this.

The amount of superannuation accrued is dependant upon the income earned by the worker and when the worker is female whose average weekly earnings is lower than a male (see figure 1) and who has typically a broken work pattern then the outcome is less money to fund her retirement.

In this way females in Australia and especially Western Australia and Tasmania (where females receive lower than the national female average weekly earnings (see figures 2 & 3)) are disadvantaged and discriminated against by the current system of superannuation.

In Australia superannuation was developed in the early 20<sup>th</sup> century on the male public worker, professional and managerial working pattern where they worked for 40 odd years in an unbroken stint with a single employer. Males in these categories usually earned above average wages that increased over their working lives. Women on average spend the equivalent of 18 years in full-time employment compared to 38 years for men (ASFA Fact Sheet 8) and tend to be concentrated in low paying occupations. For example, nearly 50% of women employees are in 4 occupations: clerks (30%), sales assistants (11%), cleaners (4%) and tellers/cashiers/ticket salespersons (4%).

Therefore:

- A key difference between men and women in Australia is their average level of income. For example, estimates from Preston & Austen (2001) show that the gross lifetime income of women is approximately 63.4% of men.
- A woman's capacity to secure an adequate retirement income within the current superannuation system is significantly constrained by her traditional dual role of "wife and mother" which results in financial dependence on a partner, broken work patterns and low paying employment in sex segregated work streams. This constraint has contributed to a gender income gap of 43% amongst those aged over 55 (see figure 4).

Women in Australia had limited access to superannuation until the 1970's when equal pay for equal work was introduced (this was phased in over several years). In 1985 only 24% of women in paid work had superannuation as opposed to 50% of men. This still left most women in the private sector with no compulsory superannuation until the Labor Federal Government introduced an Australia wide mandatory superannuation scheme in the 1992 for full time employees. By 2001, 95% of women in full-time work had superannuation.

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Women make up 75% of the part-time workforce in Australia (refer Casualisation of the workforce and its impact on women, November 1998). Therefore women in part-time or casual work are further disadvantaged as they accumulate even less superannuation (many are outside the Superannuation Guarantee Charge federal system) and incur multiple fees and taxes as it is spread over several schemes. This is due to having different employers paying their superannuation into separate funds. Therefore the majority will have little or no superannuation by the time they retire. The average payout was \$17,000 in 1994 for women and \$42,000 for men. Government projections show that by 2019 the average superannuation for women will rise to \$77,000 and \$121,000 for men (statistics from ASFA Fact Sheet 6). This demonstrates that over the long term women will still be discriminated against upon retirement if the federal government leaves the laws as they are.

Considering that women in Australia live longer than men this is a pitiful amount and means most women are dependant upon government pensions (set at 25% of the average total male wage) to live on.

The Australian retirement income system has three main pillars -

- 1). The aged pension scheme funded from government revenue;
- 2). Private occupational superannuation;
- 3). Other private savings such as property and share investments.

In 1995/96 72.0 percent of women of retirement age, as compared to 65.01 percent of men, relied on a government pension as their principal source of income. Data from the ABS survey of employment arrangements and superannuation (ABS 6361.0) clearly shows that 37.9 percent of individuals cite cost and affordability as the main reason for not personally contributing to a superannuation fund, only 0.8 percent cite inadequate tax concessions.

Many women are approaching retirement with fear and insecurity. Aggressive marketing by financial institutions coupled with publicity surrounding the phenomenon of the ageing "baby boomer" has promoted an atmosphere of widespread apprehension and anxiety. This sets up a potential for panic driven exploitation and erosion of retirees' fragile finances. This situation highlights the Australian Governments failure to affirm the rights of women to economic security throughout their lifespan.

#### **Case Study:**

"Penelope" started in the paid workforce at age 31 after her divorce to support two small children. She gained permanency as a state government teacher two years later and joined her employer superannuation scheme. At the age of 42 in 1988 she was denied leave without pay to care for her dying father and was required to resign, a situation which is discriminatory under the family obligations section of the Equal Opportunities Act. Penelope's superannuation and long service leave entitlements were paid out in full and invested. After her father's death later that year Penelope was re-employed as a relief teacher (offered work on a daily basis, this is not her choice). She is entitled to the Superannuation Guarantee Charge scheme, which

amounts to approximately \$7000 at this time (after 14 years of work). The investment of her previous payout is currently valued at \$40,000.

Recently her self managed superannuation fund showed a loss of approximately \$10,000 due to share price fluctuations, taxes, fees and charges. It is simply not socially sustainable for retirement funds to be eroded in this way.

**Recommendations:**

Women face discrimination throughout their paid working lives and this could be minimised by:

1). Education -

- Public forums and seminars to deliver high quality impartial analysis, information and education about Australian retirement savings. This needs to be geared to all age groups, employed, homemakers, and retirees.
- Subsidised Technical And Further Education (TAFE) courses on life span investment.
- Continue and expand Centrelink seminars on planning for retirement.

2). Government Superannuation Bonds - an alternative superannuation strategy for workers to have safe and fee free capital guaranteed savings.

3). Each potential retiree to have only one employee contributed superannuation fund of their choice no matter how many employers they have over their working life time.

4). Establish an agency to collect and distribute superannuation payments from small businesses to the chosen superannuation fund of the individual employee to negate the impost on small business.

5). Remove government taxes on money into and out of superannuation funds. This will increase the final payout figure significantly even if nothing else is done.

6). Better regulation and control of superannuation fees and charges by the financial services industry to protect the value of retirement savings.

**References:**

ASFA - The Association of Superannuation Funds of Australia Limited

ABS - Australian Bureau of Statistics

Women, Superannuation & the SGC - by Alison Preston & Siobhan Austen, Department of Economics & Women's Economic Policy Analysis Unit, Curtin University of Technology, Western Australia, July 2001.

Casualisation of the workforce and its impact on women - proceedings of a public seminar held by the Women's Advisory Council of Western Australia inconjunction with the Women's Electoral Lobby (WA) Inc., November 1998.

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## Statistics

Figure 1: Source -  
Australia Bureau of Statistics February 2003 – Average Weekly Earnings Original.

Reference Period	Males Full-time Adult Ordinary time earnings	Females Full-time Adult Ordinary time earnings	Females as a % of male
Nov 2001	\$898.00	\$759.70	84.6%
Feb 2002	\$910.50	\$772.10	84.8%
Nov 2002	\$942.30	\$795.90	84.5%
Feb 2003	\$954.10	\$805.50	84.4%

Figure 2: Source -  
Australia Bureau of Statistics February 2003 – Average Weekly Earnings States & Territories – Original: Western Australia

Reference Period	Males Full-time Adult Ordinary time earnings	Females Full-time Adult Ordinary time earnings	Females as a % of males
Nov 2001	\$922.10	\$731.60	79.3%
Feb 2002	\$927.30	\$736.70	79.4%
Nov 2002	\$950.20	\$748.20	78.7%
Feb 2003	\$960.70	\$752.20	78.2%

Figure 3: Source -  
Australia Bureau of Statistics February 2003 – Average Weekly Earnings (in dollars) States & Territories – Original Females Full-time Adult Ordinary time earnings (In order of highest to lowest dollars as of February 2003)

Reference Period	ACT	NSW	NT	VIC	SA	QLD	WA	TAS
Nov 2001	861.90	790.80	741.40	762.00	733.00	710.60	731.60	717.40
Feb 2002	874.00	802.50	757.40	777.90	741.80	725.30	736.70	716.10
Nov 2002	924.70	831.00	789.00	796.60	755.80	749.60	748.20	758.40
Feb 2003	916.10	842.10	807.90	807.30	781.60	754.50	752.20	748.30

Figure 4: Source -  
Australia Bureau of Statistics Income Distribution Survey 1996/1997  
Annual average income of women relative to men (%) Australia 1995/1996.

Gender Income Ratio:	Age 55-59	60-64	65-69	70-74	75+	Total Age 55+
	43%	54%	65%	81%	74%	57%

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# Article 2 of CEDAW urges all countries to work towards eradicating discrimination against women by introducing new laws or policy, changing existing discriminatory laws and providing sanctions for discrimination where it occurs.

# Article 3 requires countries to actively promote women's full development and advancement, so that they can enjoy human rights and fundamental freedoms on the same basis as men.

# Article 4 allows temporary special measures that favour women, on the basis that they are designed to speed up the achievement of equality.

# Article 5 requires countries to address and change social and cultural patterns that reinforce the stereotyping of women and traditional gender roles, or that promote the relative superiority or inferiority of either of the sexes.

# Article 14 requires countries to ensure that the particular needs of rural women are met in relation to access to services, training and employment opportunities and social equity schemes.

# Information taken from WRANA, The women's Report Card: CEDAW Training and Resource Kit.

The information that follows is taken from the WA Department of Justice, Profile of Women in Prison Report of June 2002.

#### **WOMEN IN CONTACT WITH THE CRIMINAL JUSTICE SYSTEM IN WESTERN AUSTRALIA**

During the years 1992 to 2000, there was an overall increase by 12.8% of distinct female persons charged with offence, even though the overall number of distinct persons charged has remained relatively stable in that time. By comparison, men experienced a 4% decrease in charges this period.

The significant increase in distinct adult Aboriginal female arrests (53.3%) was due to an increase in offences dealing with good order such as disorderly conduct, resisting arrest and driving related offences. Non-Aboriginal women by comparison were more likely to have drug offences.

Aboriginal women are significantly over-represented in WA at all stages of the criminal justice system, being only 2.4% of all women aged 18 years and over in the general population. Aboriginal women made up 50% of all women received into prison in WA in 2000. Of all people arrested during that year females accounted for approximately one in five arrests. Of those women 61% were non-Aboriginal and 30% were Aboriginal. Aboriginal women are also more likely to be convicted than non-Aboriginal women.

*Anecdotal evidence* suggests that women in Roebourne Prison are not treated with due respect, with one woman being given stained, used underwear to use whilst incarcerated.

### **OFFENDING BEHAVIOUR AND SENTENCING TRENDS**

Generally, Aboriginal women had more previous convictions than the non-Aboriginal women. Aboriginal women also had higher levels of incarceration (50%) due to reoffending or non-compliance with remand orders than non-Aboriginal women, (30%).

Non-Aboriginal women surveyed expected to spend more time in prison than Aboriginal women. Further analysis revealed that this was due to the patterns and seriousness of offences, with Aboriginal women's most serious charge or offence related to "assault" and other property offences", while non-Aboriginal women's most serious offence was "drug offences".

### **PERSONAL CHARACTERISTICS**

Almost three quarters of women surveyed (72%), were aged from 18 to 35 years old. Aboriginal women were generally younger than non-Aboriginal women. The majority of Aboriginal women surveyed (63%) were located in regional prisons and the majority of non-Aboriginal women were located in metropolitan prisons (81%).

### **FAMILY LIFE**

In childhood 91% of women were raised by their parent/s or extended family members, with 19% being made a ward of the State at some time during their childhood. Double the proportion of Aboriginal women (26%) reported being made a ward of the State as a child compared to 13% of non-Aboriginal women.

26% of women had experience a change in marital status since imprisonment with the most common change being from defacto to single.

### **Dependants**

In total, 60 women cared for 138 children and 18 adults prior to imprisonment. The Aboriginal women surveyed were caring for more dependants than the non-Aboriginal women, with 28 women caring for 80 dependants, compared to 32 non-Aboriginal women caring for 66 dependants. This equates to a carer / dependant ratio of 1:3 for Aboriginal women and 1:2 for non-Aboriginal women

#### **Ages of children**

36% of children were <6 years old (pre-school aged), with 64% aged from 6 to 17 years (school aged). Most of these dependant children were cared for by the women's parents or other family members while the women were imprisoned. Only a small proportion of fathers (19%) care for their dependant children when women are incarcerated. When men are imprisoned however, they generally have a partner or other immediate family member who can care for their children. When a mother is imprisoned, often her partner is no longer an active part of her life or a caregiver to her children. As a result, the children suffer emotional turmoil not only loosing their mother but perhaps their familiar home and environment. The children dependants of women in prison are usually vulnerable and a high percentage of them will also end up in prison.

**Anecdotal evidence** suggest that when women with school aged dependant children are arrested, there is no-one at home to care for the children when they return from school.

### **EDUCATION, EMPLOYMENT AND ACCOMMODATION**

#### **Education**

In WA, completion to year 10 is the minimum level of compulsory education, however 40% of the women prisoners surveyed had not received this basic level of education. Again the Aboriginal women were over-represented in this category, (58% of respondents). The general female population (by ABS 1996 Census data) showed that 21% of Aboriginal women aged 15 years and over in WA had either never attended school or had left school by the age of 14 or younger. This compares with 58% of Aboriginal women in prison who had participated in the survey. This pattern is repeated with 39% of women not participating in any form of further education.

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### **Employment**

The majority of women interviewed (71%) were not employed in the six month period prior to their arrest. A larger proportion of Aboriginal women (88%) were unemployed in the six months prior to arrest than non-aboriginal women (60%). The presence of dependant children impacted upon women prisoners' participation in the workforce with 40% of the women with no dependant children working and 26% of the women with dependant children working. The findings of this survey show that Aboriginality rather than the care of dependant children was a key determinant in women's employment prior to arrest in WA. 51% of the Aboriginal women and only 7% of non-Aboriginal women surveyed had never experienced employment. The source of income for 67% of all women was from some form of government benefit. The most common form of government assistance is Unemployment Benefit at 34% followed by Sole Parent Payment at 16%. 30% received wages and salary and 16% reported drug dealing and other crime as a source of income.

### **Accommodation**

76% of non-Aboriginal women lived in private rental accommodation, owned or were paying off their own house or boarded in someone's house. 81% of Aboriginal women lived in Homeswest rental accommodation, boarded in someone's house or lived in someone's house rent free. Slightly more Aboriginal women than non-Aboriginal women were homeless.

### **RETURNING TO THE COMMUNITY**

86% of women reported that they knew whom they would live with and where they would live (79%) once released from prison. Fewer women were aware of the money they would have access to upon release. 49% expected to gain employment, care for others on their release and undertake further study on release. Over half of the women expressed concerns about their release, including rebuilding family and friendships, re-entry coping skills, drug use, accommodation, income, community attitudes and the likelihood of their re-offending.

*Anecdotal evidence* suggests that Aboriginal women suffer further disadvantage with the loss of household goods to the community whilst they are imprisoned.

### **CONCLUSION**

The findings agree with those from other jurisdictions. Typically, it would appear that female prisoners in industrialised nations experience social disadvantage across such areas as education and employment have complex health issues, have histories of alcohol and drug abuse and histories of past abuse as adults and children. They face difficulties in maintaining family relationships during their periods of imprisonment.

There is obvious extreme systematic disadvantage and hardship for Aboriginal women and further efforts are necessary to understand and address their issues.

When mothers are imprisoned, their children are placed in turmoil, loss and domestic disruption and their care becomes a higher community burden. The cost of keeping a prisoner is \$60,000pa?? The government should seriously investigate preventative, educational and community support options that would cost less and deliver a better quality of life to all of their people.