

Parliament of the Commonwealth of Australia

Half Way to Equal

Report of the Inquiry into Equal Opportunity
and Equal Status for Women in Australia

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House of Representatives Standing Committee
on Legal and Constitutional Affairs

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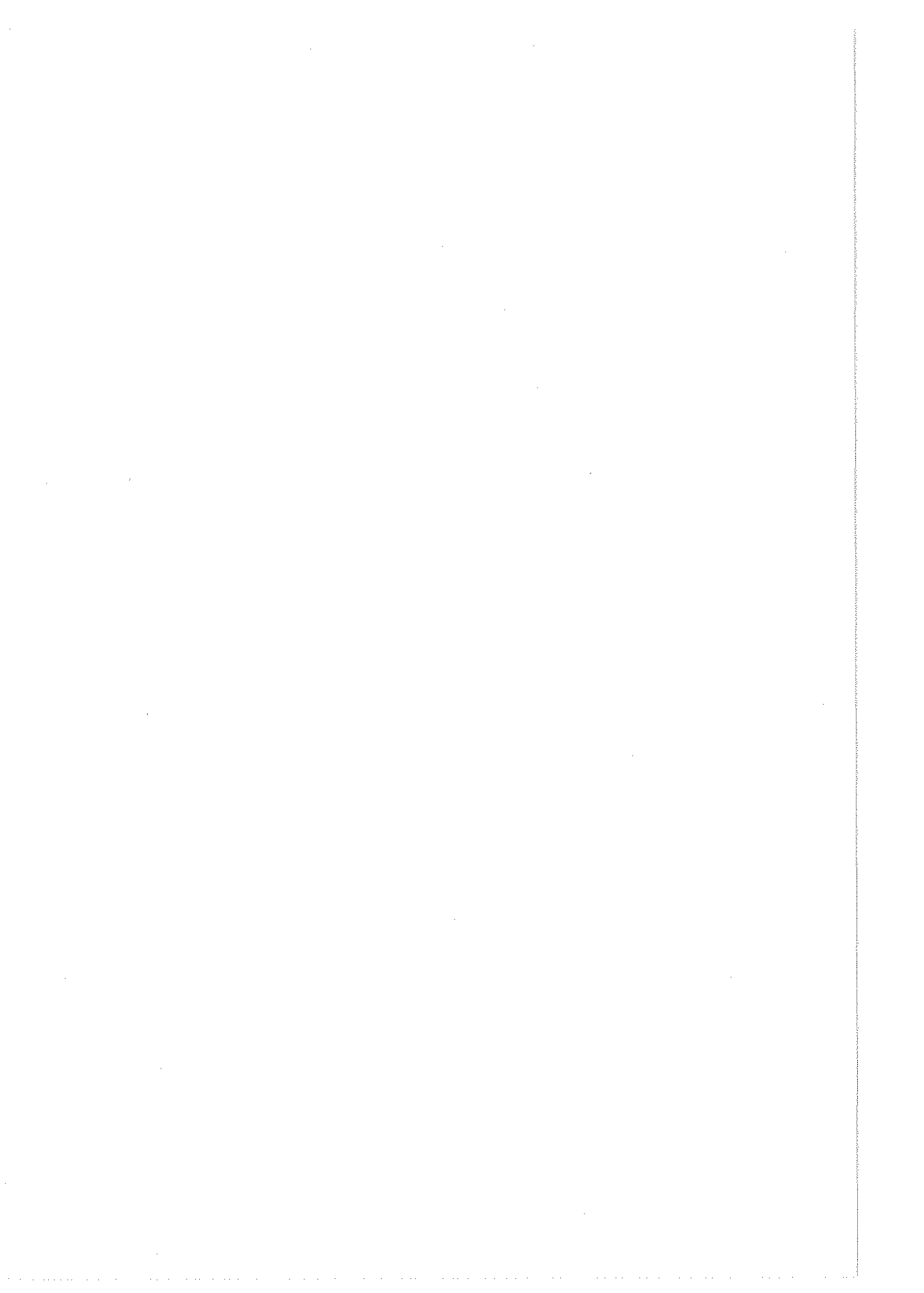
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TERMS OF REFERENCE FOR THE INQUIRY

To inquire into and report on the progress made towards the achievement of equal opportunity and equal status for Australian women, as detailed in the National Agenda for Women, and the extent to which the objects of the *Sex Discrimination Act 1984* have been achieved or are capable of being achieved by legislative or other means, with particular reference to:

- (1) effective participation by women, including young women, in decision making processes;
- (2) the extent to which women receive appropriate recognition for their contribution to society;
- (3) participation by women in the labour force including the efficacy of equal employment opportunity schemes;
- (4) participation by women in leisure and sport; and
- (5) the extent to which young women are encouraged to participate equally in society.

ABBREVIATIONS

AAA	Affirmative Action Agency
ABC	Australian Broadcasting Corporation
ABS	Australian Bureau of Statistics
ACOSS	Australian Council of Social Security
ACPHR	Australian Council for Health, Physical Education and Recreation
ACROD	Australian Council for the Rehabilitation of the Disabled
ACTU	Australian Council of Trade Unions
AIS	Australian Institute of Sport
AI&S	Australian Iron and Steel
ALP	Australian Labor Party
APS	Australian Public Service
ASC	Australian Sports Commission
ASO	Administrative Services Officer
ATSIC	Aboriginal and Torres Strait Islander Commission
BCA	Business Council of Australia
CAI	Confederation of Australian Industries
CEDAW	Convention on Elimination of All Forms of Discrimination
CES	Commonwealth Employment Service
COSTAC	Commonwealth and State Training Advisory Committee
CWA	Country Womens Association
DASET	Department of the Arts, Sport, the Environment and Territories
DEET	Department of Employment, Education and Training
DFAT	Department of Foreign Affairs and Trade
DILGEA	Department of Immigration, Local Government and Ethnic Affairs
DIR	Department of Industrial Relations
DOPIE	Department of Primary Industries and Energy
EEO	Equal Employment Opportunity
GDP	Gross Domestic Product
HREOC	Human Rights and Equal Opportunity Commission
ILO	International Labor Organisation
JET	Jobs, Education and Training program

NWCC	National Women's Consultative Council
NESB	Non-English speaking background
OECD	Organisation for Economic Cooperation and Development
OMA	Office of Multicultural Affairs
OSW	Office of the Status of Women
PM&C	Department of Prime Minister and Cabinet
RAIPA	Royal Australian Institute of Public Affairs
RDA	Racial Discrimination Act 1975
SDA	Sex Discrimination Act 1984
SES	Senior Executive Service
SGL	Superannuation Guarantee Levy
TAFE	Technical and Further Education
UN	United Nations
WEL	Women's Electoral Lobby
VEETAC	Vocational, Employment and Education Training Advisory Committee

SUMMARY AND RECOMMENDATIONS

CHAPTER 2 - THE CONTEXT FOR WOMEN IN 1990'S

1. Popular history has not adequately recorded the enormous contribution that women have made to Australia. This extends even to quite recent achievements which despite their importance are not widely known. The invisibility of the historical contribution of women weakens the current status of women by diminishing self esteem and the collective sense that women have 'earned the right' to choose the lifestyle they want.

2. In contrast, the pervasive popular media promotes a stereotype of male and female roles which is generally inaccurate and often damaging to women. These stereotypes serve to undermine women's real contribution, reinforces the low status of women's paid and unpaid work and contributes to limitations on what women can do and to the sense of guilt many women feel in not fulfilling the stereotype.

3. While the media portrayal of women is a powerful reinforcing factor, it does reflect deeper social attitudes and standards. No Parliament can overcome deep ingrained social attitudes by merely passing legislation. While legislation is important and can set standards for behaviour, it is the ongoing commitment to a goal which will over time achieve real change.

4. To this end, the Committee was disappointed that the sample of reports of the success or otherwise of Government initiatives indicated a lack of commitment in some portfolio areas to address the needs of women as clients.

5. While Government Departments clearly do not set out to portray negative images of women, the Committee is concerned that particular practices within the bureaucracy may indirectly confer lower status on women.

RECOMMENDATION 1

The Committee recommends that:

- (a) Government Departments review their current operations and particularly their research and development programs to identify the extent to which they focus on women as a client group;
- (b) A component should be added to Departmental annual reports which specifically evaluates policy initiatives and programs which target women;
- (c) All statistical and qualitative data collected by Government Departments should be gender disaggregated to ensure that neither gender is invisible.

These initiatives should be monitored, evaluated and published by the Department of Prime Minister and Cabinet through the Office of the Status of Women.

CHAPTER 3 - ALL WOMEN WORK BUT ONLY SOME GET PAID

6. The role of women has changed dramatically since the Second World War, particularly in the last 25 years. This is most evident in the steady increase in the number of women in the paid workforce.

7. Notwithstanding this change, little has altered in the division of labour within homes. Women remain principally responsible for child care and other household duties. Further, women continue to comprise the majority of the volunteer workforce serving community and charitable organisations.

8. While a majority of women are participants in the paid workforce, the pattern of their participation is very different from men. Women comprise the vast majority of the part-time and casual workforces and they are concentrated in a relatively limited range of occupations.

9. The implications of the change in the composition of the paid workforce are wide-spread. It is evident that women's capacity to contribute and succeed in paid employment is limited by their excessive share of domestic and community responsibilities and the lethargy of forces in the labour market to respond to women's specific needs.

10. In this regard, women find part-time and casual work particularly attractive as it allows the opportunity to combine paid work with domestic responsibilities such as child care. Given this, it is essential that work which is less than full-time enjoys adequate training and promotion opportunities and job security.

11. In the light of these issues the Committee makes the following specific *conclusions and recommendations*.

12. The Committee was alarmed at the increasing trend towards casualisation of the workforce and particularly its impact on employment prospects for women. It believes that casualisation in some industries is being seen as a substitute for employing permanent full-time and part-time workers. The Committee is concerned that it creates an underclass of workers in those industries who are not covered by the same wage and non-wage benefits received by permanent employees. Under the current Industrial Relations system, the best way to address these difficulties is through amendments to awards.

RECOMMENDATION 2

The Committee recommends that the Department of Industrial Relations initiate a process which will result in all industrial awards being amended to:

- (a) include permanent part-time clauses with associated pro-rata preferences;
- (b) ensure that casual employees are entitled to the same non-wage benefits, on a pro-rata basis, afforded to permanent staff.

RECOMMENDATION 3

The Committee recommends that every Government department review the special circumstances under which they justify recruitment of casual staff and in particular the non-payment of loadings to casual employees.

13. The Committee is particularly concerned over the situation of home based workers who are not aware of their rights, who have no formal contracts and who because of economic necessity will continue to accept an unreasonable situation. While no one should deny the right of women to work at home should they choose, there is concern that these workers in a deregulated market are open to abuse.

RECOMMENDATION 4

The Committee recommends that:

- (a) relevant awards be varied as to extend to all home-based workers, as a minimum, the regulation of wage rates and working conditions as provided to workers conducting similar work within regulated workplaces, as exemplified in the Outworkers provisions in the Textile, Clothing and Footwear Industries Award;
- (b) in addition, the development of an information program directed at home-based workers, advising them of their legal status and rights.

14. Improving opportunities for girls in non-traditional areas is heavily dependent on access to appropriate training. Despite initiatives to encourage girls into non-traditional areas of work, the Committee noted that previous programs to boost employment opportunities in vocational trades have appeared to benefit boys rather than girls. Similarly, initiatives to benefit girls must have the commitment of Ministers and Departments to ensure effective implementation. The Committee believes that resources allocated to improving trade training generally must take account of the special requirements needed to encourage and accommodate girls.

RECOMMENDATION 5

The Committee recommends that:

- (a) further initiatives be undertaken to recruit girls and women into non-traditional areas of work in addition to the effective implementation of existing strategies such as the 'Women in Apprenticeship Report' and that this be monitored and evaluated by the Department of Industrial Relations and the Department of Employment, Education and Training.
- (b) the Commonwealth, through the Council of Ministers for Vocational Education Employment and Training encourage the providers of technical and vocational training, to develop strategic plans to ensure greater enrolment of young women. These would involve adequate training of trainers and supervisors to accommodate female students and workers.

- (c) the National Plan of Action for Women in TAFE be monitored by DEET to ensure its effectiveness.
- (d) DIR in association with employers and unions involved in the employment of women in non-traditional areas be required to develop strategies designed to support women to remain in non-traditional environments, encompassing training courses as well as job sites.

15. While it is clear that voluntary workers are not paid for their labour, ways need to be explored to ensure that benefits which apply to paid workers can also be made available to unpaid workers. This involves ensuring job satisfaction, appropriate training and appreciation of effort as well as day to day benefits which apply to paid workers. The relationship between paid workers and volunteers clearly needs to be clarified to avoid the possibility of at best, under-utilisation and at worst, exploitation of the volunteer workforce.

RECOMMENDATION 6

In an attempt to provide greater recognition for volunteer work, the Committee recommends that:

- (a) volunteer participation be included in the National Accounts as a supplementary report.
- (b) a major study be undertaken by the Department of Employment, Education and Training into the nature and extent of voluntary work. The study should cover such issues as:
 - (i) where do women predominate in voluntary work?
 - (ii) age of women who participate in voluntary work and reasons
 - (iii) accurate estimation of the monetary value of women's voluntary contribution
 - (iv) the extent of involvement in policy making for women in voluntary work and
 - (v) the skills gained in voluntary work and the extent to which these skills can be utilised in and are recognised by the labour market.

CHAPTER 4 - ISSUES AFFECTING EQUAL OPPORTUNITY FOR WOMEN IN THE PAID WORKFORCE

16. Despite the fact that women comprise 42% of the paid workforce, they remain poorly represented in upper management positions in both the public and private sectors. This is the case in skilled and unskilled occupations and even in professions such as education where women comprise a majority of the workforce.

17. While cases of overt discrimination continue, the evidence suggests that it is indirect discrimination which contributes more significantly to the existence of the so-called glass ceiling.

18. Unlike men, the career pattern of women is substantially influenced by the assumption of parental responsibilities. The structure of the workforce makes little allowance for non-work responsibilities and is still based on a model of the family unit where one partner is in paid employment and the other has sole responsibility for the household.

19. Such a unit no longer represents the majority of Australian families. As a result, the flexibility of the workplace to accommodate competing non-employment related demands is both a major equity issue for women and an economic issue for business.

20. In the light of these issues, the Committee makes the following specific conclusions and recommendations.

21. The Committee was particularly concerned regarding the inequities in promotion prospects for women in professions in the private sector. There is a clear need for public attention to be drawn to the systemic discrimination which is impacting on women in the professions.

RECOMMENDATION 7

The Committee recommends that the Office of the Status of Women work with employers and professional bodies to develop policy and proactive affirmative action strategies to redress gender imbalance in senior positions. This would involve:

- (a) examination of policy and procedures to ascertain instances of procedural and structural discrimination;
- (b) examination of selection criteria to ascertain possibility of gender inclusiveness; and
- (c) training of selection panels.

22. Evidence suggests that indirect discrimination is rife in both the public and private sector. While the operation of Equal Employment Opportunity (EEO) programs and related sex discrimination legislation had achieved much in improving women's equality of opportunity, the Committee however had expected far greater gains in the Australian Public Service given the apparent successful implementation of EEO programs.

RECOMMENDATION 8

The Committee recommends that attention be drawn to both direct and indirect discrimination operating to prevent both resumption of careers and promotion of women in the public sector. Departments of the Australian Public Service should provide evidence of strategies designed to address indirect discrimination and to regularly report evidence of success, in their annual reports and as part of their regular EEO reporting to the Public Service Commission.

23. The Committee believes that the current changes in industrial relations offer great potential to improve opportunities for women, however, there is concern that women's interests and needs may be side-lined or overlooked. The Committee notes whether flexibility clauses and facilitative provisions will benefit women as women's interests are not always adequately represented at the negotiating stage. This is a particular concern for women in small enterprises and industries, outside the professional high earning bracket.

RECOMMENDATION 9

The Committee recommends that the Department of Industrial Relations monitor the impact of new classification structures on women's promotional prospects under the Structural Efficiency Principle; in particular the provision of formal and on-the-job training opportunities and the impact of productivity and enterprise bargaining on affirmative action. This information should be made available to the Industrial Relations Tribunal, peak employer, industry and union bodies.

24. Given the dual responsibilities of working parents, the Committee acknowledges an increasing need to provide for flexibility to balance work and family duties. This will be of advantage to individual workers and economic productivity.

RECOMMENDATION 10

The Committee recommends that DIR:

- (a) encourage employers, unions and professional bodies to amend industrial awards and work practices to allow for flexible working hours for workers, particularly those with family responsibilities; and
- (b) develop and implement workplace education programs to ensure that both male and female workers take advantage of flexible working hours.

25. The Committee believes that access to maternity leave is absolutely essential if women are to have equal access in the paid workforce and was alarmed at both the variations in maternity leave under award provisions and the lack of publicity regarding worker's eligibility resulting in less than expected take-up rates. The Committee noted with interest the research currently being undertaken under the auspices of the Office of the Status of Women, into current provisions and ramifications of universal maternity leave.

26. The Committee notes the role of the Australian Industrial Relations Commission in facilitating workplace negotiations and approving workplace agreements. In achieving workplace agreements, the Committee was alarmed that no mention was made, by the Commission of protecting maternity leave provisions. Foreshadowed legislation currently being prepared by the Minister for Industrial Relations however appears to be redressing this omission.

RECOMMENDATION 11

The Committee, recognising the poor understanding of existing maternity leave provisions, recommends that Commonwealth and State Industrial Relations Departments publicise maternity leave provisions to employers and employees.

The Committee notes the inclusion of the protection of ordinary time earnings, annual and long-service leave and minimum standards of hours of work in foreshadowed National Legislation. The Committee recommends the protection of maternity leave in such legislation also be included.

27. A more even division of labour in the home is an essential pre-requisite for improving women's life options. While Government cannot legislate to achieve this, it can go some way towards implementing structures which allow for a more

equitable sharing of domestic responsibilities. One such measure is allowing families the choice of which parent takes leave to care for young children.

RECOMMENDATION 12

The Committee recommends that the provision of parental leave be incorporated in all industrial awards and that it be given protection of national legislation.

28. Given changing demographics and the contribution women are now making in the paid workforce, the Committee recognises the special need for workers to be able to take leave to care for sick family members. The Committee believes that the provision of special leave would legitimise what is already happening informally, more accurately reflecting parents dual family/work responsibilities. It would also result in less absenteeism, worker retention and a better industrial climate.

RECOMMENDATION 13

The Committee recommends that more flexible leave provisions be included in awards and enterprise bargaining agreements. This would allow workers to take special leave to care for sick children or elderly relatives, without risking career prospects or job security. The Committee believes that provision of special family leave in industrial awards is consistent with Australia's expressed commitment to workers with family responsibilities.

RECOMMENDATION 14

The Committee recommends that the parties to award restructuring incorporate measures that recognise the position of women workers and ensure equality of opportunity. This may involve access to training, career paths and skills valuation. 'Best practice' within industries should be used as models for other enterprises. Furthermore, mechanisms should be put in place to ensure that all workers with family responsibilities are not discriminated against in the assessment of productivity or in assessments for performance pay and promotions.

29. The notion of equal pay for women was ratified in 1972 yet 20 years on, statistics reveal marked inequities in take-home pay for men and women. While equal pay for equal work has been achieved in many areas, men are able to avail themselves of shift-work, overtime and other benefits which result in higher earnings.

RECOMMENDATION 15

The Committee recommends that all parties to award restructuring and enterprise bargaining agreements be cognisant of the differential between male and female earnings and ensure, at the very least, that attempts be made to close the gap.

30. The Committee recognises that the provision of quality, affordable child care is a major issue affecting women's capacity to contribute in and out of the labour market, and that accessible child care should be a right for all women whether employed or not. The Committee is keen to see co-operative child care ventures which will result in appropriate services at the most reasonable cost. Fee relief is regarded as essential and should remain as a principal Commonwealth form of financial assistance in this area. While the Committee acknowledges that child care is a cost incurred in earning of income, the Committee is concerned of the consequences of its introduction. In particular, tax deductibility benefits high wage earners disproportionately. Further evidence suggests that demand for child care is still not being satisfied and hence providing more places should remain to priority and this may be prejudiced by the revenue forgone through tax deductibility.

31. The Committee noted the particular child care needs of women not in the labour market and believes that these needs should be afforded a higher priority, both in terms of available places and the criteria for fee relief. The needs for child care for children with disabilities is of particular concern.

32. Any co-ordinated national planned child-care policy should recognise the need for equity and flexibility. It should cover full day child care for pre-schoolers, vacation care, after school care, occasional care and long day care. A national policy should be complemented with nationally consistent regulations, nationally consistent training for child care workers and a national accreditation system for services, based on the highest, not lowest standards which are currently common in states.

RECOMMENDATION 16

The Committee recommends that the Department of Health, Housing and Community Services, in conjunction with other relevant Commonwealth agencies examine initiatives which would improve provision of child care in Australia including:

- co-location with other children's services, eg. preschools and primary schools;

- . assistance to campus based child care to ensure that student needs can be met;
- . development of a funding model which recognises the resourcing required to offer extended hour services to meet shift work needs, and services to students;
- . further research into issues of salary sacrificing in meeting the government's principles on justice and equity;
- . child care needs for special interest groups, children with disabilities, children from particular cultural backgrounds, should be met;
- . publicising good practice as a positive encouragement.

Continued encouragement to business and the public sector to provide child care by:

- (a) sponsorship to provide funds or land in return for guaranteed places;
- (b) clear interpretation and explanation of the regulations
- (c) consistent taxation treatment; and
- (d) elimination of duplication between all three levels of government in respect of funding, regulations and service provisions.

33. The Committee is concerned at the relatively slow response of industry to the needs of workers with families. The establishment of the Commonwealth funded Child Care at Work Units was noted as an important initiative.

RECOMMENDATION 17

The Committee recommends that the continued funding of the Child Care at Work Units be reviewed if they have not substantially increased the number of employers providing work based child care.

RECOMMENDATION 18

The Committee recommends that the Department of Health Housing and Community Services:

- (a) reassess the criteria for fee relief for women not studying or involved in labour market related activities; and
- (b) ensure that child care services be expanded to take specific account of the needs of women and children with disabilities.

CHAPTER 5 - WOMEN AND INCOME SECURITY

34. Despite the fact that women contribute billions of dollars into the market economy through their paid work and an unquantifiable sum by virtue of their voluntary labour, most women are not financially independent. Ultimately, women's access to financial security is not commensurate with their contribution to the economy.

35. Women live longer than men and despite differences in the patterns of their economic contribution, have just as much need for income security. While the old age pension is an essential safeguard, it is clear that many older women are not adequately provided for.

36. Whilst women have been entering the paid workforce in increasing numbers over the past few decades, it is only in very recent times that superannuation schemes have begun to adapt in recognition of women's particular work patterns. For most older women, economic well-being has depended on a share of the family income, most often earned by the husband. For those who did not have a paid job, superannuation has generally been denied them.

37. Income levels for single parents, most of whom are women, are also of concern, as is a guaranteed share of the family income for women who choose to be home-makers and care-givers. Options for workforce re-entry bolstered by appropriate training and incentives, are seen as crucial for these women.

38. The Committee does not support income splitting as an initiative which will enhance recognition of the unpaid woman in the home. While it has been recognised that status is clearly linked to income, it is hard to extrapolate that providing home-makers with an allowance or options for income splitting would confer extra status. These contingencies would clearly be tied to government funding and as such linked to welfare payments which have extremely low status already.

39. In the light of the evidence, the Committee makes the following specific recommendations and conclusions.

40. Evidence to the Inquiry indicates that poverty traps prevent sole parents, most of whom are women, from re-entering the workforce. Furthermore, the Committee believes that poverty has destructive implications for these parents, their children and society generally. Income support policies, child care provisions, training options and flexible working patterns can all contribute to alleviate poverty traps for sole parents.

RECOMMENDATION 19

The Committee recommends that the financial position of sole parents be closely monitored by the Department of Social Security, with the view to introducing any further measures needed to alleviate poverty traps by facilitating options for sole parents to move into the paid workforce. This may require:

- (a) additional expenditure on training and employment programs; and
- (b) retention of fringe benefits while in the first year of paid employment.

41. While the Committee supports a contributor based national superannuation policy it recognises that a retirement income policy that is based on individuals making provision through superannuation has the potential to disadvantage women who have not been able to make their own substantial contributions.

RECOMMENDATION 20

The Committee recommends that:

- (a) *the old age pension be maintained at an adequate level to provide for those who have not been able to financially contribute to their own retirement income through superannuation and other means.*
- (b) Furthermore, it is recommended that there be an immediate appraisal of the carers pension.

42. With the introduction of the Superannuation Guarantee Levy, it is opportune to further improve the rate of vesting and preservation announced in the 1989 Retirement Income Policy, so that the commitment to a national retirement scheme will benefit women workers to the same extent as men. There is clearly a need to provide more equitable benefits, thus increasing financial security for women.

RECOMMENDATION 21

The Committee recommends that the superannuation policy reforms currently being prepared by the Treasurer encompass the following specific matters:

- (a) the establishment of vesting, preservation and portability provisions that take into account women's broken work patterns in all schemes;
- (b) ensuring that superannuation schemes permit parents to retain membership rights during maternity and parental leave with contributions frozen whilst on leave;
- (c) promotion of the use of flexible and nil employee contribution rates so that women moving between full-time, part-time and unpaid work can maintain membership of a superannuation fund with contributions tailored to their current economic circumstances;
- (d) that the qualifying period for coverage by employer sponsored superannuation be reduced to that required by the Superannuation Guarantee Levy;
- (e) that all employer contributions vest immediately and be fully preserved;
- (f) that measures for improved portability between funds be instigated by the Insurance and Superannuation Commission; and
- (g) the development of an education package by the Insurance and Superannuation industry to be included in school careers courses directed at young people, particularly young women, explaining what superannuation is about and why it is necessary.

43. Evidence to the Committee suggests that security in retirement is dependent not only on having access to a reasonable income level but also fundamentally having secure, affordable accommodation.

44. Currently the national retirement income policy is based on the system of superannuation. While superannuation provides a retirement income it does nothing to assist families to secure a home. The Committee believes that the superannuation

system should be flexible enough to achieve the twin goals of income security and secure affordable accommodation in retirement.

45. Accordingly the Committee is attracted to propositions that allow contributors to superannuation to have access to a proportion of superannuation savings to assist with home ownership.

RECOMMENDATION 22

The Committee recommends that the Treasurer, through the Insurance and Superannuation Commission investigate the possibility of allowing members of superannuation schemes to have access to a designated proportion of their superannuation savings towards the purchase of accommodation.

46. The Committee acknowledges that the Dependent Spouse Rebate, as it currently exists, undermines the contribution of the home maker, perpetuating a stereotype of dependency. While the Committee does not wish to remove a benefit to which families are currently entitled, it believes that the benefit should be paid to the parent who is the homemaker, more accurately reflecting recognition of this unpaid work.

RECOMMENDATION 23

The Committee recommends that the Department of Social Security and the relevant Commonwealth agencies undertake an analysis of individuals currently claiming a Dependent Spouse Rebate with the view to replacing the rebate with a direct payment to the homemaker.

47. The Committee notes that recent changes to the Veterans' Entitlement Acts have gone some way towards eliminating discriminatory practices against female veterans. The Committee notes however that discrimination still exists and this should be addressed as a matter of priority.

RECOMMENDATION 24

The Committee recommends that the Veteran's Entitlement Act be reviewed and that any discrepancies between entitlements for men and women veterans, caused by indirect discrimination be redressed by amending the Act, most notably in regard to the entitlements to war service loans to women veterans who were ineligible to serve overseas.

CHAPTER 6 - LEISURE AND SPORT

48. The evidence to the Committee indicated that women and men have very different patterns of leisure and sport. While this occurs for a variety of reasons, of concern is the lower participation rates of girls and women in sport, and at the elite level, the difficulties women's sport has in attracting sponsorship and media coverage.

49. The evidence is that girls begin dropping out of sport in high school. While the Sports Commission addresses this problem through its 'Active Girls Campaign', the prime responsibility for encouraging girls to stay involved in sport during school years lies with the State and Territory education authority.

50. In light of these issues, the Committee makes the following specific Conclusions and Recommendations:

RECOMMENDATION 25

It is recommended that the Commonwealth Government, through the Sport and Recreation Minister's Council, encourage the State and Territory education authorities to reinvigorate their commitment to physical education in schools - particularly their commitment to physical education for girls. Specifically, the Commonwealth should encourage the States to:

- (a) develop common curriculum principles for physical education which recognise the need for physical education to be an integral part of every schools' educational program;
- (b) appoint appropriately qualified physical education specialists in primary and secondary schools;
- (c) appoint equitable numbers of male and female physical education teachers; and
- (d) implement strategies and programs, similar to those described by the Northern Territory Department of Education, to ensure that all schools recognise and act upon the need to provide specific and appropriate opportunities for girls to participate in sport.

RECOMMENDATION 26

It is recommended that the Australian Sports Commission:

- (a) continue its 'Active Girls Campaign'; and
- (b) ensure that the National Women in Sport Strategy currently being developed by the Women in Sport and Recreation Sub-committee or the Sport and Recreation Minister's Council:
 - (i) recognises the key role of school level activities;
 - (ii) puts into place an agreed timetable for action and mechanism for monitoring progress.

51. Much of the evidence addressed the media's coverage of women's sport. The most strident criticism related to the extent of the coverage and matters of style which it was argued concentrated inappropriately on the athlete's physical appearance and not the sporting achievement.

52. The Australian Broadcasting Tribunal has the responsibility of ensuring commercial broadcasters provide an 'adequate and comprehensive' service. Under the *Broadcasting Services Bill*, the anticipated successor of the Tribunal, the Australian Broadcasting Authority, focuses on a self regulatory regime based on industry codes. It is open for the Tribunal or its successor to inquire on the coverage of women's sport.

RECOMMENDATION 27

The Committee recommends that the Australian Broadcasting Tribunal inquire into whether there is an 'adequate and comprehensive coverage' of women in sport in the media and consider whether there is a need to establish a program standard for the coverage of women in sport.

RECOMMENDATION 28

It is recommended that:

- (a) the Commonwealth Affirmative Action Agency investigate and report on the equal employment policies and practices of those media companies which are covered by the Affirmative Action Act; and

- (b) this investigation focus particularly on the implementation of these policies in the sports departments of these companies.

RECOMMENDATION 29

It is recommended that the National Working Party on the Portrayal of Women in the Media develop, in consultation with media organisations and relevant employee organisations, a charter of principles and best practices to guide the coverage of women's sport in the media.

53. Lack of adequate childcare is a further disincentive to women's participation in sport. The Committee notes the Commonwealth's recent initiative to include a focus on childcare provisions in the guidelines for the Community Sporting Facilities Program, however acknowledges that further efforts need to be made. There is a particular concern that most childcare centres are closed at a time when women are most likely to be involved in sporting activities, ie nights and weekends.

RECOMMENDATION 30

The Committee recommends that any national guidelines developed for the provision of childcare be flexible enough to allow access for women involved in sporting activities on an occasional basis, particularly after-hours and on weekends.

RECOMMENDATION 31

Further the Committee recommends that the Australian Sports Commission encourage national sporting organisations to develop child care practices which are flexible enough to provide the most appropriate form of care to meet the demand, whether it be gaining places in existing centres, paying for family day care places or building their own centres.

RECOMMENDATION 32

It is recommended that the Department of the Arts, Sport, the Environment and Territories revise the objectives and funding guidelines of the Community Recreation and Sporting Facilities Program so as to ensure:

- (a) the fair and equitable provision of funding for women's sporting facilities; and
- (b) that provision for childcare be made in all new sporting and recreation centres funded through the Program.

RECOMMENDATION 33

It is recommended that the Commonwealth Government, through the Sport and Recreation Minister's Council, encourage other state governments to follow the examples set by South Australia and Western Australia and provide funding for childcare facilities at sporting venues.

54. There are very few women in senior positions in the decision making structures of sport or in senior coaching positions. Some of the recent steps taken by the Sports Commission and the Coaching Council have indicated a commitment to the notion of linking gender equity performance and Commonwealth funding. This link is crucial if there are to be significant and sustained improvements in gender equity in sport. The Committee believes that, if individual sports organisations cannot demonstrate a greater commitment to gender equity, the Sports Commission should reduce their level of Commonwealth funding.

RECOMMENDATION 34

It is recommended that the Australian Sports Commission follow through its commitment to help sports organisations plan for equity in sport by ensuring that sufficient resources are made available to provide the advisory services, education programs and supplementary funding required.

RECOMMENDATION 35

It is recommended that the Australian Sports Commission make clear in its negotiations with all sports organisations in receipt of Commonwealth funds (and explain more completely in its next edition of 'Towards Gender Equity in Sport'), the possible consequences of not making progress toward gender equity in sport.

RECOMMENDATION 36

It is recommended that the Commonwealth Government, through the Sport and Recreation Minister's Council, encourage the State sports funding agencies to adopt an approach to gender equity planning in state sporting organisations similar to that developed by the Australian Sports Commission for national sporting organisations.

55. Few women have taken the opportunity to use the provisions of the *Sex Discrimination Act* to counter discrimination in the field of sport. Evidence suggests that this is partly due to lack of knowledge of the existence of the provisions but

more significantly because many sporting clubs are exempt from the SDA, under Sections 25 and 39.

56. The Committee does not agree with the suggestion that Section 42 of the Act should be amended. While accepting that, as a matter of principle, women should not be denied the opportunity to compete in mixed competitions if they so wish, the Committee considers that there are undoubted and significant benefits to be gained from separate sex competitions.

CHAPTER 7 - RECOGNITION

57. Women are involved in a multiplicity of activities in Australian public life. Whether they be in the paid workforce or primary care givers, women are also responsible for much community activity.

58. While women fill the ranks of the volunteer workers and grass-roots organising committees, as in the paid workforce, they are rarely found in positions of power. Women are under-represented in board rooms, Parliaments and decision making fora.

59. Recognition of women's voluntary contribution is very poor. The nation's highest accolades, the Australian Honours, are dominated by men whilst women who do receive honours are more likely to be in the lower orders. In addition, official statistics compiled to record national wealth and labour patterns are silent on the contribution of workers in the home and voluntary sectors.

60. Public recognition of women's work is also inadequate. Australia's national history ignores women, and this is reflected in the nature of displays and exhibits within museums and Arts centres and much of Australian literature.

61. In the light of these issues, the Committee makes the following specific conclusions and recommendations.

RECOMMENDATION 37

The Committee recommends that:

- (a) public museums and institutions should be encouraged by DASET to include adequate depictions of women's history; and

- (b) the Government investigate the possibility of funding a National Women's Place which would fully acknowledge women's contribution to Australian society and provide on-going support and recognition of women's contribution.

62. The Committee was concerned over the low numbers of women receiving Australian Honours, particularly the higher orders of Awards. The Committee accepts that a significant reason for this was a general lack of public understanding as to how the Honours System works which results in fewer nominations for women, particularly those prominent in the community sector.

RECOMMENDATION 38

The Committee recommends that the Order of Australia Secretariat and/or the Order of Australia Association:

- (a) be resourced to undertake a public awareness campaign to raise awareness of the Australian Honours system, the criteria under which they are granted and encourage nominations; and
- (b) investigate making the process more accessible to the public to ensure that the contribution of women, particularly in the voluntary sector, is recognised and nominations are made.

RECOMMENDATION 39

The Committee recommends that the Order of Australia Secretariat, in concert with the Order of Australia Association investigate the order of precedence of the Awards, in particular whether Long Service Awards should take precedence over Merit Awards.

63. The Committee notes that previous campaigns on sexual harassment have focussed on informing women of their rights. While this is essential, the Committee was impressed by the initiative of the Federated Clerks Union, Victorian Branch, in developing a campaign aimed at men to raise the awareness of the full effects of sexual harassment - encompassing both loss of self esteem for women and a reduction in productivity in the workplace.

RECOMMENDATION 40

The Committee recommends that Trade Union and employer organisations in conjunction with the HREOC run ongoing campaigns amongst men to raise their awareness of the effects of sexual harassment.

64. The Committee believes that it is incumbent on political parties to redress the gender imbalance where it currently exists so that it more accurately reflects the constituency.

RECOMMENDATION 41

The Committee recommends that all political parties examine their selection procedures for systemic discrimination against women and develop appropriate affirmative action programs which would give women equal opportunity to take a greater role in the political process.

65. The Committee was concerned over the low number of women board members in both public boards and private companies. Given women's particular skills and experience, the Committee regards the omission of women from boards of management to be a waste of talented human resources. While few boards directly discriminate against women, it is clear that systemic board room behaviour is often unattractive to women. Specific initiatives need to be taken to make decision making bodies more accessible. Selection procedures and meeting processes (including time and location) particularly need to be targeted. The Committee noted the initiative of the Office of the Status of Women in establishing *APPOINT* as an aid to matching women with board room vacancies. Boards themselves also need to be more proactive in encouraging women members.

RECOMMENDATION 42

The Committee recommends that all Government Departments should be required to publish details of gender balance on portfolio boards and committees both in their annual reports to Parliament and in their contributions to the Women's Budget Statement.

66. The National Women's Consultative Council's primary role is to represent the views of Australian women directly to the Prime Minister. To adequately fulfil this role, the Council must be both truly representative of all Australian women and

independent from the Government of the day. Currently the Council is serviced by a Secretariat within the Office of the Status of Women. The Office of the Status of Women's role in part has been to represent the Government to women. The Committee believes that the administrative link between the two bodies may be seen as inappropriate and that the independence of the NWCC would be enhanced by it being serviced by a Secretariat located outside the Office of the Status of Women.

RECOMMENDATION 43

The Committee recommends that:

- (a) the National Women's Consultative Council be separated from the Office of the Status of Women by it being given an independent Secretariat; and
- (b) membership of the Council must be representative of all women including those in the home and voluntary sectors.

67. The work performed in Australian homes receives no direct financial payment and even more galling for many women, it is not recorded in any official statistics. While the Australian Bureau of Statistics will undertake a time-use survey this year, this of itself will not adequately recognise and record the interdependence of the market and domestic economies. The Committee believes that official statistics should include the value of voluntary and domestic labour. This includes the monthly labour force statistics and the Census. The Committee accepts the evidence of the ABS that direct inclusion of domestic and voluntary work would be inconsistent with international standards of data collection and therefore recommends the use of supplementary reports. This would not require additional surveys, only supplementary questions in current data collection programs. However, Australia should raise the issue of International Standards with the ILO.

RECOMMENDATION 44

The Committee endorses the proposed Time Use Survey to be conducted by the Australian Bureau of Statistics in 1992 and recommends:

- (a) the holding of similar time use surveys every five years;

- (b) ABS collect and publish statistics on the extent and value of unpaid domestic and voluntary labour to be included as a supplementary report in the monthly labour force statistics; and
- (c) the Australian Bureau of Statistics approach the International Conference of Labour Statisticians with a proposal to review international standards of data collection which would enable unpaid work to be counted on a regular basis.

CHAPTER 8 - EDUCATION AND TRAINING

68. Education has the potential to entrench attitudinal barriers to women or break down such barriers. While this has been recognised and acted upon by government, it still remains a fact in formal education. The choice of subjects by girls and boys still reflects traditional career choices.

69. This is particularly apparent in higher and further education. Men dominate apprenticeship numbers and appear to receive more on-the-job training than women. In contrast, women have greater access to community education programs, but these carry a lower status with employers.

70. Skills recognition is an important issue for women, as many women develop useful and transferable skills in the home and voluntary sectors. With few exceptions, these skills are not recognised by employers nor often by women themselves.

71. In the light of the evidence, the Committee makes the following specific recommendations and conclusions.

RECOMMENDATION 45

The Committee recommends that the Commonwealth through the Council of Ministers for Vocational Education, Employment and Training seek to ensure that adequate resources remain available for community education programs, through TAFE, neighbourhood learning centres and the like, in acknowledgment of their value as access points for women.

RECOMMENDATION 46

The Committee, in recognising that attitudes about gender are set at a very young age, recommends that:

- (a) *the National Curriculum Development Project ensure that continual development of non-sexist curriculum and support for in-service training for all teachers to enhance prospects for girls are integral to all curricula; and*
- (b) *schools should be encouraged to structure courses and provide an environment for improving the self-image and career options for girls. The running of special programs should be supported through additional funding.*

RECOMMENDATION 47

The Committee recommends that gender equity provisions be incorporated into the Training Guarantee Act to enhance women's access to training. The criteria for assessing whether training programs have met the needs of women workers should include the following:

- (a) *the structure, design, location and timetabling of training programs;*
- (b) *the accreditation and articulation of training programs/courses;*
- (c) *the extent to which training provision provides career development opportunity and leads to career progression for women workers ; and*
- (d) *the provision of appropriate child care arrangements for workers undertaking training.*

72. The Committee was concerned that despite the fact that teacher training in gender issues was recognised as a major factor in developing better environments for girls as far back as 1984, no national strategies have been developed to ensure this takes place.

RECOMMENDATION 48

The Committee recommends that the Commonwealth through the Australian Education Council encourages the development of:

- (a) national strategies be developed to address the need to provide adequate teacher training and professional development for teachers to give them appropriate skills to develop more positive learning environments for girls. Strategies must be developed in consultation with state education instrumentalities.

RECOMMENDATION 49

The Committee recommends that the National Training Board work with the State Training Systems to establish a national standards and accreditation system which recognises training gained in industry and through state and private training providers.

CHAPTER 9 - WOMEN WITH PARTICULAR NEEDS

73. While evidence to the Inquiry indicates quite clearly that most women in Australia experience a degree of disadvantage relative to men, some groups of women face more difficulties than others. It is significant that government policy and programs designed to assist women and to increase equal opportunity are often less effective for women in special needs groups. To overcome this, these women need to be targetted specifically with initiatives that can address particular disadvantage and which can be effectively monitored to ensure that real improvement takes place.

74. The Committee received the bulk of its evidence in respect of four groups of women with special needs: Aboriginal and Torres Strait Islander women; women in rural and remote communities; women from non-English speaking backgrounds and women with disabilities.

75. In the light of this evidence the committee makes the following conclusions and specific recommendations.

76. The Committee acknowledges that conditions and opportunities for all Aboriginal people are unsatisfactory. The particular position of Aboriginal women is exasperated by a combination of race, gender and, in some cases, geographical isolation.

77. The Committee believes that improving employment opportunities is an essential element in improving the status of Aboriginal women. In this regard the Committee asserts that initiatives designed to assist all Aboriginal people should incorporate specific measures for Aboriginal women.

RECOMMENDATION 50

The Committee recommends that ATSIC:

- (a) ensure adequate consultation with Aboriginal women so that their training and employment needs are understood and incorporated in ATSIC's own programs; and
- (b) provides advice on the needs of Aboriginal women to other relevant Government service providers, particularly those associated with vocational training and childcare.

78. Evidence suggests that women in rural and remote communities experience a sense of voicelessness and isolation. Traditionally rural women have belonged to the Country Women's Association and the women's affiliates of men's organisations. In recent years however, women have become more vocal in farmer's federations, primary producers' groups and local government. What is needed now is for women to expand their networks to achieve greater visibility and recognition.

79. There is also clearly a need to portray a far more accurate picture of the role of rural women, for them to be more visible and to be consulted more vigorously. Women in rural areas want to be recognised for who they are: women who run farms in their own right or who are equal partners in agricultural enterprises. Data on rural women needs to be more accurate and far more accessible to rural women themselves.

RECOMMENDATION 51

In line with other recommendations regarding the national accounts, the Committee recommends regular data collection on women in rural areas. This could be done through:

- . the census;
- . better disaggregated data collection;
- . a stronger focus on women's issues by the Department of Primary Industry and Energy; and
- . revision of the agricultural census to take account of women's contribution to agriculture.

RECOMMENDATION 52

To further improve recognition for rural women, the Committee recommends that a rural women's section be established within the Office of the Status of Women to monitor government policy and legislation to ascertain if it adequately reflects the needs of rural women. The rural women's section should undertake to liaise directly with rural women's organisations and networks and to ensure greater feedback on government policy, research and development to the rural women.

80. The Committee recognises that rural life imposes particular costs due to distance from main towns and facilities. While it acknowledges that distance can also be a problem for some people in outer-urban areas, rural dwellers are more likely to suffer disadvantage.

81. Women living in rural and remote areas should not be further disadvantaged in terms of their communication needs. In particular petrol pricing policy and telephone charges need to be maintained at a level which ensures that these services remain accessible to rural women.

RECOMMENDATION 53

In order to ensure that those low income people living in rural communities not be further penalised the Committee recommends that the Department of Health, Housing and Community Services undertake investigations to assess the feasibility of providing transport subsidies for private car registration and petrol particularly for women and men living on the pension in rural areas.

82. While young women with children in the cities are not without their problems, their counterparts in rural areas lack many of the facilities available in urban areas. Evidence suggests that the needs of older women in respect of access to community support, respite care and ancillary services are not adequately recognised.

RECOMMENDATION 54

The Committee recommends that community support grants such as the Rural Access Program through the Department of Primary Industries and Energy be expanded.

RECOMMENDATION 55

The Committee recommends that relevant Commonwealth agencies give priority to the adequate provision of appropriate and cost effective community services for women in rural areas. This may require:

- (a) expansion of child care, including increased flexibility and funding guidelines to enable a greater range of providers; and
- (b) further investigations into community health needs and education support services.

83. Women from non-English speaking backgrounds experience the double disadvantage of gender and ethnicity. The difficulties experienced by most NESB women in achieving life options are amplified by communication difficulties and cultural dislocation.

84. There is clearly a need to take account of migrant women's dual responsibilities as workers and mothers in the provision of appropriate language training opportunities.

RECOMMENDATION 56

In respect of women from non-English speaking backgrounds the Committee recommends that relevant Commonwealth Service Agencies provide:

- (a) more resources for existing English language training, particularly community literacy programs;
- (b) culturally sensitive child care;
- (c) for employment of occupational health and safety officers who have appropriate cross-cultural training; and
- (d) culturally sensitive aged care.

RECOMMENDATION 57

The Committee recommends that DIR and the Office of Multicultural Affairs work with employer and union bodies to encourage the expansion of workplace induction and training programs, covering occupational health and safety, staff services and

language proficiency. Particular efforts must be made to ensure that these courses are made available to women.

85. Submissions to this Inquiry raised a wide range of issues relating to the barriers to achievement of equal opportunity and equal status for women with disabilities. The Committee believes, nevertheless, that a more complete investigation and analysis of these issues is necessary. It is crucial that women with disabilities be able to take up both the employment and training opportunities available under the Disability Services Program which funds both competitive and supported employment services, and the 4,000 new training places funded by the Department of Employment, Education and Training as an integral component of the Disability Reform Package.

RECOMMENDATION 58

The Committee recommends that:

- (a) an affirmative action policy for women with disability be developed and implemented by the Department of Health, Housing and Community Services, of Employment, Education and Training, and Social Security in relation to the Disability Services Program, the Commonwealth Rehabilitation Service and the Disability Reform Package;
- (b) the Department of Health, Housing and Community Services work together with existing and potential competitive employment, training and placement services funded under the Disability Services Program to increase the numbers of women receiving those services, and in doing so, encourage and support women to obtain training and employment particularly in non-traditional occupations;
- (c) the Department of Health, Housing and Community Services fund a comprehensive study into the specific needs of women with disabilities to assist them with

independent living. Further, that this study take account of the additional disadvantages experienced by women with disabilities who are aged, or of Aboriginal, Torres Strait Islander or non-English speaking background. The Committee believes that there would be advantages for this study to be conducted by a research team of women with disabilities; and

- (d) the special needs of women with disabilities need to be accounted for in respect of financial independence, child care support, employment and training needs. In particular evaluation of changes in disability allowances needs to be evaluated in the light of their likely impact on women with disabilities.

CHAPTER 10 - LEGISLATION

86. Evidence to the Committee suggests that the *Sex Discrimination Act* 1984 and the related *Affirmative Action Act* 1986 have had a significant impact on increasing equal opportunity and equal status for women in Australia. The bulk of this report has indicated that while achievements for women have been significant, there is still a long way to go.

87. At the time that the legislation was introduced, public knowledge of and acceptance of gender discrimination was not widespread. Indeed the passage of legislation was accompanied by a deal of cynicism and even fear as to its repercussions.

88. The Committee canvassed views on the operation of EEO programs, particularly for those organisations subject to Affirmative Action legislation. Generally, there is strong support for maintaining the structure of the existing legislation, with a consolidation of on-going activity. Quality of programs, effective consultation and a balance between incentive and compliance were all seen as vital to the success of good EEO programs.

89. The Committee believes that the operation of the legislation has, while protecting the rights of individual women who have had occasion to avail

themselves of the Acts, resulted in a degree of re-education of the Australian public. While there is still need for further education of the implications of the legislation, successes to date suggest that it is time that aspects of the current Acts now need to be amended to reflect the more sophisticated level of public understanding.

90. In the light of the evidence, the Committee makes the following recommendations in respect of sex discrimination legislation.

91. Although criticisms have been made of the conciliation model, both as a concept and in its practical operation, most submissions and evidence accepted that its benefits outweighed its deficiencies. Attention, therefore is on the means of minimising or overcoming those deficiencies, rather than on abandoning conciliation. In this connection it should be noted that because HREOC determinations are not binding, there is no incentive for an uncooperative respondent to work out a conciliated settlement.

RECOMMENDATION 59

The Committee recommends that without breaching the rights of privacy of parties to a complaint, HREOC publish more comprehensive statistics on the nature of concluded complaints, including those:

- (a) which did not proceed to conciliation;
- (b) those resolved through conciliation; and
- (c) those requiring formal determination by the Commission or the Court.

92. The absence of a general prohibition in relation to discrimination against women in the SDA is in direct contrast to the Commonwealth legislation dealing with discrimination on the grounds of race. As discrimination against an individual on the basis of race or sex should be regarded as a contravention of a basic right, the Committee believes that it is desirable to bring the Sex Discrimination Act in line with the general prohibition contained in the Racial Discrimination Act.

RECOMMENDATION 60

The Committee recommends that:

- (a) a general provision stating that discrimination on the basis of sex, marital status, potential pregnancy and family responsibilities is unlawful should be included in the SDA;
- (b) a provision allowing for 'equal protection before the law' similar to the provision in the Racial Discrimination Act be adopted in the SDA.

93. Women who are discriminated against because they express an intention to become pregnant, or because of the likelihood that they may become pregnant, should be able to lodge a complaint under the SDA. The likelihood of pregnancy may already fall within the definition of sex discrimination in the Act - as an imputed characteristic of women however the Committee believes that it would be desirable for it to be specifically stated. The Committee further believes that the defence of reasonableness contained in paragraph 7 (1)(b) of the Act dealing with pregnancy should be deleted so that discrimination on the ground of pregnancy is in the same terms as that for discrimination on the grounds of sex or marital status.

RECOMMENDATION 61

The Committee recommends that Section 7 of the SDA be amended by:

- (a) the inclusion of 'potential pregnancy' as a ground of prohibited discrimination.
- (b) the repeal of 7 (1)(b).

94. Further, the Committee believes that obligations associated with family responsibilities should be included as prohibited grounds for discrimination, in line with the Government's commitment to the UN Convention ILO 156, *Workers with Family Responsibilities*.

RECOMMENDATION 62

The Committee recommends that ILO 156 be attached to the SDA as a schedule and further that the powers of the Commissioner be expanded to include responsibilities in association with ILO 156.

RECOMMENDATION 63

The Committee recommends that the SDA be amended to include as a prohibited ground for discrimination, family, parental and carer responsibilities.

95. A fundamental premise of the SDA is that an individual should be judged on his or her own merits and not on their sex or marital status. Currently Section 6 of the Act provides protection on the basis of marital status but does not protect an individual against discrimination based on the identity of their spouse. The Committee considers that such a distinction was never intended and therefore should be made explicit by amendment to Section 6.

RECOMMENDATION 64

The Committee recommends that the definition of 'marital status' in Section 6 be extended to include discrimination on the basis of the identity of the spouse of the person lodging the complaint.

96. At the time that the SDA was enacted the general understanding of the harmful effects sexual harassment in the public and the workplace was not particularly widespread. It is now widely understood that sexual harassment is not a trivial matter and that unwanted sexual advances are serious offences in themselves and need not be linked to some sort of disadvantage or detriment to an individual's employment or education prospects. In addition, the proscription of sexual harassment in the SDA is limited in that it applies only to the areas of employment and education and not to the provision of goods and services and accommodation (unlike, for example, the Victorian and South Australian Equal Opportunity Acts). Given the incidence of sexual harassment in areas such as provision of accommodation this is a serious weakness in the SDA. It would be desirable for the Act to be amended to extend its coverage to provisions of goods and services and accommodation.

RECOMMENDATION 65

The Committee recommends that Division 3 of the *Sex Discrimination Act* be amended to:

- (a) remove the need for a complainant to demonstrate disadvantage by repealing Sections 28(3) and 29(2) and replacing them with a definition of sexual harassment similar to that in Section 58 of the *ACT Discrimination Act 1991*;
- (b) amend Section 29(1) to include harassment of staff by students as an offence; and
- (c) make unlawful sexual harassment in the provision of goods and services and accommodation.

97. The SDA allows for representative complainants, however, these provisions have rarely been utilised. It is particularly noted that trade unions have not availed themselves of the opportunity to represent their women members in this way. Recent amendments to the Federal Courts Act allowing for representative actions provide an opportunity to overcome current difficulties with the Act.

RECOMMENDATION 66

The Committee recommends that:

- (a) the Sex Discrimination Commissioner seek, through arrangements with the ACTU, to ensure that the union movement is familiar with the complaint handling processes of the SDA and of the potential for union involvement in complaints under the SDA;
- (b) the Attorney General's Department examine Section 70 of the SDA in light of the recent *Federal Courts Amendment Act 1991* to ascertain whether amendment is needed to provide for a less cumbersome procedure for initiating a group complaint and to clarify the right to damages by way of representative action.

98. A major criticism of the Act is the cumbersome enforcement procedures of HREOC determinations. In order for a determination to be binding on parties, the

matter must be heard again by the Federal Court. In practical terms such a procedure is a substantial deterrent to most complainants. On the other hand as the Act is based on a confidential conciliation model, there is scope for publicity of the determinations as provided by the Federal Court decisions. It is important that the option to proceed to the Federal Court remains both available and workable.

RECOMMENDATION 67

The Committee recommends that HREOC determinations be registrable in the Federal Court and that in the absence of an appeal they automatically become an enforceable order of the Court.

99. The enforcement of the Sex Discrimination Act since 1984 has, to a degree, been limited by the resources available to the Commission. The multiple function of the Commission inevitably leads to trade-offs in allocation of staff, time and budget. However, the Committee believes that the effectiveness of the Act in eradicating discrimination is dependent on greater public knowledge of the Act and clear allocation of resources to the more pro-active functions of the Commission, such as education campaigns, research and analysis of Government Legislation.

RECOMMENDATION 68

The Committee recommends that:

- (a) the Sex Discrimination Commissioner be provided with adequate resources to ensure that the Commission's proactive functions specified in Section 48 (1) of the Act can be more effectively carried out;
- (b) the Human Rights and Equal Opportunities Commission determine separate budget allocations for each of its areas of responsibility in order that the Sex Discrimination Commissioner have access to a clearly designated budget.

100. While the basis of the Sex Discrimination Act is to resolve matters by conciliation, there are cases which require Court determination. The Committee is concerned by evidence of difficulty in attracting legal aid for such cases. This may act as a serious impediment to the enforcement of rights under the Act.

RECOMMENDATION 69

The Committee recommends that the Attorney-General investigate the criteria applied by the Legal Aid Commission in deciding aid applications for assistance in sex discrimination cases with the views to ensure that complainants and respondents are assisted in appropriate cases.

101. The Committee recognises that indirect discrimination is a major inhibiting factor in women achieving opportunities on the basis of merit. Much of the evidence supported a change in the definition of indirect discrimination, contained in Sections 5, 6 and 7 of the SDA, however, the Committee, in light of the High Court decision in the AIS case believes that it is unnecessary at this stage, to substantially amend these sections.

RECOMMENDATION 70

The Committee recommends that:

- (a) sub-sections 5(2), 6(2) and 7(2) paragraph (b) be deleted.
- (b) a new sub-section be added to Sections 5, 6 and 7 in the following terms:

it shall be a defence for a discriminator to show that the imposition of the condition or requirement was reasonable in order to pursue the least discriminatory option available to the discriminator in the circumstances of the case.

102. As the Minister for Defence, Science and Personnel has demonstrated, there is scope for increased participation of women within the military forces and the continued review of those areas where women are excluded should be conducted within the Department. A requirement to apply for exemptions on a regular basis (say 2 years, if an exemption for that period is granted by the Commission) would allow for ongoing review and an increased rate of participation of women within the defence force.

RECOMMENDATION 71

The Committee recommends that Section 43 be amended to include a specified time period not exceeding two years to allow the removal of prohibitive and discriminatory provisions from Defence Force legislative requirements and administrative procedures.

103. The recent decision in the challenge to the effectiveness of the Sex Discrimination Act by Dr Proudfoot serves as an important precedent in the maintenance of some gender specific services, where a case can be made for special needs. Whilst the Court decision in the Proudfoot case endorses the Committee's understanding of the Act, evidence to the Committee suggests that Section 33 of the Act needs some attention in order to protect gender specific services so they cannot be put under threat.

RECOMMENDATION 72

The Committee recommends that the Attorney-General's Department, in consultation with HREOC, determine if an amendment is necessary to Section 33 so that it ensures their measures to promote equal opportunity for women or to meet their special needs are not unlawful.

104. The Committee has received evidence arguing for the repeal of or amendment of a number of exemptions to the SDA. The Committee does not believe that all exemptions should be repealed but believes that a number of exemptions should be made to a number of provisions.

105. The exemption allowing discrimination against teachers in educational institutions established for religious purposes was of great concern to the Committee. While the Committee accepts the right of religious schools to set standards of behaviour for teachers and staff, it cannot accept that there should be a double standard between men and women employed in such schools or that the rights of teachers between government and church schools should be significantly different. The Committee believes that the exemption in Section 38 should be reworded to avoid ambiguity, to require the employer to meet the common legal standard of reasonableness and to allow for an objective assessment of the circumstances.

RECOMMENDATION 73

The Committee recommends that Section 38 of the *Sex Discrimination Act* be amended to add the requirement of 'reasonableness'.

106. While the Committee recognises that the exemption in paragraph 40 (1)(e), on occasions, allows discrimination in favour of women, the overwhelming evidence suggests that it is more often used to discriminate against them. The Committee believes that this exemption should over time, be completely removed and as a precursor to such an event, makes the following recommendation.

RECOMMENDATION 74

The Committee recommends that the Pay Equity Unit in the Department of Industrial Relations undertake investigations into the impact on women of removing the current exemption at 40 (1)(e). In particular they should monitor the extent to which discriminatory clauses are being removed as part of structural efficiency negotiations and decisions.

107. The Committee is concerned that the effectiveness of the Act can be put at risk by the very real fear of victimisation. The Committee therefore believes that Section 94 of the Act needs to be amended to ensure that complainants can seek redress against victimisation through either conciliation or formal court processes.

RECOMMENDATION 75

The Committee recommends that Section 94 of the *Sex Discrimination Act* be amended so as to allow complaints of victimisation to be considered either through a court of law or a process of conciliation.

108. The Committee has canvassed other aspects of the *Sex Discrimination Act* in respect to equal opportunity in sport. Two amendments to the Act have been suggested and are outlined in Chapter 6.

109. The Committee regards affirmative action and related equal opportunity programs as integral to greater access to career opportunities for all women. The Committee is concerned, however, that equal opportunity programs vary considerably and while the rhetoric is among, the reality is not necessarily promoting women's interests or prospects. The Committee is particularly concerned

as to the effects of mainstreaming EEO prematurely, significantly weakening its strength in the workplace.

110. Affirmative action programs have great potential in maximising women's contribution in the labour market, however, evidence to the Committee suggests that while organisations may be complying with the letter of the law, there is often a lack of commitment to the spirit.

111. The Committee believes that adequate resources need to continue to be devoted to developing and monitoring EEO programs in both the private and public sector and in higher educational institutions. The Committee is also alarmed that the status of EEO programs within organisations are not safeguarded and reports to the AAA are not able to be checked.

RECOMMENDATION 76

The Committee recommends that:

- (a) the Affirmative Action Agency be resourced to undertake qualitative assessments of reports received.
- (b) the Agency encourages companies to focus more carefully on identifying and addressing the particular needs of groups of women with special needs in the workforce.

112. The Committee was particularly concerned over the number of employers covered by the Act. The restriction imposed by the current legislation which requires compliance of organisations with over 100 employees has the effect of ignoring smaller businesses and enterprises where women tend to predominate. Similar concern was expressed over the exemption to voluntary bodies, which the Committee deemed inappropriate.

RECOMMENDATION 77

The Committee recommends that:

- (a) a further expansion of the number of companies which come under the Affirmative Action Act to include those employing 40 people and in the long-term, all employees;

- (b) the resources of the Affirmative Action Agency would need to be increased commensurate with the increased work load;
- (c) those organisations consistently recording good progress should have the obligation of reporting reduced accordingly, reducing the workload of the organisation itself and the Affirmative Action Agency; and
- (d) the Affirmative Action Agency be charged with responsibility to distribute reports to relevant interest groups, principally trade unions.

RECOMMENDATION 78

The Committee recommends that:

- (a) evaluative analysis be undertaken by DIR to ensure that statutory authorities are adopting effective affirmative action programs; and
- (b) work needs to be undertaken by DIR in consultation with AAA to establish how employers in the voluntary sector can be encouraged to adopt affirmative action programs.

113. While naming organisations in Parliament is a powerful tool for compliance, the Committee recognises that economic incentives are probably more effective. To this end, the Committee is attracted to contract compliance in both Commonwealth and State environments as a method of strengthening conforming with the Act.

RECOMMENDATION 79

The Committee recommends that:

- (a) the Commonwealth Government introduce contract compliance for all Commonwealth contracts so that all corporations/organisations tendering for government contracts should be required to supply evidence that they practice equal employment opportunity; and
- (b) as part of greater Commonwealth State co-operation in equal opportunity matters, the State and Territory Governments explore options such as contract compliance to enhance the effectiveness of sex discrimination legislation.



CHAPTER 1

THE INQUIRY

1.1 Preface

1.1.1 Australia's most vital resource is its people. This Inquiry was prompted by the concern that Australia's laws, economy, institutions and community attitudes do not adequately utilise, recognise and reward over 50 per cent of the population - Australian women.

1.1.2 Australia as a nation has always subscribed to the concept that equality before the law is a fundamental right. Few would argue however that the acceptance of the right to legal equality means that it is always practised or that citizens can not experience great social or economic disadvantage.

1.1.3 This inquiry has been guided by two objectives. First, to take stock of what progress has been made toward guaranteeing that Australian women are given an equal opportunity to fully participate in the life of the community. In pursuit of this objective the Committee has reviewed the public policies and legislative frameworks that have been established to that end.

1.1.4 The Committee's second objective has been twofold: to examine ways of consolidating the progress that has been made to date; and to consider how to further the cause of equal opportunity and equal status for women.

1.2 Background to the Inquiry

1.2.1 The House of Representatives Standing Committee on Legal and Constitutional Affairs commenced its Inquiry into Equal Opportunity and Equal Status for Women in Australia on 25 May 1989 at the request of the then Attorney General, the Hon. Lionel Bowen, QC, MP.

1.2.2 With the dissolution of the House of Representatives in February 1990 for a general election, the Committee ceased to exist. The Committee was re-established by the new Parliament and on 15 May 1990 the Inquiry was re-referred to the Committee by the new Attorney-General, the Hon. Michael Duffy, MP. The terms of reference were unchanged and the Committee had access to the Inquiry evidence and records of the previous Parliament.

1.2.3 A Sub-Committee comprising seven Members was formed for the purposes of the Inquiry.

1.3 Conduct of the Inquiry

1.3.1 In undertaking such a wide ranging and all-encompassing examination of the position of Australian women, the Committee was extremely conscious of the fact that women are not a homogeneous group and that it would be quite impossible to gain a consensus on either what the problems were let alone the solutions. For this reason, and to do justice to the importance of the Inquiry, the Committee went to painstaking lengths to seek public opinions and allow input.

1.3.2 In an attempt to consult as widely as possible, the Committee sent approximately 1,500 letters, between September 1989 and July 1990, to persons and organisations, inviting them to make a submission to the Inquiry. These letters were sent to universities, colleges, TAFE's, sporting organisations, political parties, women's organisations, businesses, Ministers, charitable organisations, the media, government departments, unions, professional organisations, EEO officers, ethnic organisations, rural organisations, and organisations for the elderly and for the disabled. The Inquiry's Terms of Reference were advertised in all national and capital city press in 1989 and again in 1990.

Submissions

1.3.3 A vast number of submissions were made to the Inquiry. The Committee received 634 submissions which were processed into 19 volumes and distributed widely.¹

¹ Appendix A contains a list of persons and organisations who made submissions

TABLE 1: Summary of submissions to the Status of Women Inquiry

CATEGORY	TOTAL
Non-Government Organisations	203
Individuals	110
Professional Bodies	63
Federal Government Departments	80
Academic Institutions	61
State and Local Government	54
Government Funded Bodies	30
Employers/Businesses	24
Trade Unions	9
TOTAL SUBMISSIONS AS AT 1 APRIL 1992	634

TABLE 2: Submissions received from non-Government organisations

Voluntary/Non-Government Organisations	TOTAL
Sports	78
Women's Groups	73
Community/Welfare	15
Disabled	13
Aged	10
Non-English Speaking Background	9
Political Parties	5
TOTAL AS AT 1 APRIL 1992	203

TABLE 3: Individuals who made submissions by gender

Individuals	TOTAL
Individual Women	84
Individual Men	26
TOTAL AS AT 1 APRIL 1992	110

Exhibits

1.3.4 Many of the original submissions contained relevant non-original materials which were classified as exhibits. The Committee received approximately 150 exhibits, ranging from pamphlets and novels to policy statements and Government reports.²

Public Hearings

1.3.5 The Committee held 19 days of Public Hearings between February 1990 and November 1991. These hearings were held in Melbourne, Canberra, Brisbane, Cairns, Darwin, Sydney, Hobart and Adelaide. The Committee received evidence from 181 witnesses.³

Seminars

1.3.6 In an attempt to stimulate debate on issues relevant to the Inquiry, the Committee held a series of joint seminars based on the Terms of Reference. Four two-day seminars were held at Parliament House in Canberra. They were entitled: 'Sex Discrimination Legislation, Operation and Effectiveness', co-sponsored by the Royal Australian Institute of Public Administration ACT Div. Inc. (RAIPA); 'Equity for Women in Sport', co-sponsored by the Australian Sports Commission (ASC); 'Women and Employment', co-sponsored by the Department of Employment,

² Appendix B contains a list of Exhibits

³ Appendix C contains a list of witnesses who gave evidence at public hearings

Education and Training (DEET); and, 'Recognition for Women in Australia', co-sponsored by the Office of the Status of Women (OSW).

1.3.7 In addition to Members of Parliament and Senators, seminar speakers included academics, professionals and prominent Australians all of whom delivered papers of an extremely high calibre.⁴

1.3.8 Seminar participants included homemakers, pensioners, workers in paid employment, volunteers, students, the unemployed, public servants, professionals, academics, athletes and politicians. Attendees travelled to Canberra from destinations as far-afield as Darwin and Perth to participate in the seminars.

1.3.9 The Committee's aim was to have present at the seminars a representative cross-section of the Australian community. While this cannot be ensured, the participants able to attend were drawn from many walks of life and held a wide variety of views on the means of improving the status of Australian women.

1.3.10 Participants were able to 'have a say' in Syndicate Groups which were based on the topics covered by the speakers. A representative from each group reported back to the main group in a Plenary Session. The seminars provided a forum for raising and discussing issues relevant to women. The proceedings of each seminar were recorded by Hansard and distributed to all participants. Material from the seminars, while not official evidence, has been carefully considered by the Committee in the formulation of its Report.

Discussion Papers

1.3.11 A series of four discussion papers, based on the same topics as the seminars, were prepared for the Committee. These papers were prepared as an aid to discussion and to draw together the evidence received on each topic. The papers were distributed widely and attracted extensive media coverage. Additional submissions in response to the papers were sought and some 200 were received.

⁴ Appendix D contains a list of Seminar Speakers

Again the replies to the discussion papers have been carefully considered by the Committee.⁵

1.4 Framework for the Report

1.4.1 The chapters that follow provide a brief historical, policy and economic context for Australian women in the 1990's, followed by an overview of women's work in the paid workforce, in the home and the community. The middle sections of the report discuss specific issues relating to the responsibilities and pressures faced by women with families, particularly the implications resulting from balancing paid work and family, followed by an analysis of issues surrounding the lack of recognition for women. The report's final chapter examines the operation of the Commonwealth's Affirmative Action and Sex Discrimination Legislation.

1.4.2 Apart from providing a social picture of Australian women, the report calls on governments (both State and Commonwealth), community groups, employers and individual members of the community to take concerted and specific actions to ensure equal opportunity and equal status for women in Australia.

⁵ The people who responded to the Discussion papers are included in the list of submissions at Appendix A

CHAPTER 2

THE CONTEXT FOR WOMEN IN THE 1990's

2.1 Brief Historical Context

2.1.1 Popular Australian history dating from the arrival of the First Fleet does not give an extensive coverage to the contribution of women. While the Committee's terms of reference did not call for a detailed historical analysis of Australian women, evidence provided pointed to a portrayal of women as silent achievers with much of their achievement going unrecorded.

2.1.2 As Dr Dale Spender, feminist writer and teacher suggests:

Too often Australia has been seen as man's country - and a white man's country - and while ever this has been the national focus, the many crucial contributions and achievements of women have been overlooked and ignored.¹

2.1.3 Those published histories which have focussed on the specific contribution of women have not generally passed into popular history as illustrated in an anecdote recalled by Dr Dale Spender. She told the *Recognition seminar* of the contribution of several famous women writers who, in 1938 compiled the *Peaceful Army*, a record of the contribution of famous Australian women. Having seen the book to publication, the authors then rested on their laurels believing that they had 'put women in history' and that 'it will not have to be done again'. Dr Spender laments the fact that the book needed to be republished in 1988, owing to the fact that 'the material in this book was basically unknown outside scholarly circles'.² Sixty years since *The Peaceful Army*, evidence to the Committee suggests that there is still a way to go.

¹ Recognition Seminar, p.8

² Recognition Seminar, p.8

2.1.4 The following time-line of landmark events for women illustrates the breadth and depth of women's participation in various areas of public life. Compiled from a bibliographic search, it reflects only those events which appear in written history. 'Unsung heroines', particularly those of Aboriginal and Torres Strait Islander and non-English speaking background, are significant in their absence, largely omitted from Australia's written records. It is notable that many accomplishments have occurred in recent years yet many of these achievements may not be widely known.

TIME LINE ON WOMEN, AUSTRALIA: LANDMARK EVENTS

- 1883 The first woman graduated from an Australian university (Julia Bella Guerin, B.A. University of Melbourne).
- 1883 The first of the Married Women's Property Acts to be passed successively in the Australian States to give married women the same legal position regarding property as unmarried women was enacted in South Australia. The last State to enact such legislation was Tasmania (1935)
- 1890 Constance Stone became the first registered woman doctor in Australia, having studied overseas as she was refused entry to Melbourne University.
- 1894 South Australia became the first State to accord women the right to vote and the right to sit in State Parliament. In 1923 Victoria was the last state to do so.
- 1902 Non-Aboriginal women gained the right to vote in Federal elections and the right to sit in Federal Parliament.
- 1903 Vida Goldstein became the first woman to stand for election to Parliament when she nominated for the Senate elections.
- 1912 Minimum wage for women's work set by Mr Justice Higgins - first Commonwealth Arbitration award for women (most commonly until 1950 this was 54 per cent of the male rate).
- 1912 Maternity Allowance Act provided for a grant of £5 on the birth of a child.
- 1921 The first woman was elected to an Australian parliament - Edith Cowan to the lower House of the Western Australian Parliament.

- 1937 Mary Gilmore, poet (later Dame Mary Gilmore) was awarded an OBE.
- 1942 The Women's Employment Board was formed to draft women into essential war-time work at higher rates of pay.
- 1941 Child Endowment Act provided for payment directly to the mother of an allowance for each child after the first under the age of 16 years (five shillings per week).
- 1943 The first women were elected to Federal Parliament (Enid Lyons to the House of Representatives and Dorothy Tangney to the Senate).
- 1947 Florence Cardell-Oliver (later Dame Florence), elected in 1936, became the first woman Cabinet Minister in an Australian Parliament (Western Australia)
- 1949 Dame Enid Lyons became the first woman to be part of Federal Cabinet (as vice-president of the Executive Council).
- 1950 First determination of a female basic wage. The Commonwealth Arbitration Court set this at 75 per cent of the male basic wage.
- 1962 Roma Mitchell (later Dame Roma Mitchell) became Australia's first woman Queen's Counsel, then becoming Australia's first woman Supreme Court judge in 1965 and later first Acting Chief Justice.
- 1963 The Women's Bureau was created in the Department of Labour and National Service (now in the Department of Employment, Education and Training).
- 1966 The bar on employment of married women in the Commonwealth Public Service was abolished.
- 1966 Senator Rankin (later Dame Annabelle Rankin) became the first woman Minister in a Federal Parliament.
- 1967 All Aboriginal women (and men) were finally able to vote.
- 1969 Commonwealth Conciliation and Arbitration Commission ruling of 'equal pay for equal work', to be phased in by 1972.
- 1972 Commission extension of equal pay concept to 'equal pay for work of equal value' to be fully implemented by 30 June 1975.
- 1972 The *Federal Child Care Act 1972* provided federal involvement and funding for child care.

- 1973 The *Maternity Leave Act 1973* provided for maternity leave for federal public servants.
- 1973 The first woman (Elizabeth Evatt) was appointed as a Deputy President of the Conciliation and Arbitration Commission.
- 1975 The first sex discrimination Act in Australia was passed by the South Australian Parliament (*The Sex Discrimination Act 1975*).
- 1975 *Family Law Act 1975* passed by the Federal Parliament.
- 1976 Elizabeth Evatt became the first Chief Judge of the Family Court.
- 1978 The National Women's Advisory Council was established. This was replaced by the National Women's Consultative Council in 1984.
- 1979 ACTU Maternity Leave test case.
- 1979 Deborah Wardley won the right to be employed as a pilot with Ansett in a case heard by the Victorian Equal Opportunity Board.
- 1981 Mary Gaudron became the first woman Solicitor-General (for N.S.W.).
- 1983 Ratification by Australia of the United Nations Convention on the Elimination of all Forms of Discrimination Against Women.
- 1983 The first woman University Chancellor was appointed (Dame Roma Mitchell, University of Adelaide).
- 1984 *Sex Discrimination Act 1984* passed by the Federal Parliament.
- 1985 Australian Conciliation and Arbitration Commission affirmed the equal pay principles of the 1972 Equal Pay case but rejected the comparable worth concept.
- 1985 Helen Williams appointed as Secretary of the Department of Education, the first and only woman to head a government department (1985-87).
- 1986 Hon. Joan Child, MHR, became the first woman Speaker of the House of Representatives.
- 1986 The *Affirmative Action (Equal Employment Opportunity for Women) Act 1986* passed by the Federal Parliament.
- 1986 Janine Haines became the first woman leader of a political party in the Federal Parliament.

- 1987 The first woman was appointed to the High Court (Mary Gaudron).
- 1988 The first two women graduated as pilots in the Royal Australian Air Force (Flight Lieutenant R D Willams and Flying Officer Hicks).
- 1989 Rosemary Follett became Australia's first woman head of government (A.C.T.).
- 1989 Women were included for the first time in Australian National Antarctic Expeditions, and in 1990 the first woman station leader was appointed (Diana Patterson).
- 1990 Two women became State Premiers - first, Dr Carmen Lawrence, Western Australia and then Joan Kirner, Victoria.
- 1990 Deirdre O'Connor became the first woman Federal Court judge and president of the Administrative Appeals Tribunal.
- 1990 The Liberal Party in Victoria elects its first women member of the House of Representatives (Fran Bailey).
- 1991 Dame Roma Mitchell was appointed Governor of South Australia and became Australia's first woman vice-regal representative.
- 1991 The Law Institute appointed its first woman president in its 132-year history (Gail Owen).

2.1.5 Each entry on the time-line represents an outstanding achievement and reflects the partial breakdown of a barrier faced by women in securing positions in public life. However anecdotal evidence to the Committee illuminates the sense of constraint experienced by many women who felt they were unable to exercise choice. Pat Cunningham, private citizen from New South Wales described how she felt as a young woman in the 1930's:

I once had to work 96 hours per week for 5/-UK during the Depression living in a stately home. I knew there had to be something better than this and blessed the day Adolf Hitler decided to fight us because the war allowed me, begged me, helped me do anything I was capable of doing and gave me a chance.³

³ Evidence, p.S2074

2.1.6 As Ms Cunningham's evidence testifies, pre World War II, women's contribution was largely recognised as confined to the domestic arena. This was reflected in community attitudes and government policy of the time which placed a heavy emphasis on support for large families.

2.1.7 Historian Margaret Sampson's longitudinal analysis of government policy from the 1940's implies a lowering of the status accorded to women as mothers, with a subsequent policy emphasis on women in the workforce.⁴ Indeed, since World War II, women have been entering the paid workforce in unprecedented numbers. This has had vast implications for both government policy, workplace and domestic affairs and has radically altered expectations and options for women in Australia.

2.1.8 Whilst women clearly have a wider and more free choice now, the evidence to the Committee suggests that it will be some time before history records women as having opportunities and status equal to men.

2.2 Policy Context

2.2.1 Government policy and practice is of itself an important indicator of the extent to which women are recognised as full participants in society enjoying a complete range of life options and opportunities. In this regard, the Committee contacted each Commonwealth Minister requesting details of reports which had an impact on the status of women in Australia.

2.2.2 In examining this issue, the Committee was interested in the extent to which departments view women as clients or target groups, as indicated by their policy development, taking account of the impact of decisions on women or being in response to particular needs of women.

2.2.3 Departmental responses reflected a similar dichotomy in the role of women that was apparent in much of the evidence submitted to the Inquiry. The 'Human Services' departments of Social Security, Health, Housing and Community Services and Employment, Education and Training reported research and policies which reflected an acknowledgment of women as clients while departments such as

⁴ Evidence, p.S74

Finance, Treasury and Industry, Science and Technology had limited identification of women having needs in any way different from that of men.

2.2.4 In analysing responses, the Committee noted that a number of departments interpreted women's interests only in terms of personnel policy and practices, consequently providing details of Departmental Equal Employment Opportunity policies for staff members. The selection of reports from some other departments indicated a narrow interpretation of women's needs and concerns.

2.2.5 In addition to EEO reports received from the Treasury and its portfolio agencies, three reports were provided from the Prices Surveillance Authority detailing inquiries into personal care products, feminine hygiene products and clothing. It may be argued that Treasury does not have a clear view of women as taxpayers, investors and major protagonists in Australia's economic systems or if it does, that it sees no distinction between men and women as clients.

2.2.6 A further area of concern to the Committee is the degree to which research and reports actually influence government policy. Several departments provided brief evaluations of major reports which were enlightening.

2.2.7 For instance, the report of the Aboriginal Women's Task Force, 'Women's Business', produced in 1986, made a number of recommendations regarding, among others, consultation between Aboriginal and Torres Strait Islander women and government, land rights and health, housing and employment, based on critical needs identified by Aboriginal and Torres Strait Islander women. A number of initiatives have commenced in response to the report, however, it is clear that 6 years on, there remains a great deal more to be achieved. A follow-up report has recently been completed on this 'unfinished' business.

2.2.8 Another example is the National Policy for the Education of Girls in Australian Schools which was adopted by State and Territory government education systems through the Australian Education Council in 1987. This was endorsed by the major non-government school authorities in the same year. The National Policy is concerned with schools policy and curriculum development as these affect girls' education and vocational preparation. After monitoring the implementation of the National Policy since 1988 the Department of Employment, Education and Training concludes that the four objectives of the national policy have "not been completely met on any wide scale basis as yet". The second progress report on the

implementation of the policy noted that 'there is still reluctance in some school communities to accept that issues relating to the education of girls are relevant'.⁵

2.2.9 Given the objective of the National Policy is to improve educational outcomes for girls and assist in eliminating sexism in education, and in light of the submissions made to the Committee regarding the need to expand educational and vocational choices for girls (and women), the slow implementation of the National policy is a disappointing but not unique outcome for policy initiatives to improve the opportunities for women.

2.2.10 The success (or lack) of achieving change for women in policy development and effective implementation depends on a number of critical factors, as illustrated by the experience of the 'Women in Apprenticeship' report prepared in 1987 by the Department of Employment, Education and Training on behalf of the Commonwealth/State Training Advisory Committee (COSTAC). In its recommendations to COSTAC the report proposed a national policy statement relating to women in apprenticeship, together with a comprehensive strategy to increase employment of women in trades.

2.2.11 Concerned about the lack of implementation of the 'Women in Apprenticeship' report, a policy review of the report was conducted in 1991 on behalf of the Vocational Education, Employment and Training Advisory Committee.

2.2.12 That review found that the Ministers of Labour had endorsed the report and its publication but not the recommendations, that there was limited distribution and promotion of the report, and that the commitment of COSTAC to monitoring the progress of the report was debatable. The review concluded that the lack of Ministerial support for the recommendations to increase employment of women in trades was subsequently reflected in the lack of action at State and Territory level.

2.2.13 The experience of the 'Women in Apprenticeship' report illustrates that Ministerial and departmental commitment and ongoing support is critical for the effective implementation of policies and programs to assist women.⁶

⁵ Exhibit No.94(i)

⁶ Exhibit No.160

2.3 Economic Context

2.3.1 Women make an enormous contribution to the market and domestic economy of Australia. Their contribution to the market economy forms part of the official GDP of Australia and is as such, recorded. However work in the home and the voluntary sectors is more difficult to quantify and has not been generally accounted for. Such work is also not recognised and is often ignored.

2.3.2 Increasingly, women are combining work in the paid workforce with their unpaid roles as mothers, educators, cleaners, counsellors, nurses and entertainers within homes. Evidence to the Committee rarely questioned the right of women to compete on equal terms in the market economy but many pointed to the complex nature and burden of combining paid and unpaid work.

2.3.3 Despite this dual responsibility, statistics indicate that women are voting with their feet in becoming part of the paid labour force. The submission prepared by Iola Matthews and Jenny Doran and endorsed by Bill Kelty for the ACTU explained as irreversible the trend of married women participating, in ever increasing numbers, in the paid labour force. They proposed the following explanations:

1. Access to contraception has given women control over their fertility. With women having only one or two children, the time spent rearing small children is over fairly quickly enabling women to embark on other activities.
2. The dramatic rise in divorce has meant that many women are sole breadwinners for their children and need to be economically independent.
3. The high costs of life in the nineties means that many couples need two incomes to secure their desired standard of living.
4. Higher educational achievement for girls has resulted in increasing expectations and women looking for further challenges.
5. Finally the aspirations of the women's movement has brought about greater awareness of women's rights and a greater desire for independence.⁷

⁷ Evidence, p.S2119

2.3.4 Denis Ives, from his perspective as the Public Service Commissioner explained the economic imperative involved in changing workforce patterns:

If Australia is to meet its economic challenges it must have a more flexible and highly skilled workforce. ... It will be essential that the full range and talents of women workers are utilised and that they are not excluded from certain structures by outdated attitudes and structural barriers.⁸

2.3.5 The business and finance sector has also seen merit in promoting women's participation. John O'Neill, General Manager of the State Bank of New South Wales reported that capitalising on women's skills was a matter of economic efficiency:

Unless banks and other financial institutions begin to take urgent and effective steps to increase the number of qualified women in management and senior management positions, there will be a critical shortage of management skills within present finance employee populations by the year 2000.⁹

2.3.6 Similarly, Geoffrey Yates, General Manager, Group Human Resources of the Westpac Banking Corporation noted:

What is needed is a greater degree of awareness within the financial sector that social changes and demographic trends clearly necessitate the career development of women as a fundamental human resource management issue.¹⁰

2.3.7 The influx of women in the work force and subsequent equal opportunity programs to ensure that their participation is maximised, is seen by many to be, as Debra Campbell the work change adviser with the Confederation of Australian Industry said:

... good human resources management practice, nothing else. It is about the merit principle. It is a labour market issue, not a women's issue, a migrant's issue or a black person's issue.¹¹

⁸ Evidence, p.S3189

⁹ Evidence, p.S2435

¹⁰ Evidence, p.S2709

¹¹ Employment Seminar, p.91

2.3.8 Peter McLaughlin, Executive Director of the Business Council of Australia further stated:

Companies in the growth sectors are heavily dependent on the women's labour market. The changing economic role of women, coupled with Australia's emerging demographics can be expected to hasten their attention to EEO issues. The view is already taking hold that enterprises which actively seek to encourage women in employment will have a competitive advantage in recruitment, retention and development of skilled and adaptable employees.¹²

2.3.9 Demographic predictions reinforce the need to capitalise on women's skills and abilities. Dr Don Edgar, Director of the Institute of Family Studies suggests that research done overseas indicates that:

... the birth rate is now such that there is a very small cohort of future employees coming through. The only place they can get future workers is really from among women - married women and interestingly at the other end, older persons.¹³

2.3.10 Many submissions noted the additional contribution that women can make in the paid workforce because of their particular socialised skills. The net result was alluded to by Danielle Hyndes, Convenor of the ACT Women's Consultative Council:

... there are real economic pluses for employers and for Australia if the qualities that women have are incorporated into the workplace so that the best possible outcome is achieved.¹⁴

2.4 Perceptions of Women

2.4.1 Many submissions expressed dissatisfaction with the status accorded to women for their contribution in both paid and unpaid work, particularly the stereotypes associated with different kinds of participation. Evidence to the Committee indicated a degree of concern over often subtle social coercion which

¹² Evidence, p.S227

¹³ Evidence, p.105

¹⁴ Evidence, p.S4231

made many women in the workforce feel guilty while many women in the home are made to feel worthless. Women expressed concern at not being able to choose their own path without incurring the disapproval of other sectors in the community.

2.4.2 Dr Dale Spender at the *Recognition* seminar commented on the prevailing, pervasive stereotype:

Women, however, are perceived as unreliable, emotional, subjective, excitable, lacking in authority and judgment. It is not necessarily that men are the better thinkers, only that we are products of a society that believes this to be so. But so deeply entrenched is this sexual double standard, which would have men as the positive and women as the negative in intellectual terms, that there are real difficulties when it comes to defining women as intellectually competent and autonomous. ... Sadly, it is still the rule that to be told 'you think like a man', is a compliment, but to be told 'you think like a woman', is an insult.¹⁵

2.4.3 Mrs Margaret Carter, Chairman of Silver Power Action for Reform, drew attention to the common stereotype of older women in what she called 'the mother-in-law syndrome' and cited incidences where older people, particularly women are portrayed, by advertising and the media as stupid and incapable and are the butt of many jokes.¹⁶

2.4.4 Not only is the stereotyping of women in the home as dependents damaging but as Rosemary Gillespie from the Campaign for Economic Justice, suggests, stereotyping is also damaging to men:

The stereotype of the 'economic man' as greedy, selfish and antagonistic, does an injustice to men. It implies that men are incapable of co-operation and altruism which is also a nonsense.¹⁷

¹⁵ Recognition Seminar, p.17

¹⁶ Evidence, p.S43

¹⁷ Evidence, p.S1886

2.4.5 Ms Gillespie continues that stereotypes attached to sole parents attract *discrimination and prejudice which affects their capacity to participate in society* based on the non-recognition of the work of being a parent.¹⁸ This particularly relates to the assumption that sole parents are generally welfare recipients, a perception which in the majority of cases, is incorrect.

2.4.6 Even amongst women themselves, there are groups which stereotype each other, from those who refer to women in the public sector pejoratively as 'laptop carrying femocrats' while others see women in the home as 'idle and unfulfilled'.

2.5 Cementing the Cliches

2.5.1 It is clear that stereotypes of women are cemented not by the objective experience of real life but by the portrayal of inaccurate images or by the absence of women in the media all together. Consequently, the image of women in the media came in for a deal of criticism. Whilst R D Somerville, Chairman of the Australian Broadcasting Commission, reported on attempts made to improve the numbers of women active in the media,¹⁹ there is still concern from Fran Jelley²⁰ and Elsa Aitken²¹ among others, over the small numbers of credible women featuring prominently in the media, including the ABC. It was also felt that the image of women being portrayed is unrealistic and discriminatory. This was exemplified in the detailed submission from the students of the University College of Central Queensland.²² Similarly Paddy Cowburn, private citizen from the Northern Territory provided evidence of discriminatory material available in her local newspaper.²³

2.5.2 Maxine McKew, head of ABC Current Affairs in Canberra, while recognising the inappropriateness of much media coverage of women, was more optimistic.

18 Evidence, p.S1887

19 Evidence, p.S450

20 Evidence p.S1974

21 Evidence, p.537

22 Evidence, p.1122

23 Evidence, p.S2153

Regardless of cartoons or the language that still creeps in that a lot of us would find offensive, people are making the distinctions. They know the voice of commonsense when it comes through. ... Regardless of the 'around the edges' treatment that Carmen Lawrence and Joan Kirner might get, their message is getting through.²⁴

2.5.3 Complaints regarding the stereotypes of women in advertising were raised in several submissions. The Women's Legal Resource Group argued that self-regulation in the advertising industry was ineffective and that the kinds of images of women as portrayed in advertising served to devalue the self-image of many women who could not match the advertisers' stereotype.²⁵ The National Women's Consultative Council registered concern over the lack of involvement of women on Media Code Councils in monitoring self-regulation.²⁶

2.5.4 The extent of individual concern with pornographic imagery of women was also highlighted in a several submissions which argued that it was humiliating and denigrating.²⁷

2.5.5 Solutions to image problems are not simple. Lisa Bellear, Aboriginal activist, artist and student explained the situation in respect of Aboriginal women:

With respect to the matter of politics and portrayal of Aboriginal women, some would argue that as long as the artist is Aboriginal or a Torres Strait Islander, then Aboriginal women will be fairly represented. This is even if the role, the presentation, is sexist and Aboriginal women are portrayed as the victim, or the strong ever-enduring matriarch, who sees the pain of her people but has very little feelings of her own and she certainly would not be aware of how to organise and effect change. Funding bodies and patrons of the arts will have to challenge this premise. Sexism does exist within our community and that is why we are often portrayed in this manner, particularly in the performing and visual arts.²⁸

²⁴ Recognition Seminar, p.192

²⁵ Evidence, p.S1734

²⁶ Evidence, p.S2059

²⁷ See for example Submissions No.90 and 358

²⁸ Recognition Seminar, p.11

2.5.6 The invisibility in the Australian media of Aboriginal and Torres Strait Islander women, disabled women and women of non-English speaking backgrounds was of particular concern. The Committee noted the on-going work currently being conducted by the National Working Party on the Portrayal of Women in the Media, and in particular advertising.

2.6 Invisibility

2.6.1 Much of the concern regarding recognition has to do, not just with the way in which women are recognised but, what they are recognised for. Women from all walks of life expressed frustration at being either utterly invisible or recognised for all the wrong reasons.

2.6.2 Invisibility of women was demonstrated in language and social practices. Cathy McGowan, rural project consultant, talked of the invisibility of women, in particular rural women, in language, in statistical data gathering and in organisations. She explains:

Can I give you a few words, some word pictures perhaps?
Man on the land, farmer's wife, small businessmen, alderman,
average farmer's education. The sort of terms we basically
use to describe farming and rural are male. So our language
is not inclusive.²⁹

2.6.3 Moira Rayner, the Commissioner for Equal Opportunity in Victoria and prominent human rights lawyer argued that language, in making women invisible also reinforces dependence:

I can say, as a lawyer, that it still annoys me intensely to see the rules of the bar, to which I belong in Western Australia, cast in terms of gentlemanly, socially appropriate behaviour, which simply excludes me - I am not there. Women also object to being addressed by such terms as chairman, and I think we have all experienced the giggles and the interminable jokes that go on when you ask them to find some non-gender specific language for it.³⁰

²⁹ Recognition Seminar, p.86

³⁰ Sex Discrimination Legislation Seminar, p.149

2.6.4 Pat Cunningham, private citizen and second world war veteran believes that anonymity can come with losing one's name in marriage. She purports that a woman:

... must hang onto her own name and identity and not become 'Mrs' Someone else's name and placed forever behind her mate - losing her own name altogether.³¹

2.6.5 Several submissions referred to the invisibility of women as perpetuated in government procedures. Mrs Marion Young, private citizen, complained of being non-existent when Medibank returned cheques to her spouse despite the fact that she had paid the account herself.³² Women questioned the fairness of rebates being paid to husbands when they had paid the accounts. The Dependent Spouse Rebate was seen as another example of denying women an independent identity in preference to identifying women, only in relation to their husbands. Dr Keith Butler, private citizen called the Dependant Spouse Rebate 'insultingly trivial' and the 'greatest devaluer' of the status of the unpaid full-time parent/homemaker/child minder.³³

2.6.6 These actions serve to make many women feel, at best inferior and at worst, as if they do not exist.

2.6.7 Perhaps the most invisible group of women are those with disabilities, who are by and large, ignored. Their situation was noted by Imogen Wareing, Executive Manager of Women and Management among others:

... the special needs of disabled women and their difficulty in getting access to any sort of well paid job, physical access to anywhere, access to education, the fact that many women who are disabled are kept at the bottom of the totem pole, and pensions which are inadequate to live on are their only choice.³⁴

³¹ Evidence, p.S3537

³² Evidence, p.S2224

³³ Evidence, p.S3882

³⁴ Recognition Seminar, p.119

2.6.8 Another field where women's participation and significant achievements are either down-graded or completely overlooked is sport and leisure. A full discussion with detailed recommendations on how to redress the situation is addressed in Chapter 6 on *Leisure and Sport*.

2.7 Self Deprecation

2.7.1 The net effect of being looked-down-upon or invisible has led to a *tendency for women to underrate themselves*. Many submissions talked of women's low self esteem while others registered anger and resentment at the low status accorded women's work. Paddy Cowburn, private citizen from the Northern Territory commented:

I personally find it degrading to 'admit' that I don't work. I resent the fact that my small daughter thinks that I should 'go to work' every day, because everyone else's mother has a job.³⁵

2.7.2 Similarly, Anne McInnes, private citizen of Mt Crosby in Queensland rued the fact that her daughter's status as a student was higher than hers as a mother.³⁶

2.7.3 Women outside the paid workforce are particularly concerned about the lack of confidence and credibility which results from low status. This was summed up by Jean Tom, past president of the Country Women's Association when she said:

I was invisible for many years. I have been in unpaid employment for the last 45 years, and that is invisibility for you. I was a woman at home looking after children and it is only in my later years that I have managed to gain some credibility, some opportunity to come out and speak about what it is like to be a rural person, and to speak for those who are not here to speak for themselves.³⁷

2.7.4 The load that many women carry resulting in low morale for some was depicted in an anecdote related at the *Recognition* seminar by Robyn Archer:

³⁵ Evidence, p.S424

³⁶ Evidence, p.S2184

³⁷ Recognition Seminar, p.75

Last night I rang up a family friend at 9 o'clock and said, 'How are you? How is everything?' and it was just this voice. And I said, 'You sound incredibly tired', and she just said, 'I am always tired'. I thought, 'I am going to speak at that thing tomorrow'. This is a single mother who is bringing up three absolutely fantastic model Australian children: one is a teenager now and there are two others and they are getting the most glowing reports at school. It is absolutely fantastic; they are going to be fantastic kids and have great futures and do a lot for our country, but their mother is always tired. Where is her reward? What does she get for that? Because, believe me, just the existence of the children is not enough.³⁸

2.7.5 The National Secretary of the Salvation Army further amplified these concerns when he commented:

In terms of self esteem, the 'just a housewife' syndrome is still quite prevalent, particularly among young mothers who often feel that their contribution is only noticed when for some reason they are unable to fill these duties.³⁹

Domestic Violence

2.7.6 A further factor impacting on women's low self esteem and capacity to participate is the real or perceived threat of violence, particularly in the home. While the Committee has not taken a great deal of evidence on domestic violence, it acknowledges that actual physical violence or the threat of it, is a major factor militating against greater public participation of many women. This was noted in several submissions, particularly those from the National Women's Consultative Council⁴⁰ and the Business and Professional Womens Association.⁴¹ Margaret Carter from Silver Power Action for Reform noted the increasing occurrence of outbreaks of unprovoked violence against elderly women.⁴²

³⁸ Recognition Seminar, p.44

³⁹ Evidence, p.S4686

⁴⁰ Evidence, p.S2060

⁴¹ Evidence, p.S779

⁴² Evidence, p.S4382

2.7.7 To this end, the Committee supports the important work of the Office of the Status of Women and the National Committee on Violence Against Women in the area of domestic violence.

2.8 Summary and Recommendations

2.8.1 Popular history has not adequately recorded the enormous contribution that women have made to Australia. This extends even to quite recent achievements which despite their importance are not widely known. The invisibility of the historical contribution of women weakens the current status of women by diminishing self esteem and the collective sense that women have 'earned the right' to choose the lifestyle they want.

2.8.2 In contrast, the pervasive popular media promotes a stereotype of male and female roles which is generally inaccurate and often damaging to women. These stereotypes serve to undermine women's real contribution, reinforces the low status of women's paid and unpaid work and contributes to limitations on what women can do and to the sense of guilt many women feel in not fulfilling the stereotype.

2.8.3 While the media portrayal of women is a powerful reinforcing factor, it does reflect deeper social attitudes and standards. No Parliament can overcome deep ingrained social attitudes by merely passing legislation. While legislation is important and can set standards for behaviour, it is the ongoing commitment to a goal which will over time achieve real change.

2.8.4 To this end, the Committee was disappointed that the sample of reports of the success or otherwise of Government initiatives indicated a lack of commitment in some portfolio areas to address the needs of women as clients.

2.8.5 While Government Departments clearly do not set out to portray negative images of women, the Committee is concerned that particular practices within the bureaucracy may indirectly confer lower status on women.

RECOMMENDATION 1

The Committee recommends that:

- (a) Government Departments review their current operations and particularly their research and development programs to identify the extent to which they focus on women as a client group;
- (b) A component should be added to Departmental annual reports which specifically evaluates policy initiatives and programs which target women;
- (c) All statistical and qualitative data collected by Government Departments should be gender disaggregated to ensure that neither gender is invisible.

These initiatives should be monitored, evaluated and published by the Department of Prime Minister and Cabinet through the Office of the Status of Women.