

How well does  
Australian democracy  
serve Australian women?

Prepared by

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University of New South Wales

**and Emma Partridge**

University of Technology Sydney

for the

**Democratic Audit**

**of Australia**

School of Social Sciences

The Australian National University

Report No.8

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## Abbreviations

AA	Affirmative Action
ACT	Australian Capital Territory
ALP	Australian Labor Party
ANESBWA	Association of Non-English Speaking Background Women of Australia
APS	Australian Public Service
AV	Alternative vote
BPFA	Beijing Platform for Action
BPW	Federation of Business and Professional Women
CAPOW!	Coalition of Australian Participating Organisations of Women
CCB	Child Care Benefit
CEDAW	UN Convention on the Elimination of All Forms of Discrimination against Women
CEO	Catholic Education Office
EEO	Equal Employment Opportunity
EMTRs	Effective marginal tax rates
EOWA	Equal Opportunity for Women in the Workplace Agency
FACS	Department of Families and Community Services
FaCSIA	Department of Families, Community Services and Indigenous Affairs
FTB	Family Tax Benefit
FTI	Family Tax Initiative
GDI	Gender Related Development Index
GEM	Gender Empowerment Measure
HDI	Human Development Index
HREOC	Human Rights and Equal Opportunity Commission
ILO	International Labour Organisation
IPU	International Parliamentary Union
IWY	International Women's Year
NATSEM	National Centre for Social and Economic Modelling

NAWGP	National Agenda for Women's Grants Program
NCWA	National Council of Women of Australia
NGOs	Non-government organisations
NRWC	National Rural Women's Coalition
NSW	New South Wales
NT	Northern Territory
NWCC	National Women's Consultative Council
OECD	Organisation for Economic Co-operation and Development
OSW	Office for the Status of Women
PM&C	Department of Prime Minister and Cabinet
QLD	Queensland
SA	South Australia
SDA	<i>Sex Discrimination Act 1984</i>
SES	Senior Executive Service
STV	Single Transferable vote
UN	United Nations
WA	Western Australia
WEL	Women's Electoral Lobby
WPU	Women's Policy Unit
YWCA	Young Women's Christian Association

## About the Democratic Audit of Australia

Since 2002, the Democratic Audit of Australia, at the Australian National University, has been conducting an audit to assess Australia's strengths and weaknesses as a democracy.

The Audit has three specific aims:

1. *Contributing to methodology*: to make a major methodological contribution to the assessment of democracy—particularly through incorporating disagreements about 'democracy' into the research design;
2. *Benchmarking*: to provide benchmarks for monitoring and international comparisons—our data can be used, for example, to track the progress of government reforms as well as to compare Australia with other countries;
3. *Promoting debate*: to promote public debate about democratic issues and how Australia's democratic arrangements might be improved. The Audit website hosts lively debate and complements the production of reports like this.

## Background

The Audit approach recognises that democracy is a complex notion; therefore we are applying a detailed set of Audit questions already field-tested in various overseas countries. These questions were pioneered in the United Kingdom with related studies in Sweden, then further developed under the auspices of the International Institute for Democracy and Electoral Assistance—IDEA—in Stockholm, which recently arranged testing in eight countries including New Zealand. We have devised additional questions to take account of differing

views about democracy and because Australia is the first country with a federal system to undertake an Audit.

## Further Information

For further information about the Audit, please see the Audit website at:

<http://democratic.audit.anu.edu.au>

## Funding

The Audit is supported by the Australian Research Council (DP0211016) and the Australian National University.



The aim of this focused audit has been to consider the extent to which Australian democracy has promoted the equality of men and women, or gender equality for short. Gender equality is understood here as a complex goal that requires governments to address both equality of opportunities and sex-based differences. The diversity of Australian women's lives adds further complexity, necessitating that a gender-equal democracy must neither discriminate against nor between women.

This report considers these complexities in three ways. First, it draws upon the understanding of democracy that informs the Democratic Audit of Australia. This understanding is constituted by four principles:

- popular control over public decision-making;
- political equality in exercising that control;
- the principle of deliberative democracy; and
- the principle of human rights and civil liberties.

Second, in addressing these principles the report considers a number of key issues in the provision of gender equality, specifically:

- the legislative framework that is intended to eliminate discrimination against women;
- the history and current functioning of the policy machinery that was developed in order to monitor the impact of public policy on women;

<sup>1</sup> The authors would like to thank Marian Sawer and the anonymous reviewer for their comments on a draft of this report. They would also like to thank Marian Sawer and Catherine Strong for their excellent editorial work.

- the level of representation of women in Australia's parliaments, on public sector boards, in local government and in the judiciary; and
- the degree to which women's non-government organisations are consulted with, have access to, and are supported in their relationships with government.

Third, Australia's progress towards gender equality is considered with regard to the measures outlined in the UN Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) and the Beijing Platform for Action (BPFA).

On the whole, the picture that emerges from this assessment is not positive. Whereas Australia was once a leader in the global struggle for gender equality, this report makes clear that in recent years Australia has resiled from this commitment and many of the achievements of an earlier period have now been undone. This is most obviously true with regard to the dismantling of women's policy machinery and the silencing of the women's non-government sector. While the body of legislation designed to protect women from discrimination remains substantially intact, it is evident that on its own the legislative framework is inadequate to ensure a substantial political equality between women and men measured against the indicators outlined above.

Australia's federalism also has a role in this assessment. It is clear in this report that a federal system only provides partial protection in circumstances where the Commonwealth government is hostile to the goals of gender equality. Some Australian States and Territories, most notably South Australia, are serving Australian women well, whereas other sub-national jurisdictions, most notably New South Wales, show little or no remaining commitment to gender equality. The result is a decidedly unequal pattern of protection, participation, representation and appropriate policy for women depending on geographic location. In any case, there are few areas where the States and Territories can compensate for a lack of commitment to a substantive gender equality at the national level.

This report raises some serious concerns about the extent to which successive decades of feminist activism and varying levels of government commitment have failed to achieve a substantive gender equality. Above all else this report documents the necessity for ongoing pressure on Australian governments from extra-parliamentary advocates for gender equality. Where this pressure has been weak or absent, governments in both national and sub-national jurisdictions

have either neglected this aspect of democratic political equality or have actively resisted the continued pursuit of gender equality.

It will be important to future generations of Australian women that the concerns raised in this report are properly addressed. For current and future governments, rebuilding the policy machinery and revitalising the women's NGO sector should be seen as political priorities. However it appears that if this is to be achieved in the face of political neglect and apathy, a renewed struggle by a revitalised Australian women's movement will be required. There is little evidence to suggest that a change of government at the federal level would be enough to turn the situation around. Neither major party currently demonstrates much commitment to gender equality as an essential component of democracy and therefore as something that should be provided for as a matter of principle. Because of this, any new government is instead likely to need persuading that there is a more immediate electoral benefit to be gained from the investment of time, effort and money required to reconstruct what has recently been dismantled.

## 1. Introduction: The meaning of gender equality

A substantive political equality between men and women is an essential element of any democratic society. But how is that equality to be either achieved or assessed? Gender equality is a complex and paradoxical goal that calls on democratic societies to simultaneously provide legal equality and equality of opportunity between women and men while also recognising that sex-based differences may require differentiated political and policy responses.

In simple terms, achieving gender equality should mean that an individual's rights or opportunities, including those of democratic participation, do not depend on their gender. In many political debates, however, the concept of equality is often reduced to a simplistic understanding that emphasises sameness. In relation to gender equality this type of reductionism is inappropriate and inadequate as it fails to acknowledge that a substantive equality also requires recognition of women's and men's differences, and an acknowledgement that government programs and policies affect women and men differently.<sup>2</sup>

Gender equality, therefore, does not necessarily dictate that women and men should on all occasions experience the same treatment in terms of, for example, policy—although of course that *may* be exactly what is required. However there are circumstances where, by virtue of their differences, women and men should experience different treatment in order to attain the same degree of equality—for example, employment conditions relating to childbirth.

2 Lynne E Ford, 2002, *Women and Politics: The Pursuit of Equality*, Boston, Houghton Mifflin Company.

This equality-difference paradox is an important consideration in any assessment of gender equality in democratic societies. Acknowledging the complexities that this paradox brings into the field of politics and public policy also suggests the necessity for a democratic society to include mechanisms by which women's diverse views, interests and needs shape political decisions as much as men's.

There are additional complexities related to the use of the category of 'women' and the ways in which a universal (white, heterosexual) woman is often assumed to be the subject of debate and policy. This report acknowledges the many different circumstances and identities of Australian women—Indigenous and non Indigenous, culturally and linguistically diverse, lesbian, bisexual, transgender and heterosexual, able bodied and disabled, rich and poor, mothers and carers, workers, under employed and unemployed and so on. This report assumes that a democratic society requires a substantive gender equality that does not discriminate either *against* or *between* women.

The concept of gender equality then is not simple and cannot be assessed by any simple measure. Feminists have themselves debated these questions for several decades, over time developing sophisticated theoretical frameworks for a gendered analysis of politics and policy. A wealth of feminist theory and empirical analysis has considered the role of the state in women's lives and made normative arguments about how states can best address women's needs, rights and interests in order to produce a more democratic and gender equal society.

The gendered—or patriarchal—nature of the state itself has also been implicated in some of these debates. For many feminists the state has appeared impenetrable and certainly uninterested in addressing long standing inequalities that continue to disadvantage women. But despite these arguments concerning the role that the state can or should play in women's lives, in liberal democratic societies such as Australia it remains inescapable that the state is central to determining the degree of gender equality. It is this concern with the role of the state in providing for equality between women and men that forms the focus of this report. It directly addresses this concern by asking the question:

*How well does Australian democracy serve Australian women?*

To complicate matters further, the meaning of democracy itself is understood to be highly complex and contested. While not oblivious to such disagreements, this report will draw on the understanding of democracy that informs the Democratic

Audit of Australia. This understanding is constituted by four principles:

- popular control over public decision-making;
- political equality in exercising that control;
- the principle of deliberative democracy; and
- the principle of human rights and civil liberties.<sup>3</sup>

In addressing these principles the report will consider a number of key issues in the provision of gender equality, specifically:

- the legislative framework that is intended to eliminate discrimination against women;
- the history and current functioning of the policy machinery that was developed in order to provide a gendered analysis of public policy and its impact upon women;
- the level of representation of women in Australia's parliaments, on public sector boards, in local government and in the judiciary; and
- the degree to which women's non-government organisations are consulted with, have access to, and are supported in their relationships with government.

These issues are not of concern to Australia alone. International organisations including the United Nations (UN), the International Labour Organisation (ILO) and the Inter-Parliamentary Union are also concerned with gender equality and have developed broad ranging measures by which such equality can be assessed. These measures include those outlined in the UN Convention on the Elimination of All Forms of Discrimination against Women (CEDAW, the text of which can be found at Appendix 1) and the Beijing Platform for Action (BPFA, a summary of which can be found at Appendix 2). Australia's relationship with these measures is somewhat ambivalent. For example, Australia maintains reservations to article 11 of CEDAW in relation to both the provision of paid maternity leave and women's employment in frontline combat positions in the armed forces. Similarly, Australia has declined to ratify the Optional Protocol to CEDAW, which would strengthen the enforcement mechanisms of the convention by allowing individual complaints to be taken to the UN if domestic remedies have been exhausted.

But regardless of Australia's reluctance to fully embrace the framework for gender equality provided by these international mechanisms, taken together, the

3 Marian Sawer, 2005, 'Audit values: Reflecting the complexity of representative democracy,' Democratic Audit of Australia, <<http://democratic.audit.anu.edu.au>>

goals and directives contained in these documents provide an important set of measures by which states can measure their progress. States that are party to CEDAW, as Australia has been since it ratified in 1983, are required to report their progress to the UN Committee on the Elimination of Discrimination Against Women every four years.

The text of these reports, and the UN response, provide evidence for the conclusion drawn in this report—that Australia's performance in promoting substantive gender equality has been in steady decline over at least the last ten years. Despite its one-time status as a world leader in this regard, at present Australia's democracy does not seem to be serving Australian women well.

The authors of this report make this claim despite Australia recently ranking second in the world on the Gender-related Development Index (GDI), and seventh on the Gender Empowerment Measure (GEM) of the 2005 Human Development Report. The GDI captures inequalities in achievement between women and men among the three dimensions of basic human development measured by the Human Development Index (HDI), that is, living a long and healthy life; being educated; and having a decent standard of living. It should be no surprise that Australia performs well on this index and nor should Australian women expect any less.

Along a different scale, the GEM reveals whether women take an active part in economic and political life. This measure focuses on gender inequality in key areas of economic and political participation and decision-making such as seats in parliament held by women and the numbers of female senior officials, managers, and professional and technical workers. In other words, the GEM is a more direct measure of inequality in certain areas than the GDI.<sup>4</sup> Here Australia does less well than on the GDI, ranking below most of the Scandinavian countries, but above the United Kingdom and the United States.

Australia's improvement along the two gender indicators in the Human Development Report is consistent with its improvement on the Human Development Index itself. This improvement is, in turn, consistent with a general improvement in Australia's economic performance and a subsequent rise in the standard of living (although it should be noted that not all Australians have benefited equally from this period of sustained growth, with Indigenous Australians being the most noticeable group to have missed out on their share of Australia's wealth).

4 UN Development Program, Human Development Report 2005, Country Fact Sheet: Australia. <[http://hdr.undp.org/statistics/data/country\\_fact\\_sheets/cty\\_fs\\_AUS.html](http://hdr.undp.org/statistics/data/country_fact_sheets/cty_fs_AUS.html)>

Figure 1. 1. Australia's ranking in the Human Development Reports 1996–2005

Year	HDI	GDI	GEM
1996	10	8	15
2001	4	4	11
2005	3	2	7

The authors of this report are not alone in suggesting that there may be some 'dissonance' between these international rankings and the domestic public policy realities in highly ranked countries. Political scientists Jennifer Curtin and Heather Devere observe such differences in their comparison of the highly-ranked Australia with the lower-ranked, but more 'woman-friendly' policy context in New Zealand.<sup>5</sup> In this report the authors contend that, despite the apparent improvement in gender equality in Australia suggested by these indicators, the real story is more complex and contradictory, as the following chapters will show.

## The Australian political context

It is the task of this report to evaluate and document Australia's commitment to equality between women and men across the areas identified above. In doing so, the authors do not seek to blame any particular government or any particular political party for the current situation.

Australia is one of the few remaining democratic societies that does not include a constitutional or legislative (for example in a bill of rights) recognition of equality between women and men. Without such a foundational statement any action that is intended to protect or enhance gender equality is dependent on the good will and initiative of the government of the day. In very general terms, federal Labor Governments have shown a greater inclination to address gender equality while Liberal-National Coalition Governments have been more inclined to resist such initiatives. It is widely understood that this resistance stems from the conservative views of the family that underpin the conservative parties' ideologies. Achieving gender equality, which would see women take their place as full citizens, is seen as a threat to the traditional, heterosexual 'breadwinner' family structure, in which the man goes out to work and the woman stays at home to care for children.

5 Curtin, Jennifer and Heather Devere, 2006, 'Global rankings and domestic realities: Women, work and policy in Australia and New Zealand,' *Australian Journal of Political Science*, 41(2): pp.193-207

In this context it is important to note the importance of Australia's system of federalism. A highly conservative federal government, led by Prime Minister John Howard, has now been in office for over a decade. Through initiatives such as the family tax system (particularly Family Tax Benefit (FTB) Part B, which is only paid to single-income families), Prime Minister Howard has made his support for the breadwinner model clear. The many changes he has made to other areas of government concerned with achieving gender equality, particularly his attempts to amend the federal Sex Discrimination Act (discussed in Chapter 2), his downgrading of the women's machinery of government (discussed in Chapter 3) and the defunding of the majority of women's non-government organisations (discussed in Chapter 5) have underscored his resistance.

In light of this hostility, the other jurisdictions of Australia's federal system have taken on a renewed significance in the struggle to achieve gender equality. All States and Territories are currently governed by Labor and women have looked to their State governments to ameliorate some of the more regressive federal government initiatives.<sup>6</sup>

The response has been mixed. The South Australian government, for example, has risen to the challenge, announcing a renewed commitment to gender analysis and best practice in gender equality strategies by government.<sup>7</sup> In contrast, however, the abolition of the Department for Women by the New South Wales government (also in office for ten years) has overshadowed their formerly outstanding progress in fields such as pay equity. Given that the States and Territories are partly or wholly responsible for the delivery of many of the policies and programs that most impact on women's daily lives this situation highlights the potential for discrepancies in gender equality across the country. The interplay between the federal government and other jurisdictions in this area also points to the complexity of analysing how well Australian democracy is serving women.

The other element of the political context that should be mentioned here is the Australian women's movement. Like other liberal democracies, Australia did not suddenly decide to embrace gender equality as an important goal because it seemed like a good idea. Successive Australian governments have been persuaded of the importance of achieving greater equality between women and men by feminist activists both inside and outside government. The women's movement has theorised, strategised, rallied and lobbied in an effort to influence

<sup>6</sup> This has by no means always been the case. For example, in New South Wales in the early 1990s, the Minister responsible for the then Office for the Status and Advancement of Women, Kerry Chikarovski, is regarded as having worked exceptionally hard to improve mechanisms for gender equality in that State despite the hostility of the Liberal premier, Nick Greiner, to women's policy machinery.

<sup>7</sup> Eleanor Ramsay and Monica Redden, 2005, *Beyond 2005: Directions for the Office for Women*, Report of the Women's Futures Reference Group to the South Australian Minister for the Status of Women, 30 June. <[http://www.osw.sa.gov.au/site/page.cfm?area\\_id=10&nav\\_id=654](http://www.osw.sa.gov.au/site/page.cfm?area_id=10&nav_id=654)>

the direction of government towards gender equality. Feminists have drawn on international human rights obligations and standards to exercise influence. They have shamed governments through revelations of the continuing levels of exploitation and oppression that women experience through violence, unequal pay and in other areas of continued discrimination.

In periods where the women's movement has been highly visible and mobilised they have achieved great change. In the inevitable periods of movement abeyance, however, there have been many missed opportunities. Without continual pressure from feminist activists governments have time and again revealed their resistance to the goal of gender equality and, without continued pressure and scrutiny, have wound back achievements in many areas.

The following chapters detail this process of progress and regress.

## 2. Legislative frameworks

### Introduction

The pursuit of legislation banning sex-based discrimination in public life has been a common goal in struggles for gender equality around the world. The goal of such legislation is two-fold. The first aim is to codify various forms of direct and indirect discrimination and to provide a legal basis for complaints to be taken should such discrimination occur. The second aim is the symbolic or educative role that such legislation plays in the ongoing struggle for gender equality by setting in place a legally recognised standard of behaviour for the treatment of women in the workplace and in other social locations. In relation to the democratic values that inform this report, the existence of anti-discrimination and equal opportunity legislation is important both in the provision of political equality in the exercise of public decision-making and in the protection of women's human rights and civil liberties.

The focus of this chapter is the broad legislation aimed at ending discrimination against women. Obviously there are a range of other pieces of legislation that are of relevance to women—for example, relating to violence or sexual assault—however there is not scope to deal with all these here. The chapter demonstrates that, whilst the Australian legislative framework is critically important in establishing the 'minimum standards' for gender equality and enshrining women's rights in law, it cannot on its own guarantee gender equality. Part of the reason for this is that even comprehensive legislation alone is never enough—a range of supportive and proactive social structures and processes are also needed. However, part of the reason is also that the Australian legislative framework is not as comprehensive,

coordinated or effective as it might be, and has, particularly in recent years, been subject to significant undermining.

This chapter discusses a number of legislative strategies, including anti-discrimination law, equal employment opportunity (EEO) and affirmative action (AA). As these terms are often confused, a brief clarification of their meaning may be useful before continuing.

*Anti-discrimination* legislation provides an avenue of complaint, and recourse to a remedy, for individuals who are subject to acts of discrimination. Discrimination occurs when a person or a group of people are treated less favourably than another person or group because of a particular characteristic. The legislation specifies these characteristics, or 'grounds', for discrimination. Sex is one such ground, and, depending on the jurisdiction, other grounds may include marital status, pregnancy, sexuality, race or disability, for example. Anti-discrimination law typically also acknowledges and includes sexual harassment as a form of, or ground for, sex discrimination.

Discrimination can be either direct or indirect. Direct discrimination takes place when an individual is disadvantaged or treated less favourably than another person. Indirect discrimination happens when a practice or policy appears to be fair because it treats everyone the same way but actually disadvantages people from a particular group.<sup>8</sup>

Anti-discrimination legislation applies only in specified areas of public life, typically including employment, education, the provision of goods and services and so on. Anti-discrimination law is applied case by case, on a retrospective basis—that is, complaints of discrimination are made after the fact, when the complainant wishes to establish under law that discrimination has occurred and seek compensation.

*Equal employment opportunity*, also known as EEO, is a broader term. Strictly speaking it refers to an outcome—a situation where women have equal opportunity to access employment, and once in employment, equal access to promotion and other workplace opportunities. However, it is more commonly used to describe the range of strategies and processes designed to achieve this outcome. EEO legislation provides a framework for these strategies by promoting merit and equal treatment in an employment context, and generally requires those employers covered by the legislation to report on the EEO actions they are undertaking.

<sup>8</sup> Human Rights and Equal Opportunity Commission, *Frequently Asked Questions: 2. 'What is discrimination?'*, <<http://www.hreoc.gov.au/faqs/general.html#2>>

*Affirmative action* is a broad policy term—it is no longer used in Australian legislation. It refers to equal employment opportunity strategies undertaken by employers with the intention that they will have a systemic effect. For example, an employer might introduce a policy of gender-neutral language. Often a number of such actions are referred to as collectively constituting an ‘affirmative action program’. Ideally, an affirmative action program is a planned, proactive, structured approach to ensuring that women are able to compete equally for employment, training and promotional opportunities, and that any disadvantages are addressed. In the Australian setting it does not involve any form of ‘quota’ system.

## How well is Australia meeting its international human rights obligations?

*Legislative commitments prescribed by the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)*

As a signatory to CEDAW, Australia has a clear obligation to make a legislative response to discrimination against women. Article 2 commits Australia to a range of specific legislative measures aimed at eliminating discrimination against women by individuals and organisations, including the abolition of discriminatory laws and regulations. Article 3 commits Australia to taking appropriate legislative measures in all fields to ensure the full development and advancement of women and to guarantee them ‘the exercise and enjoyment of human rights and fundamental freedoms on a basis of equality with men’.

As noted in the introduction to this report, Australia ratified CEDAW in 1983, but maintains two reservations—one to Article 11, paragraph 2, which means it does not commit to the provision of paid maternity leave, and a second in relation to women’s employment in combat units. Despite continuing domestic and international pressure, Australia has also failed to sign the optional protocol of CEDAW.

The reaction of the CEDAW Committee to Australia’s periodic reports has changed significantly over the past two decades. While the initial report was described as exemplary, by 1997 the Committee was expressing concern over what it saw as both an erosion of women’s policy machinery in Australia, and a retreat from international leadership on gender equity issues.

The most recent (2006) assessment of the UN Committee on the Elimination of Discrimination Against Women does acknowledge the ‘wide range of legislative and other measures’, the ‘existence of strong monitoring institutions to advance the status of women’ and the ‘priority accorded to women’s human rights’ in Australia. However, it also raises a number of areas of concern. Many of these relate to specific issues that disproportionately effect women (such as violence against women, or trafficking of women into prostitution, or the adverse effect on women of laws relating to refugees and asylum seekers) that are beyond the scope of this chapter. Others refer to policy machinery issues, as will be discussed in the next chapter of this report. However, a number of the Committee’s concerns relate to the broad legislative issues, namely:

- inadequate awareness and understanding of CEDAW at State and Territory level;
- the absence of an ‘entrenched guarantee’ prohibiting discrimination against women and providing for the principle of equality between women and men;
- a lack of ‘impact assessments’ that would measure the practical effect of legal (and policy) measures taken; and
- the lack of a national system of paid maternity leave and the continued reservation to Article 11, paragraph 2 of CEDAW.

The final point is particularly significant. Australia is now one of only two countries in the OECD not to have a national paid maternity leave scheme. This issue is discussed in more detail in the conclusion to this report.

### *The UN Beijing Declaration and Platform for Action*

The Beijing Platform for Action also makes a number of specific references to the role of legislation, highlighting the need to:

- A.2. Revise laws and administrative practices to ensure women’s equal rights and access to economic resources.
- H.2. Integrate gender perspectives in legislation, public policies, programs and projects.
- I.2. Ensure equality and non-discrimination under the law and in practice.

While Australia can claim to have at least partially undertaken these actions—equal rights, equality and non-discrimination are enshrined in Australian law—there remains more that could be done to translate these principles into action. As the BPFA stresses, action must be taken not just on the legislative level, but on the structures and processes that enable that legislation to take proper effect—the administrative practices, policies and programs that ensure women enjoy their rights in practice. As the following chapters of this report make clear, it is in these areas that Australia’s progress towards gender equality has most obviously stalled.

The continued existence of a gender pay gap, the disproportionate number of women in low paid and casual work, the disproportionate number of women who are single parents with sole responsibility for the costs of raising children and the low proportion of women compared to men who have adequate superannuation, are key indicators that women’s equal access to economic resources is by no means ‘ensured’ as required by BPFA A.2. Further, there are still a number of significant areas of Australian legislation and policy where it can be argued that the integration of gender perspectives required by BPFA H.2 has been insufficient. These include key issues such as maternity leave, childcare, pay equity and in the taxation system. These issues are also discussed in more depth in the conclusion to this report.

### *International Labour Organisation Conventions*

A number of ILO conventions are of particular relevance to women, and Australia’s ratification of them commits it to a number of specific actions. These include:

- pursuing a national policy to promote equality of opportunity and treatment and eliminating discrimination in employment (Article 2, 111 Discrimination (Employment and Occupation) Convention, 1958, ratified by Australia in 1973);
- ensuring equal remuneration for men and women workers for work of equal value (Article 2, 100 Equal Remuneration Convention, 1951, ratified by Australia in 1974); and
- enabling people with family responsibilities to exercise their right to engage in employment without being subject to discrimination and as far as possible, without conflict between their employment and family responsibilities (Article 3, 156 Workers with Family Responsibilities Convention, 1981, ratified by Australia in 1990).

The existence of federal EEO and anti-discrimination legislation and related policies means that Australia meets its obligations under Convention 111, although, as the CEDAW committee noted in 2006, there are continuing concerns about the level of consistency and coordination of these laws between the national and State and Territory levels.

In other areas it is clear that Australia is not yet meeting its obligations under ILO conventions. Ensuring equal remuneration for men and women workers (C100) is not only a goal that Australia has not yet reached, but also one that with passing years seems to be moving further out of reach. Women formally achieved the right to equal pay in 1972 when the Australian Conciliation and Arbitration Commission granted men and women the same minimum wage. However, in practice, pay equity has not yet been achieved. Australia saw a dramatic narrowing of the gender pay gap during the 1970s, an achievement in which centralised wage-setting institutions (the Federal and State industrial commissions) played an important role. Since 1980, however, there has been little progress in removing the remaining gap. Currently, on average, women working full time are paid almost 15 per cent less than their male colleagues and earn an average of \$150 a week less than men.<sup>9</sup>

There is considerable concern that recent changes to the industrial relations system at the federal level, particularly the weakening of the State industrial relations commissions, the increased casualisation of the labour market, and the undermining of collective agreements in favour of individual contracts, will have a disproportionate adverse impact on women’s earnings and lead to a subsequent increase in the gender pay gap.<sup>10</sup>

The rights referred to in Convention 156 are partially protected by legislation. The federal Sex Discrimination Act protects workers from *dismissal* on the basis of their family responsibilities, but not from other aspects of discrimination on this ground. Various State and Territory anti-discrimination Acts provide protection in relation to other aspects of employment discrimination.

While many men also have ‘family responsibilities’, it is women who continue to bear the greater burden of unpaid caring work, a fact which makes it harder for women to engage in paid employment, let alone without considerable ‘conflict between their employment and family responsibilities’. Enabling women to exercise

<sup>9</sup> Australian Bureau of Statistics, 2001, *Average Weekly Earnings*, Cat. no. 6302.0.

<sup>10</sup> National Pay Equity Coalition, 2005, *Women and Low Paid Big Losers Under Howard’s Way*, Information sheet.

this right requires not just legislation but a range of complementary policies and administrative arrangements, at both governmental and workplace level, ranging from a supportive tax system, to adequate maternity leave provisions, access to flexible working hours and conditions, access to affordable childcare, and a range of other measures. In many of these areas, Australia remains a long way from meeting its obligations under this Convention.

One key ILO convention *not* ratified by Australia is C183, the Maternity Protection Convention, 2000. Article 4 of this convention creates an entitlement for women to a minimum of 14 weeks maternity leave, with Article 6 specifying that such leave should be paid leave, funded 'through compulsory social insurance or public funds, or in a manner determined by national law and practice.' Maternity leave provisions for Australian women fall a long way short of the ILO standard—a key issue that will be discussed in the conclusion to this report.

Table 2. 1. The match between international instruments and domestic legislation

International instrument	Implementation in Australia	Remaining gaps and concerns
CEDAW	<p>Partial. Given partial effect by the Sex Discrimination Act 1984 at the federal level, and by various anti-discrimination Acts at State and Territory level.</p> <p>Two reservations remain—including to paid maternity leave provisions.</p> <p>Optional protocol not signed.</p>	<ul style="list-style-type: none"> <li>• Inconsistent application and inadequate coordination across States and Territories.</li> <li>• Inadequate awareness and understanding at State and Territory level.</li> <li>• No 'bill of rights' or equivalent guarantee of equality.</li> <li>• Insufficient monitoring.</li> <li>• No national paid maternity leave scheme.</li> </ul>
ILO convention 100 Equal Remuneration Convention, 1951	<p>Ratified by Australia in 1974.</p> <p>Right to equal pay for work of equivalence formally recognised by Australian Conciliation and Arbitration Commission in 1972.</p>	<ul style="list-style-type: none"> <li>• Pay equity not achieved in practice. Women in full-time work earn on average 15 per cent less than men.</li> <li>• Impact of changes to federal industrial relations on women's earnings likely to be negative.</li> </ul>

Table 2. 1. continued

International instrument	Implementation in Australia	Remaining gaps and concerns
I.2. Ensure equality and non-discrimination under the law and in practice.	Partially achieved via Sex Discrimination Act 1984 at the federal level, and by various Acts at State and Territory level.	Australia has no bill of rights and no constitutional guarantee of equality of the sexes before the law. Inconsistency across States and Territories.
ILO convention 156 Workers with Family Responsibilities Convention, 1981	<p>Ratified by Australia in 1990.</p> <p>Sex Discrimination Act provides protection from dismissal on grounds of family responsibilities.</p> <p>Various State and Territory anti-discrimination Acts provide protection in relation to other areas of employment.</p>	<ul style="list-style-type: none"> <li>• Burden of unpaid caring responsibilities continues to fall disproportionately on women.</li> <li>• No national paid maternity leave scheme.</li> <li>• Inadequate access to affordable, appropriate childcare.</li> <li>• Much public debate and investigation (eg inquiries by HREOC) but little concrete achievement in this area.</li> </ul>
ILO convention 183 Maternity Protection Convention, 2000	<p>Poor. The majority of Australian women in paid work (HREOC estimates the figure to be over 60 per cent) do not have access to any paid maternity leave.</p> <p>Some women can access employer-funded maternity leave, but length and amount of pay vary widely. The entitlement rarely reaches the ILO standard of 14 weeks, and is frequently much less.</p> <p>Access to paid maternity leave predominantly an entitlement of highly skilled women in full-time work rather than women in more marginal employment, with lower skills, who are in part-time or casual work.</p>	<p>Convention not ratified.</p> <p>No national scheme.</p> <p>In 2002, following a major inquiry, HREOC proposed a national, government funded scheme of 14 weeks paid maternity leave for women who have been in paid work for 40 of the 52 weeks before the birth of their child.<sup>11</sup> This proposal has been ignored by the federal government.</p>

<sup>11</sup> Human Rights and Equal Opportunity Commission, 2002, *A Time to Value: Proposal for a National Paid Maternity Leave Scheme*.

Table 2.1. Continued

International instrument	Implementation in Australia	Remaining gaps and concerns
	BPFA A.2. Revise laws and administrative practices to ensure women's equal rights and access to economic resources.	
	H.2. Integrate gender perspectives in legislation, public policies, programs and projects.	

Generally, Australia's domestic legislation in relation to gender equality can be said to be only partially adequate in achieving our international obligations. Australia has no bill of rights and no constitutional guarantee of equality of the sexes before the law. This is a weakness in our legislative framework for gender equality—without this basis, anti-discrimination and equal opportunity instruments can only be partially effective.

Another limitation on the effectiveness of Australia's domestic legislation is the confusing and fragmented set of legislation at the national and sub-national levels. This is a significant barrier to the achievement of both consistent coverage for Australian women, and a clear and shared understanding in the community of gender equality legislation. As sociologist Gisela Kaplan has argued, the 'assortment of acts and legislative measures sprinkled through federal and State laws' means that the concept of equal opportunity 'is assailable and remains vulnerable'.<sup>12</sup>

Nevertheless, the struggle for gender equality in Australia has produced a significant body of legislation that provides varying degrees of protection for women in certain circumstances. The table below is a timeline showing significant actions relating to the establishment of Australia's legislative framework for gender equality. It includes the ratification of international instruments, the introduction of sex discrimination and equal opportunity legislation at federal and State level, and related legislation that is significant to women's equality as equal citizens (eg the *Family Law Act 1975*).

<sup>12</sup> Gisela Kaplan, 1996, *The Meagre Harvest: The Australian Women's Movement 1950s–1990s*, Sydney, Allen and Unwin, p. 175.

Table 2.2. A timeline of the development of federal anti-discrimination and EEO legislation

1973	Australia ratifies ILO Convention 111 on Discrimination in Employment and Occupation.
1975	Family Law Act (Cth).
1975	South Australian Sex Discrimination Act.
1977	Anti-Discrimination Acts passed in Victoria and NSW.
1980	Australia signs UN Convention on the Elimination of All Forms of Discrimination against Women (CEDAW).
1980	EEO legislation introduced in NSW for the public sector.
1981	Human Rights Commission Act (Cth). Establishes the Human Rights Commission.
1983	Australia ratifies CEDAW.
1984	Commonwealth Sex Discrimination Act. First Sex Discrimination Commissioner appointed (Pam O'Neil).
1984	Public Service Reform Act (Cth) requires EEO programs.
1984	South Australia, Western Australia and Victoria enact Equal Employment Acts.
1986	Affirmative Action (Equal Opportunity for Women in the Workplace) Act (Cth).
1986	Human Rights and Equal Opportunity Commission Act. Establishes HREOC which replaces the existing Human Rights Commission.
1987	Equal Employment Opportunity (Commonwealth Authorities) Act.
1991	ILO Convention 156 on Equal Treatment for Men and Women Workers with Family Responsibilities ratified.
1991	Queensland and the ACT introduce sex discrimination legislation.
1992	Northern Territory introduces sex discrimination legislation.
1994	Tasmania introduces sex discrimination legislation.
1999	Equal Opportunity for Women in the Workplace Act replaces the Affirmative Action Act.

## Federal sex discrimination legislation

Australia passed federal sex discrimination legislation in 1984. *The Sex Discrimination Act 1984 (SDA)* outlawed discrimination on the basis of sex, marital status or pregnancy, in a range of areas of public life, including employment, accommodation, education, the provision of goods, facilities and services, the disposal of land, the activities of clubs and the administration of Commonwealth laws and programs. Amendments flowing from the parliamentary report

*Half Way to Equal* were introduced in 1992 and 1995 to strengthen the Act. They included extending the Act to cover industrial awards, strengthening the sexual harassment and pregnancy discrimination provisions and introducing a more workable definition of indirect discrimination, with the onus being on employers to demonstrate that a requirement disadvantaging women was 'reasonable'.

Senator Susan Ryan, a Hawke Government Cabinet Minister, was responsible for the passage of the Sex Discrimination Act through Parliament, and it eventually passed through the House of Representatives on International Women's Day 1984. It had been bitterly contested and some Liberal MPs and most Nationals voted against it.

The adoption of a two-stage strategy has been credited with helping to steer the Sex Discrimination Bill through parliament (although, at the time, the strategy was criticised by some feminist activists as too much of a compromise). While a previous Private Member's Bill introduced by Susan Ryan in 1981 contained provisions relating to both sex discrimination and affirmative action, only the discrimination provisions were contained in the 1983 bill. The removal of provisions concerning affirmative action in the labour market were seen to make the 1983 bill less contentious, and less of a target for criticism from employers. An affirmative action program became the subject of a second Act, the *Affirmative Action (Equal Opportunity for Women in the Workplace) Act*, introduced by Prime Minister Hawke in 1986 and discussed in more detail later in this chapter.

## Sex discrimination legislation in States and Territories

The first sex discrimination Act in Australia was passed by South Australia, in 1975. New South Wales and Victoria followed suit in 1977. Western Australia enacted sex discrimination provisions in 1984, the same year the Commonwealth legislation was introduced. The remaining States, Queensland and Tasmania, did not follow suit until 1991 and 1994 respectively.

**Table 2.3. A comparison of sex discrimination legislation across jurisdiction**

Commonwealth	
Legislation first introduced	<i>Commonwealth Sex Discrimination Act 1984.</i>
Grounds covered <sup>13</sup>	Sex, marital status, pregnancy, sexual harassment.
Areas where discrimination prohibited	Employment, accommodation, education, provision of goods, facilities and services, disposal of land, activities of clubs, administration of Commonwealth laws and programs.
Exemptions/commentary	Combat duties, services that can only be provided for members of one sex, employee or student accommodation, residential care, care of children, charities, religions, religious educational institutions, voluntary bodies, special measures for the purpose of achieving substantive equality.
NSW	
Legislation first introduced	<i>NSW Anti-Discrimination Act 1977.</i>
Grounds covered	Sex (including pregnancy and sexual harassment), marital status, homosexuality, transgender.
Areas where discrimination prohibited	Employment, partnerships, industrial organisations, education, registered clubs, local government councillors, goods, services, accommodation.
Exemptions/commentary	Private educational authorities, single sex schools, charitable benefits, voluntary bodies, aged housing providers, religious bodies.
VIC	
Legislation first introduced	<i>Equal Opportunity Act 1977.</i>
Most Recent Act	<i>Equal Opportunity Act 1995.</i>
Grounds covered	'Attributes': Sex, marital status, sexual harassment, pregnancy, status as a parent or carer, lawful sexual activity, physical features.
Areas where discrimination prohibited	Employment and related areas, education, goods and services, land, accommodation, clubs, sport, local government.

<sup>13</sup> These are comparisons of those variously defined 'grounds' that relate particularly to sex, gender or women. Other grounds covered in State/Territory legislation (such as age, race, disability etc) are not included in these comparisons.

Table 2.3. continued

QLD	
Legislation first introduced	<i>Anti-Discrimination Act 1991.</i>
Grounds covered	Sex, marital status, pregnancy, parental status, breastfeeding, lawful sexual activity.
Areas where discrimination prohibited	Work and work-related areas, education, goods and services, superannuation, insurance, land, accommodation, clubs, administration of State laws and programs, local government. Areas covered for <i>breastfeeding</i> : provision of goods and services only.
Exemptions/commentary	Genuine occupational requirements, residential domestic services, residential child care services, work with children, educational or health related institutions with religious purposes, provision of single sex accommodation, where workers are to be a married couple.
WA	
Legislation first introduced	<i>Equal Opportunity Act 1984.</i>
Grounds covered	Sex, marital status, pregnancy, family responsibility or family status, sexual harassment.
Areas where discrimination prohibited	Areas covered for <i>sex, marital status, pregnancy</i> : employment, education, access to places and vehicles, goods, services and facilities, accommodation and land, clubs.  Areas covered for <i>sexual harassment</i> : employment, education, accommodation.  Areas covered for <i>family responsibility or family status</i> : work and education.
Exemptions/commentary	Measures intended to achieve equal opportunity, measures which meet special needs of persons of a particular sex or marital status or who are pregnant. Rights or privileges granted to women in relation to pregnancy or childbirth. Access to facilities, services or opportunities to meet the special needs of persons with a particular family responsibility or family status.

Table 2.3. continued

WA continued	
Grounds covered	Sex, marital status, pregnancy, family responsibility or family status, sexual harassment.
Areas where discrimination prohibited	Areas covered for <i>sex, marital status, pregnancy</i> : employment, education, access to places and vehicles, goods, services and facilities, accommodation and land, clubs. Areas covered for sexual harassment: employment, education, accommodation. Areas covered for family responsibility or family status: work and education.
Exemptions/commentary	Measures intended to achieve equal opportunity, measures which meet special needs of persons of a particular sex or marital status or who are pregnant. Rights or privileges granted to women in relation to pregnancy or childbirth. Access to facilities, services or opportunities to meet the special needs of persons with a particular family responsibility or family status.
SA	
Legislation first introduced	<i>Sex Discrimination Act 1975.</i>
Most Recent Act	South Australian Equal Opportunity Act 1984.
Grounds covered	Sex, sexuality, marital status, pregnancy, sexual harassment.
Areas where discrimination prohibited	Areas covered for <i>sex, sexuality, marital status, pregnancy</i> : employment, partnerships (where firm has more than six members), trade unions, employer bodies, education (co-ed schools only), land, goods, services, accommodation. Areas covered for <i>sexual harassment</i> : employment, education, goods and services, accommodation.
Exemptions/commentary	Single sex schools, benefits conferred by charities, competitive sport (limited), insurance (limited), measures intended to achieve equality, rights and privileges granted to women in relation to pregnancy or childbirth, religious bodies. Exemption on ground of sexuality for religious schools. First jurisdiction to introduce sex discrimination legislation.

Table 2.3. continued

TAS	
Legislation first introduced	<i>Sex Discrimination Act 1994.</i>
Grounds covered	Gender, marital status, pregnancy, parental status, family responsibilities. Harassment on any of these grounds, sexual harassment.
Areas where discrimination prohibited	Employment, education and training, facilities, goods and services, accommodation, memberships, clubs, admin of State law and programs, awards, enterprise/ industrial agreements.
Exemptions/ commentary	Charities, actions required by law. Measures intended to benefit a special-needs group or achieve equal opportunity, religious institutions (gender), single gender schools, hostels, residential care, one-gender clubs, sports (for age 12 and over). Last Australian State or Territory to introduce sex discrimination legislation. Only jurisdiction to cover the vilification of women and first jurisdiction to replace the ground of 'sex' with that of 'gender'.
ACT	
Legislation first introduced	<i>Anti-Discrimination Act 1991.</i>
Grounds covered	Sex, sexuality, transsexuality, marital status, status as a parent or carer, pregnancy, sexual harassment.
Areas where discrimination prohibited	Employment, education, access to premises, goods, services and facilities, accommodation, clubs, requests etc for information.  <i>Areas covered for sexual harassment:</i> employment, education, access to premises, goods services, facilities, accommodation, clubs.
Exemptions/ commentary	For <i>sex, marital status and pregnancy</i> : Genuine occupational qualifications, employment of a couple, single sex educational institutions, rights or privileges in connection with pregnancy/ childbirth, services for members of one sex, accommodation for employees, contract workers or students, clubs for members of one sex, competitive sport (limited—exemption does not include children under 12 years of age).  General exceptions: domestic duties, residential care of children, adoption, domestic accommodation, measures intended to achieve equality, religious and voluntary bodies, religious educational institutions, insurance and superannuation (limited).

Table 2.3. continued

NT	
Legislation first introduced	<i>Anti-Discrimination Act 1992.</i>
Grounds covered	Sex, sexuality, marital status, pregnancy, parenthood, breastfeeding, sexual harassment.
Areas where discrimination prohibited	Work, accommodation, education, goods, services, facilities, clubs, insurance, superannuation.
Exemptions/ commentary	Specific for each area. Education exemptions: single sex and religious educational institutions. Work exemption includes ground of sexuality if the work involves the care, instruction or supervision of children and the discrimination is reasonably necessary for their protection.

Complaints brought under sub-national discrimination legislation are handled by the relevant Anti-Discrimination Board in each jurisdiction. These boards also take some responsibility for research and policy advice to State and Territory governments. However the role and influence of these bodies varies across the jurisdictions and they are not immune to a decline in political goodwill. For example, the New South Wales Anti-Discrimination Board suffered a 23 per cent cut in funding to its policy and research branch in 2003 following publication of a report that criticised the State government's handling of 'race' related issues in the media.

### How successful is the legislation?

Assessment of the success of anti-discrimination law in Australia is mixed. The legislation has undoubtedly had a positive symbolic effect. It has also helped remove a number of legal barriers to women's participation in the workforce, giving them access to a greater range of job opportunities. It has significantly changed people's ideas about acceptable workplace behaviour, creating a situation in which overt or explicit discrimination against women in Australian workplaces is now much less common. Furthermore, it has raised women's own expectations that they will receive equal treatment in the workforce.

There are however a number of criticisms of Australian anti-discrimination legislation. Australia passed federal sex discrimination legislation 20 years after the United States, nine years after the United Kingdom and South Australia and seven

years after Victoria and New South Wales. While the passing of the legislation was a significant achievement, the commitment to legislate has been called 'hesitant and rather ambivalent', and the form of our legislation is considered weaker than that of either the United Kingdom or the United States, with progress under Australian law assessed as 'slow and uneven'.<sup>14</sup> In practice, women experience the limitations of an individual complaint-based mechanism, the privatisation of complaints through a conciliation process in which approximately 99 per cent of complaints do not progress beyond conciliation,<sup>15</sup> or the difficulty and cost of pursuing a formal remedy through the courts against powerful corporate respondents, which not infrequently are governments themselves. Given these facts, feminist legal scholars Reg Graycar and Jenny Morgan reflect that, while it would be nice to believe that in the 20 years since its introduction the SDA had contributed to a continuous improvement in the situation for Australian women, it is not so clear that that is the case.<sup>16</sup>

Part of the reason for the limited success of anti-discrimination laws is that they are not, and were never intended to be, sufficient on their own as legislation alone is not considered enough to guarantee protection. As Sara Charlesworth points out, 'the SDA operates in a political, institutional, social and workplace context, its possibilities, contributions and limitations are as much shaped by changes in that context as the actual content of its legislative provisions'.<sup>17</sup>

The concepts of EEO and discrimination that the SDA draws on are not fixed. They can be invoked and reframed within workplaces in ways that hide inequality and limit the remedies promised by the legislation. Employers may argue that the existence of an EEO or anti-discrimination policy makes their organisations immune from discrimination, or they may 'reframe' complaints of discrimination as the result of 'personal choices' made by women, or legitimate management decisions.<sup>18</sup>

A number of speakers at a 2004 forum marking the 20th anniversary of the SDA called for a review of federal sex discrimination and equal employment legislation. Marian Sawer did so on the basis that there is much to be learned from 'the innovations progressively introduced into equal opportunity legislation in other

14 Beth Gaze, 2004, 'The SDA after twenty years: Achievements, disappointments, disillusionment and alternatives', paper given at *Women, Work and Equity: A special forum to mark the 20th anniversary of the Sex Discrimination Act 1984*. <[http://www.hreoc.gov.au/sex\\_discrimination/20thanniversary/women\\_work\\_equality/speeches/gaze.html](http://www.hreoc.gov.au/sex_discrimination/20thanniversary/women_work_equality/speeches/gaze.html)>

15 For more on conciliation see Margaret Thornton, 1991, 'The Public/Private Dichotomy: Gendered and Discriminatory', *Journal of Law & Society*, 18(4): 448–463.

16 Reg Graycar and Jenny Morgan, 2004, 'Thinking about equality', *UNSW Law Journal*, 27(3): 833–839.

17 Sara Charlesworth, 2004, 'Contributions and limitations of the Sex Discrimination Act at the workplace level', paper given at *Women, Work and Equity: A special forum to mark the 20th anniversary of the Sex Discrimination Act 1984*. <[http://www.hreoc.gov.au/sex\\_discrimination/20thanniversary/women\\_work\\_equality/speeches/charlesworth.html](http://www.hreoc.gov.au/sex_discrimination/20thanniversary/women_work_equality/speeches/charlesworth.html)>

18 Charlesworth, 'Contributions and limitations of the Sex Discrimination Act at the workplace level.'

jurisdictions around Australia', calling this 'one of the glories of federalism'.<sup>19</sup> Associate Professor in Law, Beth Gaze argued that the SDA has been seriously limited in its ability to protect working women's rights or change systemic workforce practices that compromise women's equality.<sup>20</sup> For Gaze, the reasons for 'disappointment and disillusionment' with the SDA are a combination of: factors inherent in the Act (its limited coverage, its limited definitions of discrimination, and the requirement for the complainant to prove discrimination); its implementation (the lack of assistance given to complainants, the typically large resource disparities between parties, and the inability of equal opportunity agencies to bring strategic litigation to develop the law); interpretation (which has tended towards the narrow and technical); and other social changes (the deregulation of the workforce and increasing casualisation of work) that have 'outflanked' and undermined the Act. Her assessment of the impact of the affirmative action/equal employment acts is even more negative—she argues that these laws have 'virtually no teeth and little resourcing' and hence their impact has been 'muted and patchy'.

Graycar and Morgan<sup>21</sup> reflect that, whilst there are many different understandings of equality, it is the simplistic, even problematic, idea of 'formal equality' or 'gender neutral treatment' that has become entrenched in Australia. While noting the importance of the SDA as a framework for debate, they also suggest that it may have contributed to the entrenchment of the formal equality discourse. It has also been pointed out that the SDA is of limited use in advancing arguments concerning women's equal worth in employment, as it is concerned primarily with barriers to entry rather than unequal compensation.<sup>22</sup>

## Equal employment opportunity (EEO) legislation

EEO legislation, which requires employers to take action to identify and eliminate discrimination, including removing structural barriers and promoting EEO, was introduced for the public sector in NSW in 1980, and in Victoria, South Australia, Western Australia and the Commonwealth in 1984. For the private sector, the Commonwealth *Affirmative Action (Equal Opportunity for Women in the Workplace) Act* was passed in 1986 (and replaced by *Equal Employment Opportunity for Women in the Workplace Act 1999*).

19 Marian Sawer, 2004, 'The Commonwealth Sex Discrimination Act: Aspirations and apprehensions', paper given at *Women, Work and Equity: A special forum to mark the 20th anniversary of the Sex Discrimination Act 1984*. <[http://www.hreoc.gov.au/sex\\_discrimination/20thanniversary/women\\_work\\_equality/speeches/sawer.html](http://www.hreoc.gov.au/sex_discrimination/20thanniversary/women_work_equality/speeches/sawer.html)>

20 Gaze, 'The SDA after twenty years'

21 Graycar and Morgan, 'Thinking about equality'

22 Moens and Ratnapala cited in Kaplan, 1996, *The Meagre Harvest*, p. 175

The *Public Service Reform Act 1984* required all federal government agencies to develop equal employment opportunity programs for women. The EEO provisions of this Act were extended to trading authorities in the *Equal Employment Opportunity (Commonwealth Authorities) Act 1987*.

The *Affirmative Action (Equal Opportunity for Women in the Workplace) Act 1986* required all private sector employers with 100 or more employees, higher education institutions (and various other bodies such as unions, charities and private schools) to actively promote the employment opportunities of women. However the Act relied on self-regulation on the part of employers, and had weak sanctions—the only penalty for non-compliance being the naming of the employer in Parliament. Indeed, this was a highly unusual Act in that it conferred no rights, established no avenue of complaint and permitted no remedies. The replacement Act (*Equal Employment Opportunity for Women in the Workplace Act 1999*) is even weaker than its progenitor, making no reference to unions, consultation with women, or targets.

EEO measures at national and sub-national levels promised to deliver improved prospects for women in paid employment and have the potential to contribute to a more egalitarian social order, yet in reality they have had limited success in delivering more equitable employment outcomes. Part of the reason for this is the gender bias of organisational cultures that reflects the broader gendered power relations in society, and draws upon gendered definitions of merit, skill and work. Because of this, EEO programs alone cannot deliver equality for women in the field of employment. Further, implementing EEO properly is a complex task, but this is not often acknowledged—too often it becomes more of a simplistic, symbolic gesture.<sup>23</sup>

Equal employment policies have been criticised as being largely irrelevant for women working in manual occupations whose main concerns are likely to be basic working conditions not promotions.<sup>24</sup> The equal opportunity principle has been seen to be of most benefit to those women who can climb the ‘male career ladder’, as opposed to the vast majority of women who will remain in lower paid, lower status jobs.

EEO also does not address the social context in which women compete with men for employment—namely that while the burden of unpaid caring responsibilities continues to fall on women it is difficult for them to have equal opportunity to participate in the labour force on a similar footing as those without such caring responsibilities.

<sup>23</sup> Clare Burton, 1991, *The Promise and the Price: The Struggle for Equal Opportunity in Women's Employment*, Sydney, Allen and Unwin.

<sup>24</sup> Elizabeth van Acker, 1999, *Different Voices: Gender and Politics in Australia*, Melbourne: Macmillan Education, p. 132.

## Administering the federal legislation

The impact of legislation relies upon the details of its implementation, including the administrative bodies that are established to support the Act, how well funded these are, and how well the Act is supported by policy and regulation. For example, the resourcing and independence of the Human Rights and Equal Opportunity Commission (HREOC), the statutory body responsible for administering Commonwealth anti-discrimination legislation, is crucial for the effectiveness of such legislation.

The potential of the original 1986 *Affirmative Action (Equal Opportunity for Women in the Workplace) Act* to effect change was always compromised by the inadequate resourcing and staffing of the Affirmative Action Agency (now the Equal Opportunity for Women in the Workplace Agency), the body set up to monitor compliance. As a result of this, ‘monitoring’ has primarily been conducted through self-assessment.

The creation of a federal Sex Discrimination Commissioner located in HREOC is an important achievement of the SDA. According to discrimination law expert Beth Gaze, an authoritative voice and advocate for women's interests is ‘absolutely vital’, and the Commissioner plays an important role in policy debates and agenda setting.<sup>25</sup> However, the ability of HREOC to effect change is limited. The Commission has been severely hampered in a number of areas, including in its ability to hear discrimination cases, in its allowable compensation amounts remaining ‘pegged’ at an inadequate level, and the fact that costs are not awarded to successful complainants. This means there is no incentive for a respondent to settle the case as, even if they lose, the amount they will be ordered to pay is insignificant. Neither is there any financial incentive for complainants to bring a case—even if they win, their compensation is likely to be swallowed up by legal costs.

The major inquiries undertaken by HREOC (such as those into pregnancy discrimination, sex discrimination in overaward payments and more recently into paid maternity leave) have undoubtedly been important in placing discrimination and equal opportunity issues on the public agenda, improving the understanding of these issues and gathering and presenting evidence for change. However, the ability of such inquiries to actually influence legislative or policy change is entirely dependent on the political response to them.

<sup>25</sup> Gaze, ‘The SDA after twenty years.’

## Erosion of the legislative framework under the Coalition government

Legislation is not sufficient on its own—it does not ‘guarantee’ protection to women. Political undermining of the bodies charged with implementing anti-discrimination and equal employment opportunity legislation has weakened their impact. This has been particularly acute under the Howard government. For example, in 1996, the government cut funding to HREOC by 40 per cent, meaning the loss of half the staff of the Sex Discrimination Unit. Also in 1996, the government cut HREOC’s powers, removing its ability to conduct public hearings, and taking the complaint-handling powers away from the individual commissioners (including the Sex Discrimination Commissioner). This significantly weakened the SDA and reduced the protection it offered women. The effects were quickly seen—within three years of these changes, the number of complaints under the SDA had dropped from 2000 a year to just over 300. From February 1997 the government left the position of Sex Discrimination Commissioner vacant for 14 months.

There were also large cuts to the Affirmative Action Agency in 1997 along with the removal of the requirement for complying companies to submit annual reports, or for government agencies to check company compliance before awarding contracts. Such political actions undermine and lessen the impact of legislation.

The most significant challenge to the SDA, however, arose from the government’s reaction to the Federal Court decision in *McBain v State of Victoria*.<sup>26</sup> This case concerned the *Infertility Treatment Act 1995* (Vic), which restricted access to Assisted Reproductive Technology to women who were married or in heterosexual defacto relationships. The Federal court found that the Victorian legislation contravened the provision in the federal SDA that prohibits discrimination against women in the provision of health services on the grounds of marital status. A subsequent appeal to the High Court of Australia by the Australian Catholic Bishops Conference (who were granted a special fiat by the federal Attorney-General to make the appeal) was dismissed as the High Court ruled that the Bishops had no standing in the matter.

In response to the case the federal government drafted the *Sex Discrimination Amendment Bill*, which was announced on 1 August 2000 and had its second reading in parliament on 28 June 2002. If passed, the Amendment Bill would allow States to discriminate against single women and lesbians in the provision of IVF and other fertility services. The Prime Minister, John Howard, has been vocal

in his support of the amendment and it is expected that, with the government in control of the Senate from 1 July 2005, it will reintroduce the bill at some point.

There have also been changes to the functioning of the Human Rights and Equal Opportunity Commission as a result of the High Court’s determinations in *Brandy v HREOC*,<sup>27</sup> and the passage of the *Human Rights Legislation Amendment Bill 1998*. Some of these changes have arguably strengthened the work of the Commission. All complaints are now dealt with by the president—a change that potentially ensures greater consistency across the different areas of discrimination legislation. The complaints hearing functions of the Commission have been transferred to the Federal Court and the Federal Magistrates Service, as a direct result of the *Brandy* decision.<sup>28</sup> The legislation also gave the Commissioners an *amicus curiae* function to assist the courts to develop the law in compliance with best practice and international obligations.

In 2003, however, the government introduced the *Australian Human Rights Commission Legislation Bill*, which, among other provisions, proposes to change the name of the Commission to the ‘Australian Human Rights Commission’. The proposed bill also changes the titles of the special purpose Commissioners to Human Rights Commissioners and reduces the number of Commissioners from five to three. Amnesty International expressed concerns that the changes under consideration threatened the effectiveness and independence of HREOC. The then President of HREOC, the late Professor Alice Tay, voiced similar concerns. The 2003 bill was rejected by the Senate, and, like the *Sex Discrimination Amendment Bill*, is now being held in reserve by the government. Many observers expect that the bill will at some point be reintroduced at to take advantage of the government-controlled Senate.

In 2004, the federal government introduced the *Sex Discrimination Amendment (Teaching Profession) Bill*. This bill would allow male-only teaching scholarships to be offered, in order to address a gender imbalance in teaching. The bill was drafted in response to an application to the HREOC by the Sydney Catholic Education Office (CEO) for an exemption from the SDA that would allow it to offer male-only scholarships. The HREOC had rejected the application, arguing that male-only scholarships did not fall within the ‘special provisions’ exemptions of the Act. The HREOC took the view that men decided not to become teachers for reasons other than discrimination between male and female teachers. Hence

<sup>27</sup> (1995) 183 CLR 245

<sup>28</sup> Prior to this case, the HREOC lodged its determinations with the Federal Court for registration. If not objected to within 28 days, those registered determinations were enforceable as if they were orders of the Court. In *Brandy v HREOC* (1995) 183 CLR 245, the High Court found these arrangements to be invalid under the Constitution because the registration/enforcement scheme offended the division of judicial and executive power implicit in Chapter III of the Constitution. See HREOC, *Change and Continuity: Review of the Federal Unlawful Discrimination Jurisdiction September 2000–September 2002*. <<http://www.hreoc.gov.au/legal/review/index.html>>

male-only scholarships would not be remedying discrimination experienced by men. In fact the Commission pointed to the statistical preponderance of men in leadership positions within the teaching profession as evidence to refute suggestions of discrimination against men in the profession.

A solution to the CEO case was subsequently reached after HREOC provided a temporary exemption allowing the CEO to offer 12 scholarships for men and 12 for women. Despite this, the federal government went ahead with the proposed legislation, seeking to make the exemption universal, unconditional and permanent. After it was first introduced, the bill was rejected by the Senate in June 2004 after a Senate Committee inquired into it. The bill was immediately reintroduced (in August 2004), but lapsed on the calling of the 2004 federal election. It was introduced for a third time (still with identical provisions) after the election, in November 2004, and as at August 2006 was still listed as being under consideration by parliament.

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## Conclusion

Despite the existence of a considerable body of legislation across all jurisdictions, Australia's legislative framework for the protection of women's human rights is inadequate for ensuring substantive gender equality. Although the SDA does prohibit discrimination against women on particular grounds in particular circumstances it cannot compel a government to develop further legislation or policy that removes obstacles to women's equal citizenship. Further, the domestic legislative framework that does exist in Australia has proven vulnerable to undermining through under-resourcing, unsympathetic appointments and administrative arrangements. More recently, the core content of the legislation itself has been threatened by the federal government's proposal to amend the *Sex Discrimination Act*.

Legislation alone was never going to be sufficient to bring about equality for women. As Beth Gaze has argued, 'Sex discrimination laws are not the complete answer to women's disadvantage in the workforce. Achieving genuine workforce equality requires more than merely the elimination of discrimination'.<sup>29</sup> Indeed, far from being guaranteed by legislation, gender equality is fragile. It depends heavily on political and institutional support, both of which are easily withdrawn.

29 Gaze, 'The SDA after twenty years.'

As Gisela Kaplan has noted, equal opportunity is 'subject to the whims of politics and politicians, requiring its defenders to campaign strenuously just to limit its erosion'.<sup>30</sup>

Indeed, over the past decade we have seen a deliberate withdrawal of support for human rights legislation, including sex discrimination legislation, by the Howard government. Feminists must now expend considerable energy struggling to maintain the gains that were made between 1970 and 1990 and to prevent their further erosion.

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30 Kaplan, *The Meagre Harvest*.

Strengths
<ul style="list-style-type: none"> <li>• There are equal opportunity and anti-discrimination Acts at the national level and in all States and Territories.</li> <li>• The UN CEDAW Committee, in its 2006 report, acknowledges the 'wide range of legislative and other measures' and the 'priority accorded to women's human rights' in Australia.</li> </ul>
Weaknesses
<ul style="list-style-type: none"> <li>• The Australian legislative framework is not as comprehensive, coordinated or effective as it might be. There are inconsistent sets of legislation at the national and sub-national levels and poor coordination across jurisdictions.</li> <li>• There is no constitutional or legislative recognition of equality between women and men (e.g. a national bill of rights).</li> <li>• Federal sex discrimination legislation was enacted relatively late, and is only partially adequate in meeting international obligations.</li> <li>• The bodies charged with implementing anti-discrimination and equal employment opportunity legislation have been weakened.</li> <li>• Pay equity has not been achieved and women working full time are paid almost 15 per cent less than their male colleagues.</li> <li>• Australia maintains reservations to article 11 of CEDAW, has refused to ratify ILO C183 (the maternity protection convention) and is one of only two OECD countries without paid maternity leave.</li> <li>• The CEDAW Committee has expressed dissatisfaction over the erosion of women's policy machinery and Australia's retreat from international leadership on gender equity issues.</li> <li>• Australia has refused to ratify the Optional Protocol to CEDAW and there is poor awareness and understanding of CEDAW at State and Territory level.</li> </ul>

## 3. Policy machinery

### Introduction

A well-structured, overtly feminist presence in the bureaucracy—known as women's machinery of government—is considered to provide a form of substantive representation of women in government and public administration. This machinery, and the expert gender analysis that it is intended to provide, makes an important contribution to achieving political equality and equal opportunity for women in the development and implementation of public policy.

Over the past three decades Australia has achieved international recognition for the unique model of women's policy machinery that developed here during the 1970s. Early in the 1970s feminist activists in the newly-formed Women's Electoral Lobby turned to the state seeking a response to the demands that had been articulated by the Women's Liberation movement.

Figure 3.1. The Five Demands of Women's Liberation

- equal pay
- equal employment opportunity
- free contraceptive services
- abortion on demand, and
- free 24-hour childcare

Source: <http://www.wel.org.au/about/70swel.htm>

In a remarkable democratic transformation, the state responded, not with wholesale acquiescence, but with a commitment to developing new mechanisms within government by which these demands, and other issues of concern to women, might be properly considered as the *business of government*.

The model of feminist policy machinery that resulted relied on a close and interconnected relationship between activists in the women's movement and feminist activists within the bureaucracy.<sup>31</sup> Although many radical and socialist feminists argued against the strategy of state engagement, over time this approach became dominant. It was acknowledged that the women's movement had little option but to engage with the state as a means of contesting the changing policies that continued to constrain gender equality.<sup>32</sup>

The internationally remarkable model that developed from this relationship gave the rest of the world the 'femocrat': the name for feminists appointed to positions in the bureaucracy with a specific directive to improve policy outcomes for women. As the policy machinery developed, the newly-christened femocrats emerged as legitimate political players, and it seemed that the representation of women's needs, rights and interests was to be safely institutionalised in the practice of government.

Over time, however, it has become clear that the promise of the machinery has not been realised. The last decade in particular has seen the erosion of the foundations of the model, the dismantling of the machinery, and the elimination of gender analysis as a valued area of expertise in the public policy process. Marian Sawer has called this 'the fall of the femocrat', and argues that Australia has gone from being a world leader in developing and institutionalising the frameworks for a gender equality, to being a world leader in bringing about their demise.<sup>33</sup> This chapter will examine both the rise and fall of a women's machinery of government in Australia and consider the implications for the future achievement of gender equality.

## The development of the federal machinery

The timing of the development of the Australian women's policy machinery was primarily dictated by the political context. The early 1970s saw the convergence of a resurgent women's movement with a reforming federal Labor government. It is often concluded that the women's movement in Australia would not have

31 Susan Magarey, 2004, 'The Sex Discrimination Act 1984', *Australian Feminist Law Journal*, Vol. 20, June: p. 127.

32 Carol Bacchi, 1999, 'Rolling back the state? Feminism, theory and policy', in Linda Hancock, *Women, Public Policy and the State*, Melbourne, Macmillan Education; Suzanne Franzway, Diane Court, & RW Connell, 1989, *Staking a Claim: Feminism, Bureaucracy and the State*, Sydney, Allen and Unwin.

33 Marian Sawer, 2007 (forthcoming), 'Australia: The fall of the femocrat', in, Johanna Kantola and Joyce Outshoorn (eds), *Changing Feminism*, Oxford, Palgrave Macmillan.

pursued such a close relationship with the state, nor would feminists have been so successful in institutionalising their goals, were it not for this fact.<sup>34</sup>

The development of a national machinery for women's policy advice and coordination began with the 1973 appointment of Elizabeth Reid, the first Women's Advisor to the then Prime Minister, Gough Whitlam. From this early beginning came the innovative 'wheel model' of women's policy machinery. This wheel has its 'hub' in the central coordinating agency of the federal government (the Department of Prime Minister and Cabinet) and the 'spokes' in specialist units in other agencies and at other levels of government. Twenty years later this 'distinctive institutional design' became the benchmark adopted by the UN for women's machinery of government.<sup>35</sup>

The appointment of Reid also helped to institutionalise the feminist understanding that public policy was unlikely to be gender neutral in its effects. Feminists argued that all policy, regardless of whether or not it related to so-called 'women's issues', would impact differently on women and men and should therefore be scrutinised for these gendered impacts. This technique of 'gender analysis' would safeguard both women and governments from the potentially negative consequences of poorly conceived policy that did not consider women's specific needs or circumstances.

This insight provided the theoretical grounds for the establishment of the women's machinery. Creating and staffing the policy advice units that made up the machinery provided governments with the necessary personnel and expertise for effective, strategic gender analysis and gendered policy advice. Another Australian innovation was the gender mainstreaming device of the Women's Budget Statements. These mandated the gender analysis of all budget allocations, and were pioneered at the federal level in 1984. It is an extraordinary achievement of this period that for a time there was an acceptance that feminist-informed gender analysis had a legitimate place at the heart of government policy-making.

As we have noted, the development of the women's machinery gave rise to the new breed of feminist bureaucrat: the 'femocrat'. As feminists appointed to the bureaucracy to oversee women's policy, femocrats attracted criticism from all sides. From within the women's movement there were suspicions that femocrats would sell out or be co-opted through their relationship with government. Others, such as Anna Yeatman argued that femocrats constituted a class of their own

34 Anna Yeatman, 1990, *Bureaucrats, Technocrats, Femocrats: Essays on the Contemporary Australian State*, Sydney, Allen and Unwin, p 89.

35 Marian Sawer, 2003, *The Ethical State? Social Liberalism in Australia*, Melbourne, Melbourne University Press, p 114.

and worked to protect the interests of that class.<sup>36</sup> Questions were asked about exactly who the mostly white femocrats were meant to be representing and how more marginalised women's voices would be heard. Concerns were also raised about the dual nature of femocrat accountability, considered to be an impossible mix of accountability to government and to the women's movement.<sup>37</sup>

Former Women's Liberationist and senior femocrat, Anne Summers, has argued that femocrats were inevitably in a no-win situation: they could either be feminist 'missionaries', proselytising the feminist cause within government, or they could be 'mandarins', effectively using their position in government to effect change but often at the expense of their most pure feminist ideals and principles. While Summers also suggests that these roles were not mutually exclusive, she highlights the discomfort that many women in these positions experienced as they attempted the difficult task of negotiating both roles.<sup>38</sup> Given these difficulties, the substantial range of programs, policies and services that were developed by the femocrats during the 1970s and 1980s are a tribute to these pioneering women.

Not least among these achievements was the development and proliferation of the women's policy machinery. A Women's Affairs Section was established in the Department of Prime Minister and Cabinet (PM&C) in 1974 and soon became a branch. Women's Electoral Lobby took a close interest in the development of women's policy machinery and argued that the central location was essential, as was access to all Cabinet submissions. However, over the coming years the unit was repeatedly relocated and re-named as the importance of gendered policy advice waxed and waned within the federal government.

Generally the unit fared better under Labor governments than under the Coalition. Under Fraser the Women's Affairs Branch became the Office of Women's Affairs and was moved out of PM&C and into the Department of Home Affairs, prompting the resignation of the then head, Sara Dowse. It became the Office of the Status of Women in 1982 and under the Hawke Labor Government returned to PM&C.<sup>39</sup> Most recently, under Prime Minister John Howard the unit has again been moved out of the central coordinating agency and is now located in the recently re-named department of Families, Community Services and Indigenous Affairs (FaCSIA). The unit has also effectively lost its 'status' after being renamed the Office for Women in 2004.

<sup>36</sup> Yeatman, *Bureaucrats, Technocrats, Femocrats*.

<sup>37</sup> Hester Eisenstein, 1996, *Inside Agitators: Australian femocrats and the state*, Sydney, Allen and Unwin; Elizabeth van Acker, 2001, 'Women's policy activism and changing relations with the state' in G Davis and P Weller (eds), *Are you being served? States, citizens and governance*. Sydney, Allen and Unwin, p. 63.

<sup>38</sup> Anne Summers, 1986, 'Mandarins and missionaries: Women in the federal bureaucracy,' in Norma Grieve and Ailsa Burns (eds), *Australian Women: New Feminist Perspectives*, Melbourne, Oxford University Press.

<sup>39</sup> Marian Sawyer and Abigail Groves, 1994, *Working from Inside: Twenty years of the Office of the Status of Women*, Canberra, AGPS

**Table 3.1. Location of the federal women's policy unit, 1974–present**

Year	Title	Location
1974	Women's Affairs Section	Department of Prime Minister and Cabinet
1975	Women's Affairs Branch	Department of Prime Minister and Cabinet
1977	Office of Women's Affairs/ Office of the Status of Women	Department of Home Affairs
1983	Office of the Status of Women	Department of Prime Minister and Cabinet
2004	Office for Women	Department of Families, Communities and Indigenous Affairs

From the hub of the central unit there radiated a growing number of specialist women's policy advice units in other federal government agencies. Over the years these have included, among others, the Gender and Curriculum Section of the former Department of Employment, Education, Training and Youth Affairs; the Women's Statistics Unit of the Australian Bureau of Statistics; the Work and Family Unit and the Equal Pay and Workplace Relations Section in the former Department for Workplace Relations and Small Business; the Office of Indigenous Women, which was closed several years before its host body, the Aboriginal and Torres Strait Islander Commission was itself abolished.

The characteristics of the Australian model at its best:

- location of the central unit in the chief policy coordination agency;
- Prime Minister taking portfolio responsibility, assisted by a woman cabinet minister;
- focal points in other government agencies;
- clear separation of women's policy and equal employment opportunity functions;
- emphasis on gender audit through analysis of Cabinet submissions and budget outlays;
- reinforcement of bureaucratic monitoring by a parliamentary party committee;
- funding of women's advocacy groups as well as women's services;
- community representation on policy advisory bodies; and
- use of intergovernmental bodies to share best practice.

Source: Sawyer 1999, p. 40

One unit of particular importance in terms of attaining gender equality is the former Affirmative Action Agency, renamed the Equal Opportunity for Women in the Workplace Agency (EOWA) in 1999. EOWA is a statutory authority located within the Commonwealth Department of Employment and Workplace Relations. EOWA's stated role is to administer the *Equal Opportunity for Women in the Workplace Act 1999* (Cth) and, through education, assist organisations to achieve equal opportunity for women. As was noted in Chapter 2, this legislation is an amendment to the *Affirmative Action (Equal Opportunity for Women in the Workplace) Act 1986*, the second of the Hawke Labor Government's two-part legislative strategy to address gender inequality. The original act required all employers with 100 or more employees to develop affirmative action programs designed to remove the barriers to women's advancement in the organisation. Failure to comply with this requirement could result in the employer being named in federal parliament.

The changes to both the act and the agency were a response to the Howard Government's perception that affirmative action was 'punitive rather than preventative.'<sup>40</sup> This is despite the criticisms from some feminists, discussed in Chapter Two, that the act was something of a 'toothless tiger' with the only penalty for employers who failed to comply with the requirements being the 'naming and shaming' strategy rather than a genuinely punitive financial penalty. Nevertheless, the move away from an explicit affirmative action agenda is suggestive of the Howard government's broad approach to gender equality, that is, that it is best achieved through 'educating the community about individual rights and responsibilities.'<sup>41</sup> In this context, Australian States and Territories may be seen to provide a 'less hostile environment'<sup>42</sup> in which to pursue gender equality.

## States and Territories

Over time the federal model was adopted and replicated in all States and Territories. Premiers and chief ministers established variously named women's policy units and advisory councils in all States and Territories between 1976 and 1986. Table 3.2 indicates the current locations, stated aims and budgets (where available) of the various women's policy units around Australia. Also included in this section are two case studies of women's units, one in New South Wales and one in South Australia, that illustrate the changing fortunes that such units experience.

40 Van Acker, *Different Voices*, p. 136.

41 UN Committee on the Elimination of Discrimination against Women, 2004, Combined fourth and fifth periodic reports of States parties: Australia, p. 16. <<http://www.un.org/womenwatch/daw/cedaw/34sess.htm>>

42 Sawyer, 'The fall of the femocrat'.

Feminists attempting to work with the state to achieve greater gender equality have long used Australia's federal system to their advantage. In periods where the federal government has been unsympathetic to feminist demands, progress has been pursued at other levels. During the period of the conservative Fraser government, for example, much innovative program development took place at the State level, including in the areas of rape law reform, domestic violence and child care.<sup>43</sup>

Table 3.2. Women's machinery across jurisdictions

Jurisdiction	Agency	Stated aims and services	Annual Budget
Commonwealth	Office for Women, Department of Families, Community Services and Indigenous Affairs	<ul style="list-style-type: none"> <li>Provides high level (policy and other) advice to the Minister Assisting the Prime Minister for Women's Issues</li> <li>Administers programs, including most significantly programs to combat domestic violence and sexual assault</li> <li>Advises on legislative issues relating to women</li> <li>Provides the principal focus on consultation between the women's sector and government; and</li> <li>Represents government at national and international forums on women's issues, such as the United Nations</li> </ul>	Separate budget figures no longer disaggregated from the Departmental budget.

43 Marian Sawyer, 1990, *Sisters in Suits: Women and public policy in Australia*, Sydney, Allen and Unwin, pp. 140-1.

Table 3.2. continued

Jurisdiction	Agency	Stated aims and services	Annual Budget
New South Wales	Office for Women, NSW Premier's Department	Aims to be a credible and expert source of knowledge and strategic policy advice to Government, the public and non-Government sectors on emerging and complex issues relating to women in New South Wales.	\$2.275m 2005–06
			\$3.07m 2004–05
			\$5.6m 2003–04
Victoria	Office of Women's Policy, Department for Victorian Communities	Provides policy advice to government; coordinates and monitors government policies and programs that impact on women and their families. Focuses on four themes: Representation and Equity; Education, Work and Economic Independence; Health, Wellbeing and Community; Strengthening Justice and Safety	\$3.1m 2005–06 \$2.6m 2004–05
Queensland	Office for Women, Department of Local Government, Planning, Sport and Recreation.	Oversees the delivery of the Queensland Government's policies for women, encouraging greater collaboration between government agencies, business, industry and the community to improve the lives of women.	2005–06 estimate: \$3.8m 2000–01: \$4.4m

Table 3.2. continued

Jurisdiction	Agency	Stated aims and services	Annual Budget
Western Australia	Office for Women's Policy, Department for Community Development	Aims to improve the lives of women in Western Australia by providing the Government with policy advice grounded in quality research and community consultations.	\$2.339m 2004–05
			\$2.127m 2005–06
South Australia	Office for Women, Department for Families and Communities	Provides policy advice to government and promotes innovative approaches to public policy that embrace gender analysis.	\$1.296m 2005–06
			\$1.244m 2004–05
Tasmania	Women Tasmania, a Division of the Department of Premier and Cabinet	Works to ensure that Government policies, programs and projects are responsive to the needs of women and representative of their views. Policy focus on family and community safety, leadership and participation, and women in work and education.	\$1.296m 2005–06
			\$1.244m 2004–05

Table 3.2. continued

Jurisdiction	Agency	Stated aims and services	Annual Budget
<b>Australian Capital Territory</b>	Office for Women, Department of Disability, Housing and Community Services <sup>44</sup>	Provide advice to the Minister for Women on all issues impacting on women; Provide across Government strategic direction and oversighting of policy and program development in addressing and progressing issues relating to women in the ACT; and Develop and promote links between key stakeholders and the Government in working to improve the status of women.	Separate budget figures not disaggregated from the Departmental budget.
<b>Northern Territory</b>	Office of Women's Policy, Community Engagement Division, Department of the Chief Minister.	Assists the Northern Territory Government in advancing the economic and social standing of Territory women and preserving and enhancing the lifestyle of Territory women. Provides policy advice and initiates, coordinates, implements and reports on whole-of-government responses to priorities for women.	\$1.008m (2005–06, yet to be finalised) \$1.019m 2004–05

44 The ACT Office for Women moved from the Chief Minister's Department in September 2006.

However, the most significant problem that arises from a reliance on States and Territories for progress towards gender equality is the potential for inconsistency across jurisdictions as each negotiate their own electoral cycles and political priorities. As the boxed material on South Australia and New South Wales demonstrates, different levels of political commitment can produce very different frameworks for gender analysis and gendered policy advice.

#### South Australia

In contrast to the decline in status and influence in women's policy advice units around Australia the South Australian Office for Women offers something of a good news story. In 2005, the Office embarked on a period of rejuvenation beginning with a discussion paper and wide-ranging consultations with women's organisations to consider 'best practice in gender equality work in government systems'. The outcome was a substantial report and the announcement of an upgrade of the State's women's policy machinery.<sup>45</sup> Recommendations for future action emerging from the report include: the development of a whole-of-government statement and action plan making explicit the South Australian government's commitment to gender equality, with an additional explicit commitment to Aboriginal women; a proposal for a Gender Equity Summit; and advice that the Office for Women should play a 'pivotal role' in assisting the South Australian public sector to fulfil its responsibilities to women.

## New South Wales

Developing from previous women's policy units in the State, the NSW Department for Women was established in 1995. In its heyday it achieved a great deal, most notably its support for the groundbreaking NSW Pay Equity Inquiry and the subsequent establishment of the principle of gendered pay inequity that has allowed cases to be brought before the New South Wales Industrial Relations Commission on these grounds—a first for any jurisdiction in Australia. Another innovative measure developed by the department was the Audit of New South Wales Government Initiatives for Women, which evaluated all government initiatives for women against the international human rights framework of CEDAW and the BPFA.

Despite these advances, however, on 6 April 2004 a NSW government 'mini-budget' announced that the Department was to be 'elevated' to the NSW Premier's Department. Far from being an 'elevation', however, the move saw the Department for Women effectively abolished. A two-stage reduction saw the departmental budget initially reduced by \$2.5 million (close to half its annual income) to \$3.2 million. From 1 July 2005 the pre-'elevation' budget, that had sustained a \$1 million Women's Grants Program, the Premier's Council for Women and around 50 staff, was reduced to \$2.275 million. The new Office for Women now has no grants program and a skeleton staff of 14. In effect, the budget cuts to the former Department have seen the end of strategic policy advice for women in NSW and the sidelining of any commitment to gender analysis of public policy in the State. As the New South Wales Council of Social Service has noted, 'It is short sighted of the government to believe that what they see as such a small cut will not have long reaching consequences.'<sup>46</sup>

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These two case studies demonstrate the degree of potential difference among the sub-national jurisdictions, despite the inter-governmental, inter-jurisdictional coordinating mechanisms that remain in operation. These include the annual Commonwealth, State, Territory & New Zealand Ministers' Conference (MINCO), which brings together the ministers with responsibility for the status of women in the ten jurisdictions. Complementing MINCO is the Standing Committee of Commonwealth/State Women's Advisers (Women's Advisers Meeting), a consultative forum for strategic discussion, exchange of information and co-ordination of Commonwealth and State activities pertaining to women. Although these meetings have proven themselves to be an important forum for the sharing of innovation and good practice, MINCO is recognised as having little influence on other ministerial councils, including the Council of Australian Governments.<sup>45</sup>

These efforts at coordination, however, cannot reduce the variance in location, budget and influence of the State and Territory women's policy units. This means that gender analysis and policy advocacy for Australian women varies greatly based on their location. As is evident from the table above, some sub-national women's units remain in the central coordinating unit of the relevant government,

<sup>45</sup> Marian Sawyer, 1999, 'The watchers within: women and the Australian state', in Linda Hancock (ed), *Women, Public Policy and the State*, Melbourne, Macmillan Education, p. 41.

although in the case of New South Wales this is a decline in status from being a stand-alone department. Other units are co-located in various 'population' agencies, generally those associated with families or communities. Budgets also vary, although to some extent this depends on whether the relevant unit also provides grants programs and/or advisory and referral services. Nevertheless, the budgets for the Victorian Office of Women's Policy and the New South Wales Office for Women are relatively low given the population of those States compared with other smaller States.

Connected to the bureaucratic women's units at the State and Territory levels are the various Advisory Councils for women which have been created in most jurisdictions. Again, however, these bodies vary greatly in their role, method of appointment and degree of influence (see Table 3.3).

Table 3.3. Women's Advisory Councils across jurisdictions

Jurisdiction	Advisory Body	Method of Appointment
New South Wales	Premier's Council for Women	Members are selected from a range of areas of expertise and are appointed by the Premier for a two-year term. The Council is chaired by the Minister for Women and reports directly to the premier.
Victoria	No advisory body	Not applicable
Queensland	No advisory body	Not applicable
Western Australia	Women's Advisory Council	Information not provided.
South Australia	Premier's Council for Women	Women are appointed by the Premier as individuals rather than as representatives of organisations. The key criterion is their individual expertise. The Council reports directly to the Premier and the Minister for the Status of Women.

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Table 3.3. continued

Jurisdiction	Advisory Body	Method of Appointment
Australian Capital Territory	Ministerial Advisory Council on Women	Members are appointed by the Minister for Women. Advertisements are placed in the local press and women submit applications to become a member. The Minister makes the final decision and appoints the Chair and Deputy Chair.
Northern Territory	No advisory body	Not applicable
Tasmania	Tasmanian Women's Council	<p>Women are invited to nominate through advertisements in the press. Selected according to their ability to fulfil the following criteria:</p> <ol style="list-style-type: none"> <li>1. membership of key women's organisations or ongoing contact with formal or informal networks;</li> <li>2. capacity to make worthwhile contributions in an issue area of relevance to women in Tasmania;</li> <li>3. capacity to make worthwhile contributions in relation to groups of women in Tasmania who have special needs such as Aboriginal women, women from diverse cultural and linguistic backgrounds, women with a disability, older and younger women, and rural women;</li> <li>4. geographic distribution of membership, providing as much coverage of different communities as possible.</li> </ol>

The advisory councils clearly have a role to play and may be especially influential if their members are drawn from across the political spectrum. Their contributions may include:

- commissioning research too sensitive to come directly from within government;
- providing a public voice on relevant policy issues;
- promoting broader community understanding of the value of gender equality units and their work;
- providing a point of communication between women's policy units and the wider women's sector; and
- protecting women's policy machinery within government.<sup>46</sup>

The New South Wales Premier's Council for Women, for example, claims to provide an 'avenue for women to speak directly to government through community consultation'<sup>47</sup>—an important function through which to inform any area of policy making.

While important, however, the maintenance of the various Premiers' and Chief Ministers' women's advisory bodies should not be seen as an adequate replacement for centrally located and well-funded policy advice units that offer expert strategic policy advice. To suggest this would be akin to suggesting that budget advice could be offered by hand-picked advisory councils rather than by resourced and highly regarded Treasury departments staffed by experts trained in the skills of economic analysis and strategic policy advice. In short, these bodies are no substitute for the model of policy machinery that once saw women's concerns institutionalised in all jurisdictions.

The overall picture suggests that although the inclusion of the State and Territory machinery provides some relief from the bleak picture that is emerging at the federal level, the current status of women's policy machinery across jurisdictions remains less than adequate.

### The decline

The policy machinery that was pioneered in Australia does not appear to have stood the test of time. With the benefit of hindsight it now appears that the model of policy machinery developed by feminists in the 1970s was a model specifically

<sup>46</sup> Eleanor Ramsay, Monica Redden and Monika Schofield, 2005, *Women's Futures Beyond 2005: Directions for the Office for Women*, Women's Futures Reference Group, Government of South Australia.

<sup>47</sup> NSW Government, *Department for Women Annual Report 2003-2004*  
<http://www.women.nsw.gov.au/PDF/AnnualReports/20032004%20Annual%20Report.pdf>

for the times. This period in Australia's history was characterised by 'an interest in bureaucratic innovation, less hierarchy, more street level administration and more openness to the community'.<sup>48</sup> The model of policy machinery that developed here relied, at least in part, on a 'specific moment' in the history of the Australian state,<sup>49</sup> on a broad social democratic consensus,<sup>50</sup> and on external pressure from a visible, united, highly mobilised and state-focused women's movement.<sup>51</sup> Evidence from the field of social movement studies suggests that this sort of movement is only ever in episodic existence over longer cycles of movement continuity.<sup>52</sup>

In the decades since the 1970s, the political context has changed dramatically. Although the blame for current circumstances is often laid at the feet of current prime minister, John Howard,<sup>53</sup> in reality, many of the external problems that have contributed to the downturn in feminist influence and visibility are rooted in the broader political and economic context. A restructured economy has shifted the political focus from social justice considerations to a neoliberal market-driven focus on individualism and a winding back of the welfare state.<sup>54</sup> Women's non-government organisations began to be framed as 'special interest groups' under the increasingly dominant public choice rubric,<sup>55</sup> further reducing the pressure on government to listen to feminist policy advice. The introduction of New Public Management techniques to reform and reduce the size of government led to a reduction of 'in-house policy expertise' including gender analysis expertise.<sup>56</sup> Inside government, as women's units became less 'risky' in career terms, more nominally 'femocrat' positions were being filled by women with no background in the women's movement.<sup>57</sup> Meanwhile, feminists in government continued to grapple with their dual sense of accountability both to government and to an increasingly diversified women's movement.<sup>58</sup> Over time, and by necessity, feminists became focussed on a 'defensive politics' as they tried to hold on to

48 Sawyer, *Sisters in Suits*, p. 37.

49 Franzway et al, *Staking a Claim*, p. 134.

50 Linda Segal, 1999, *Why Feminism? Gender, Psychology, Politics*, Cambridge, Polity Press, pp. 24–5.

51 Marilyn Lake, 1999, *Getting Equal: The History of Australian Feminism*, Sydney, Allen and Unwin, p. 260; Verity Burgmann, 2003, *Power, Profit and Protest: Australian Social Movements and Globalisation*, Sydney, Allen and Unwin, p. 155.

52 Leila Rupp, and Verta Taylor, 1987, *Survival in the Doldrums: The American Women's Rights Movement, 1945 to the 1960s*, New York, Oxford University Press.

53 For a detailed discussion see Anne Summers, 2003, *The End of Equality: Work, Babies and Women's Choices in 21st Century Australia*, Sydney, Random House.

54 Elizabeth Wilson, 2004, 'Feminism Today,' *Hecate* Vol. 30, No. 1: pp 212–22; Kaplan, *The Meagre Harvest*, p. 153; Segal, *Why Feminism?* p. 25; Bacchi, 'Rolling back the state?', p. 55.

55 Sarah Maddison, 2006 (forthcoming), 'Lobbying government,' in Sally Young (ed) *Government Communication in Australia*, Melbourne, Cambridge University Press; Sarah Maddison, Richard Dennis, and Clive Hamilton, 2004, *Silencing Dissent: Non-Government Organisations and Australian Democracy*, Discussion Paper No. 65, Canberra, The Australia Institute.

56 Sawyer, 'The fall of the femocrat'.

57 Sawyer, *Sisters in Suits*, p. 32.

58 Eisenstein, *Inside Agitators*, pp 92, 100

their gains and resist the neoliberal onslaught.<sup>59</sup>

The result has been the almost total demise of a feminist presence in government, particularly at the federal level. To some extent it is probable that the dominant state focus also contributed to a certain invisibility for the broader movement, particularly as movement organisations were partially 'regularised' and 'harnessed' by their funding relationship with government.<sup>60</sup> The paradox for feminists was that the price of policy success inside government was an increasing lack of influence and access for activists outside the bureaucracy.<sup>61</sup> This in turn meant that the women's machinery itself was unable to function as intended in an increasingly hostile political context. However, the acknowledged hostility of the broader political context does not detract from the reality that the current federal government, now in office for a decade, has explicitly set out to dismantle the machinery.

Internationally, some form of national policy machinery for the advancement of women is now an accepted feature of government in over 90 per cent of UN member states.<sup>62</sup> In comparable democracies such as Canada, New Zealand and the United Kingdom, despite variations in location and structure, the machinery continues to exert considerable influence, although all have experienced political contexts that have periodically been hostile to their work.<sup>63</sup>

Table 3.4. Women's policy advice units in comparable democracies

Country	Name and Location	Stated Aims
Canada	Status of Women Canada	Promotes gender equality, and the full participation of women in the economic, social, cultural and political life of the country.
New Zealand	Ministry for Women's Affairs	Brings specialist expertise and knowledge to assist the government to realise the potential of women and to address inequalities where women are disadvantaged.

59 Wilson, 'Feminism Today,' p. 214.

60 Kaplan, *The Meagre Harvest*, p. 35.

61 Eisenstein, *Inside Agitators*, p. 19.

62 Margot Young, 1999, 'Institutional Mechanisms (National Machinery) for the Advancement of Women,' Canadian Feminist Alliance for International Action. <[http://www.fafia-afai.org/resources/doc1\\_e.htm](http://www.fafia-afai.org/resources/doc1_e.htm)>

63 Marian Sawyer, 1996, 'Femocrats and ecorats: Women's policy machinery in Australia, Canada and New Zealand,' UN Research Institute for Social Development, UN Development Program, Occasional paper 6, March. <[http://www.unrssi.org/80256B3C005BCCF9/\(httpPublications\)/D1A254C22F3E5CC580256B67005B6B56?OpenDocument](http://www.unrssi.org/80256B3C005BCCF9/(httpPublications)/D1A254C22F3E5CC580256B67005B6B56?OpenDocument)>

Table 3.4. continued

United Kingdom	Women and Equality Unit, Department of Trade and Industry	Develops policies relating to gender equality and ensure that work on equality across Government as a whole is co-ordinated.
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The most striking difference between the Australian Office for Women and the units in Canada, New Zealand and the United Kingdom is the relative emphasis that the non-Australian units place on the concept of gender equality, as can be seen from their stated aims in the table above. When contrasted to the stated aims of the Office for Women, as outlined above in Table 3.4, a stark difference is apparent. There is no mention of gender equality in the aims of the Office for Women, nor is the concept mentioned in the aims of any of the sub-national policy units, although the South Australian unit does mention gender analysis. The federal Office for Women emphasises their work on domestic violence, admittedly a crucial policy arena for women, but in contrast to the international units there is little recognition of women's roles as workers or of their broader social, political and economic participation. These discursive differences are significant. The Australian women's policy machinery has retained little of the original feminist framework that challenged governments to pursue genuine gender equality.

### What's left?

On 26 November 2004, the federal Office for the Status of Women was relocated to the Department of Family and Community Services and renamed the Office for Women. In contrast to the uproar that ensued when the Fraser government moved the then Women's Affairs Branch out of PM&C in 1977, this time around the Howard government achieved the change quietly and with barely a murmur from women anywhere. As Marian Sawer has suggested, the lack of any significant community protest at the abolition of the New South Wales Department for Women, discussed above, gave the federal government license to perform a similar downgrading in Canberra.<sup>64</sup>

As a strategy to avoid a feminist backlash, the Women's Policy Unit (WPU) was established as part of the Social Policy Division of PM&C. Ostensibly, the WPU takes the lead in advising the Prime Minister, the Prime Minister's Office and the Departmental Executive when the primary policy focus is on women. However, in the overall functioning of the Social Policy Division, the WPU's role is so small

as to be almost invisible. The responsibilities of the Families, Women, Income Support and Employment branch of the Social Policy Division are described on the Department's website as:

briefing the Prime Minister on policy and implementation issues relating to women, income support, employment services, housing, gambling policy, veterans' affairs, philanthropy and disaster recovery.

The Branch also deals with family issues including payments to families, early childhood and child care, family law and family relationships, child support, domestic violence, youth development and leadership and support for people with disabilities and for carers.

The Department's annual report describes the work of the WPU as including a focus on domestic and family violence; sex trafficking and sexual assault; women's economic status and health and wellbeing; international human rights issues; child abuse; caring arrangements; and the implementation of women's programs.<sup>65</sup> However, the section of the Department's website that describes the relevant branch's areas of 'ongoing policy advice' contains no mention of women at all. This is not surprising given the breadth of the areas that are listed, such as:

- monitoring income support policy across portfolios;
- working with other agencies in developing a new approach to the family law system;
- working on policies to support Australian families in relation to parenting and children's issues both for intact families and those experiencing separation; and
- acting as the departmental coordination point for domestic recovery following international and domestic disasters such as the Bali bombings in 2002, bushfires and the Asian tsunamis in 2004.

While a number of these areas are clearly highly significant in women's lives, it is of serious concern that there is no obvious gender analysis being undertaken in the provision of this policy advice. Also of concern is the performance measure ascribed to the unit in the Department's annual report, which is specified as:

The degree of satisfaction of the Prime Minister, the Prime Minister's Office and the departmental Executive, as expressed through formal and informal feedback mechanisms, with the quality and timeliness of policy advice and the achievement of key tasks.

<sup>64</sup> Sawer, 'The fall of the femocrat'.

<sup>65</sup> Department of Prime Minister and Cabinet Annual Report 2004-05.  
<[http://www.dpmc.gov.au/annual\\_reports/2004-05/performance/output\\_group2.htm](http://www.dpmc.gov.au/annual_reports/2004-05/performance/output_group2.htm)>

The absence of any mention of gender analysis or performance indicators relating to the sorts of benchmarks set by CEDAW and the BPFA suggest that any trace of the former women's machinery of government has been wiped from the central coordinating agency.

The current functioning of the relocated and renamed Office for Women also remains something of a mystery. Despite the statements that are available on the Office website about the work of the unit (described above), there is little transparency about the budget allocation or actual work that is performed now that it is located in FaCSIA. In a 2005 Budget Estimates hearing of the Senate Community Affairs Legislation Committee, the department was questioned about budget measures and programs for women, including the women's safety agenda, women's leadership and development program, violence against women campaign, and partnerships against domestic violence strategy. When asked by Senators to provide a breakdown of the funding allocated to each measure included in the \$75.7 million women's safety agenda program, the department responded that they were unable to do this because only 'notional' budgets had been drawn up and these were subject to further discussion with the Minister. According to Hansard, 'The matter of notional funding was pursued at length and the reason sought as to why the figures could not be provided at the hearing. FaCS repeatedly stated that the notional figures would be provided on notice with appropriate caveats.'<sup>66</sup>

## Conclusion

The decline in the women's policy machinery was noted by the UN Committee on the Elimination of Discrimination against Women in their concluding comments in response to Australia's presentation of their combined fourth and fifth periodic reports to the Committee early in 2006. Specifically, the Committee expressed its concern that 'there are inadequate structures and mechanisms to ensure effective coordination and consistent application of [CEDAW] in all States and Territories' and noted that the government's reports did not provide 'sufficient statistical data... on the practical realization of equality between women and men' in the areas covered by the Convention. The Committee further recommended that the Australian government pay 'increased attention' to the 'consistent implementation of the Convention in all States and Territories' and that adequate statistical data, including results from 'impact assessments' on policies and reforms, be included

<sup>66</sup> Parliament of the Commonwealth of Australia, 2005, Senate Community Affairs Legislation Committee, Budget Estimates 2005–06, June, p. 22. Available at: [www.aph.gov.au/senate/committee/clac\\_ctte/estimates/reports/2005/bud\\_0506.pdf](http://www.aph.gov.au/senate/committee/clac_ctte/estimates/reports/2005/bud_0506.pdf)

in the next report, due in 2008.<sup>67</sup> Given that the reports to which the Committee was responding only covered the period June 1997 to June 2003, that is, before the further downgrading of the federal machinery in 2004, it seems likely that the comments would be even more critical now.

The Beijing Platform for Action is explicit in the directions given to states to provide the 'Institutional Mechanisms for the Advancement for Women'. Briefly, these strategic objectives (grouped under 'H', see Appendix 2 for more information) include creating or strengthening national machineries; integrating gender perspectives in legislation, public policies, programs and projects; and generating and disseminating gender disaggregated data and information. The evidence provided in this chapter, and confirmed by the UN Committee that has most recently evaluated Australia's performance in this area, supports Sawyer's claim that Australia is now taking a lead role in the demise of women's machineries of government.

<sup>67</sup> Parliament of the Commonwealth of Australia, 2005, Senate Community Affairs Legislation Committee, Budget Estimates 2005–06, June, p. 22. Available at: [www.aph.gov.au/senate/committee/clac\\_ctte/estimates/reports/2005/bud\\_0506.pdf](http://www.aph.gov.au/senate/committee/clac_ctte/estimates/reports/2005/bud_0506.pdf)

## STRENGTHS

- Australia developed a unique 'wheel' model of women's policy machinery at the federal level during the 1970s. This model was adopted and replicated in all States and Territories over time.
- This policy machinery helped institutionalise the understanding that public policy was unlikely to be gender neutral in its effects and that 'gender analysis' was a legitimate area of expertise in the policy process.
- Thanks to this model, a substantial range of pioneering programs, policies and services was developed by Australian 'femocrats' during the 1970s and 1980s

## WEAKNESSES

- Levels of political commitment to women's policy machinery have varied over time and across jurisdictions. Recent years have seen its erosion at the federal level and in most States and Territories.
- Specifically, in 2004, the federal Office for the Status of Women was relocated from the Department of Prime Minister and Cabinet to the Department of Family and Community Services and renamed the Office for Women.
- The dismantling of the policy machinery has also brought about the virtual elimination of gender analysis expertise from the bureaucracy in several jurisdictions, most notably at the federal level.
- Concern over the decline in women's policy machinery was noted by the UN Committee on the Elimination of Discrimination against Women in 2006.

## 4.Representation

### Introduction: A 'politics of presence'

The widespread acceptance of a link between the representation of women and the quality of democracy has been relatively recent. With respect to parliamentary democracy, the view that the proportion of women in an assembly had a bearing on how democratic that assembly was took hold only in the late twentieth century. As the number of representative democracies multiplied in the nineteenth and twentieth centuries, most translated the 'one person, one vote' principle into constituency-based voting systems of some sort. In this context, while the degree of proportionality attached to the electoral system was considered centrally important, it was understood only to refer to whether the system gave proportionate weight to voter party preference, not whether it represented the population in other ways.<sup>68</sup> Hence, at least prior to the 1970s, the absence of women (or Aboriginal people, or minority ethnic groups) was not seen to compromise the legitimacy of the political process.

With the rise of identity politics and new social movements in the 1960s and 1970s, questions of 'representation' acquired a new dimension. Many groups now strongly asserted their collective identity and argued that it was their democratic right to see members of their group represented on decision-making bodies. While a less well-known history of such calls can be traced to earlier periods, it was only in the 1970s that this idea of a 'politics of presence' began to become widely accepted.

<sup>68</sup> See British political theorist, Anne Phillips, 2001, 'Representation renewed', in Marian Sawer and Gianni Zappalà (eds.), *Speaking for the People: Representation in Australian Politics*, Melbourne, Melbourne University Press.

There are a number of arguments that are put forward to justify calls to increase the number of women in parliament. These include arguments concerning justice (women have an equal right to participate in public decision-making); utility (political parties can improve their public appeal through the 'fresh look' women can provide); symbolism (of various kinds); the quality of parliamentary deliberation (created by improving the diversity of parliamentary representation); and interests (suggesting that the presence of women is required in order to take account of 'women's interests').<sup>69</sup>

Beyond these specific arguments, however, it is now generally accepted that a judgement about the quality of representative democracy should include an assessment of the extent to which various social groups (most notably women, but also including minority groups defined by race/ethnicity, language and sexuality) are represented. However, as will be illustrated towards the end of this chapter, it is important to acknowledge that women parliamentarians do not necessarily represent 'women's interests' as feminists might define them, nor do they always act differently from their male counterparts. Higher numbers of women in parliament do not necessarily result in laws and policies that promote gender equality, nor are parliaments dominated by men inherently incapable of taking women's interests into account. Furthermore, women are not a homogenous group whose interests can be simply 'represented', but rather a group with multiple identities and interests.

Despite these arguments, the goal of achieving a better balance between the proportion of men and women in parliament is widely characterised as an important 'first step' towards improving the quality of democracy for women—it is certainly the case that equal representation is *more likely* to result in a better representation of the diversity of the electorate, and to enable issues of importance to women to be addressed.

In assessing how well Australian democracy has served women, it is necessary to examine not just their presence in parliament, but their representation on all the various structures and processes of governance, leadership and decision-making in Australian public and political life. These include not just federal, State and Territory parliaments and local government, but also the senior public service, the judiciary and public and private boards and committees.

69 Marian Sawer, Manon Tremblay and Linda Trimble, 2006, (eds), *Representing Women in Parliament: A Comparative Study*, Routledge, pp. 15–18.

## Women and parliamentary representation

Australian (non-Aboriginal)<sup>70</sup> women gained both the right to vote, and to stand for federal parliament in 1902<sup>71</sup>. At the time there was no other country where this was the case, making Australia an international pioneer in the area of women's rights. However, a closer examination of events following this initial period of international notoriety show that progress in the area of representation of women since suffrage was slower than in many other countries. The first woman was not actually elected to Australian national parliament until 1943, notably later than in many other countries, including the UK (1918), Canada (1921), Sweden (1921) and New Zealand (1933).

The gap in each Australian State between franchise for women and the election of the first woman in that jurisdiction is shown in Table 4.1 below.

Table 4. 1. Timeline of women's political rights in Australian States and Territories<sup>72</sup>

State / Territory	Right to vote	Right to sit	First woman elected
South Australia	1895a	1895	1959
Western Australia	1899	1920	1921
New South Wales	1902	1918	1925
Tasmania	1903	1921	1948
Queensland	1905	1918	1929
Victoria	1908	1923	1933
ACT	1989b	1989	1989
Northern Territory	1974c	1974	1974

### Notes

- a Date of proclamation of the Constitution Amendment Act 1894.  
 b Date of self-government for the ACT and first ACT election.  
 c Date of first full election of Northern Territory Legislative Assembly

In the 63 years since the first woman was elected to federal parliament, women's representation has increased, albeit slowly. Women did not exceed 10 per cent of MPs until 1977 in the Senate and 1994 in the House of Representatives. Gains

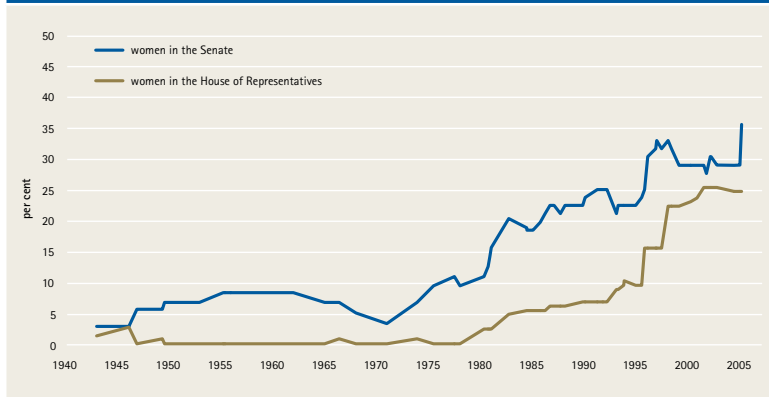
70 Aboriginal women and men were not enfranchised on a national basis until 1962.

71 South Australian and some Western Australian women could vote at the first federal election in 1901 because it was conducted under the then State electoral laws. The *Commonwealth Franchise Act 1902* provided for uniform franchise for all persons aged twenty-one years and over. Section 4 provided for disqualification of 'coloured races', unless they were already entitled to vote under State law.

72 Adapted from: Marisa Ruedas, 1999, *Women in the Senate*, Senate Brief No 3, September, Parliamentary Library, Canberra. <<http://www.aph.gov.au/Senate/pubs/briefs/brief3.htm>>

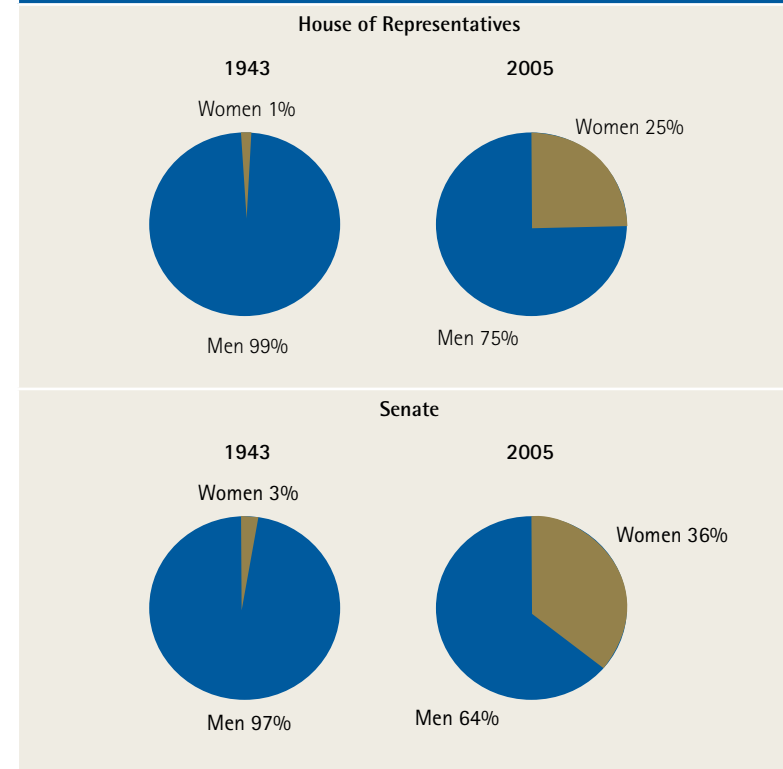
have been faster and greater in the Senate, where women now comprise a record 35.5 per cent of Senators. The commencement of the new Senators on 1 July 2005 saw the largest single increase of women, up from 22 to 27. However it should be noted that this is an increase of only 2 women over the previous high in May 1997, since which time numbers had stayed the same or decreased. In the House, progress has been slower, with only half the proportion of women members (15.5 per cent) as Senators in 1996. Since that date there has been a gradual increase only halted by the 2004 election, when there was a slight drop (from 25.3 to 24.7 per cent).

**Figure 4.1. Percentage of women in federal parliament 1943–2005**



The percentage of women in federal parliament over time is shown in the graph above. While the increase since the mid 1970s is quite dramatic, the graph needs to be viewed in the context of the very low base prior to that time. There is still a significant gap between current representation levels and the 50 per cent mark (top of graph). The size of the change is perhaps better represented by the pie charts below comparing women's share of seats in the Senate and House of Representatives in 1943 and 2005.

**Figure 4.2. Women in the Senate and House of Representatives, 1943 and 2005**



Taking the House and Senate figures together, women currently (as at December 2006) comprise 28.3 per cent of all members of federal parliament, a rise of almost 10 per cent in the decade since March 1996.

However, while women have gradually been increasing their representation in federal parliament, their share of the key leadership positions in government itself remains very small. As of January 2007, women comprise 13 per cent of federal government Ministers (4 out of 30) and 11 per cent of Cabinet ministers (2 out of 18).<sup>73</sup> It was only the previous year that a woman was first appointed to a federal government leadership position, when Senator Helen Coonan became deputy leader of the government in the Senate.

<sup>73</sup> Current January 2007, following Cabinet reshuffle.

Women's representation in State and Territory parliaments is slightly higher than in the Commonwealth parliament, with the average across all States and Territories being 31.4 per cent. The gender breakdown of MPs in Australian parliaments is shown in Table 4.2 below.

**Table 4.2. MPs in Australian parliaments by gender<sup>74</sup>**

Jurisdiction	Number of Men	Number of Women	% of Women
Commonwealth	162	64	28.3
NSW	98	37	27.4
VIC	90	38	29.7
QLD	59	30	33.7
WA	64	27	29.7
SA	46	23	33.3
TAS	27	13	32.5
ACT	11	6	35.3
NT	15	10	40.0

As can be seen from this table, the only jurisdiction with a lower percentage of women than the Commonwealth parliament is NSW (where women comprise just 27.4 per cent of combined lower and upper house members). The jurisdictions with the highest representation of women are the Territories (women comprise 40 per cent in the Northern Territory, and 35.3 per cent in the ACT). South Australia (33.3 per cent) is the State with the highest representation of women in parliament.

On average, the representation of women MPs is higher in upper houses of parliament compared to lower, as can be seen from Table 4.3 below. The two exceptions to this rule are Victoria and South Australia. The average proportion of women in Australian upper houses of parliament is 34.2 per cent, while in lower houses it is only 29.1 per cent. The individual chamber with the highest proportion of women is the West Australian upper house, where women comprise 41.2 per cent of members. Ironically, the chamber with the lowest is the West Australian lower house, at 22.8 per cent.

**Table 4.3. Representation in Australian parliaments, by house and gender<sup>75</sup>**

Jurisdiction	Lower house Men / women	% women	Upper house Men / women	% women
Commonwealth	113 / 37	24.7	49 / 27	35.5
NSW	68 / 25	26.9	30 / 12	28.6
VIC	62 / 26	29.5	28 / 12	30.0
QLD	59 / 30	33.7	N/A	N/A
WA	44 / 13	22.8	20 / 14	41.2
SA	30 / 17	36.2	16 / 6	27.3
TAS	18 / 7	28.0	9 / 6	40.0
ACT	11 / 6	35.3	N/A	N/A
NT	15 / 10	40.0	N/A	N/A
<b>Total</b>	<b>420 / 171</b>	<b>28.9</b>	<b>152 / 77</b>	<b>33.6</b>

There is some evidence that the representation of women is partly the result of the differences between various electoral systems. However, this issue is still overlaid by party differences—systems that make it easier for minor parties to gain seats tend to result in higher numbers of women because the minor parties tend to field a higher proportion of women candidates. Most lower houses use the single-member alternative vote (AV) system, while most upper houses use the single-transferable vote (STV) form of proportional representation.<sup>76</sup> Minor parties and Independents have generally increased their presence in those Australian legislatures that have adopted proportional representation (that is, all upper houses except in Tasmania). The representation of women and the voting systems used in each house are shown in Table 4.4 below.

<sup>74</sup> As at 18 December 2006. Source: Parliamentary Library. <<http://www.aph.gov.au/library/intguide/pol/currentwomen.pdf>>

<sup>75</sup> As at 18 December 2006. Source: Parliamentary Library. <<http://www.aph.gov.au/library/intguide/pol/currentwomen.pdf>>

<sup>76</sup> Under AV, if no candidate has won a majority of the votes, preferences are distributed, starting with the lowest-polling candidate, until one candidate has a majority. STV uses multi-member electorates and candidates need to achieve a quota to be elected; surplus votes and then the votes of lowest polling candidates are then distributed.

**Table 4.4.** Representation in Australian parliaments, by voting system

Jurisdiction	House	Voting system	% women
Commonwealth	Senate	STV, full preferential or above line	35.5
	House of Representatives	AV, full preferential	24.7
NSW	Legislative Council	STV, partial preferential or above line options	28.6
	Legislative Assembly	AV, optional preferential	26.9
VIC	Legislative Council	STV, partial preferential	29.5
	Legislative Assembly	AV, full preferential	30.0
QLD	Legislative Assembly	AV, optional preferential	33.7
WA	Legislative Council	STV, full preferential or above line	41.2
	Legislative Assembly	AV, full preferential	22.8
SA	Legislative Council	STV, full preferential or above line	27.3
	House of Assembly	AV, full preferential	36.2
TAS	Legislative Council	AV, partial preferential	40.0
	House of Assembly	STV, partial preferential	28.0
ACT	Legislative Assembly	STV, partial preferential	35.3
NT	Legislative Assembly	AV, full preferential	40.0

Just as at the federal level, women's share of portfolio responsibilities and cabinet positions at State and Territory level is small. Victoria did not see its first woman Minister until 1982, NSW not until 1984 and Queensland in 1986. The numbers of women in State and Territory cabinets are shown in Table 4.5.

**Table 4.5.** Women in State and Territory cabinets, January 2007\*

Jurisdiction	Women Ministers / Total Ministers
NSW	Five (19)
VIC	Four (20)
QLD	Five Ministers including the Deputy Premier (18)
WA	Five (16)
SA	Five (15)
TAS	Three (9)
ACT	One Minister who is also the Deputy Chief Minister (5)

\* Total size of cabinets in parenthesis.

Women's parliamentary representation varies widely by party. The parties with the highest proportion of women MPs are the Greens (55.6 per cent) and the Australian Democrats (50 per cent). Of the two major parties, the ALP has a higher representation of women in parliament (36.3 per cent) compared to the Liberals (22.3 per cent). The party with the lowest representation of women MPs is the Nationals with only 14.9 per cent. A breakdown of women MPs by party is shown in Table 4.6 below.

**Table 4.6.** MPs in Australian parliaments, by gender and party<sup>77</sup>

Party	men	Women	% women
ALP	270	154	36.3
Liberals	195	56	22.3
Nationals	57	10	14.9
CLP	4	2	33.3
Australian Democrats	3	3	50.0
Greens	8	10	55.6
Other parties	11	2	15.4
Independents	24	11	31.4
Total	572	248	30.2

<sup>77</sup> As at 18 December 2006. Source: Parliamentary Library. <<http://www.aph.gov.au/library/intguide/pol/currentwomen.pdf>>

## Barriers to equal parliamentary representation

The low proportion of women in Australian parliaments has been attributed to a range of factors related to both the political / electoral system itself and to broader socio-cultural factors. Systemic factors that have been suggested as important include the nature of Australian electoral systems, particularly the continued reliance on single-member constituencies and party preselection processes—particularly in the major parties. Broader socio-cultural factors include:

- historical constraints on women entering ‘public’ life;
- the lower levels of participation of women in the paid workforce;
- social expectations that women marry and have children; and
- women’s own reluctance to enter such a ‘male’ domain<sup>78</sup>.

At the systemic level, however, the primary reason for the small numbers of women in parliament is the fact that they have consistently represented a smaller proportion of the candidates standing for election. In the decade 1901–09 women made up just 0.54 per cent of all candidates for federal parliament, a figure that had only risen to 4.65 per cent by 1960–69. Since then however, the proportion of women candidates has increased significantly, with women representing 28.6 per cent of nominations in the 2004 federal election, a figure remarkably close to the subsequent proportion of elected members.<sup>79</sup>

Another important factor is that the major parties have a poor history of selecting women candidates for ‘safe’ or ‘winnable’ seats. This helps to explain why, for example, women made up approximately 25 per cent of the candidates at the 1984 federal election, but less than 10 per cent of elected MPs. More recently, Marian Sawer has attributed the fall in the number of women in the Australian House of Representatives in 2004—the first since 1980—to ‘the Coalition’s failure to put forward women candidates’, and pointed to the falling number of women nominated by the Liberal Party for the House of Representatives at each election since 1996.<sup>80</sup>

However, it is fair to say, as Rosemary Whip has done, that there is nothing in the history of *either* of the major parties that could be described as a sustained effort to increase the number of women in parliament<sup>81</sup>. In recent decades, the ALP has taken a more proactive stance, adopting an Affirmative Action Policy in 1994 that committed the party to pre-selecting women in 35 per cent of winnable seats by 2002. This target was raised to 40 per cent by 2012 at the ALP Special Rules Conference in October 2002. The Liberal (and National) parties have actively rejected such an approach, typically arguing that ‘special measures’ are ‘tokenistic’ and that candidates should be selected only on merit.

In general, in recent decades the ALP has fielded more women candidates, and had more women successfully elected than the Coalition parties. Across Australia women make up 36.3 per cent of Labor parliamentarians, and 22.3 per cent of Liberal parliamentarians. The current existence of Labor governments in all States and Territories is one reason that women’s representation at State and Territory level is generally higher than in Commonwealth parliament. This situation is a factor that is currently ‘boosting’ women’s overall presence in Australian parliaments.

## International comparison

The International Parliamentary Union (IPU) is a Geneva-based body that ranks 188 countries in order of the proportion of women represented in their national parliaments (lower or single house). As of 30 November 2006, Australia ranks 33rd on the IPU list, ahead of Canada (47th) and the UK (52nd), but behind Sweden (2nd) and New Zealand (14th)<sup>82</sup>. In recent years, Australia’s position in this list has been slipping—in 1999 Australia was in 15th place and the current ranking is the lowest ever. While ‘in 1903 we were the first country in the world where women stood as candidates for the national parliament’, 32 countries have now gone past us in terms of getting their candidates elected.

Table 4.7 shows comparative figures for upper and lower houses in more detail, including separate figures for the different UK parliaments.

78 Deborah Brennan, 2002, ‘Gender and political representation’ in, in J Summers, D Woodward and A Parkin, *Government, Politics, Power and Policy in Australia*, 7th edn, Longman

79 Scott Bennett, Gerard Newman and Andrew Kopras, 2005, ‘Commonwealth Election 2004’, *Research Brief* No. 13, 2004–05, Parliamentary Library, Canberra <<http://www.aph.gov.au/library/pubs/RB/2004-05/05rb13.htm#background>>

80 Marian Sawer, 2006, *Paradise postponed: Women & the House of Representatives*, discussion paper, Democratic Audit of Australia, <http://democratic.audit.anu.edu.au>, p.3.

81 Rosemary Whip, 2003, ‘The 1996 Australian Federal Election and its Aftermath: A case for equal gender representation’, *Australian Feminist Studies*, 18(40): p.78

82 International Parliamentary Union website: <<http://www.ipu.org/wmn-e/classif.htm>>

**Table 4.7. Women in national parliament: International comparison, 30 November 06<sup>83</sup>**

Country	Overall % of women in parliament	% of women in lower house	% of women in upper house
Wales	50	-	-
Sweden	47.3	-	-
Scotland	40.3	-	-
NZ	32.2	-	-
Australia	28.3	24.7	35.5
Canada	24.3	20.8	35.0
UK	18.5	19.7	17.5

### Beyond numbers: Questions of substantive representation

While the argument that a representative democracy requires the representation of women ‘as a matter of principle’ is little disputed, the question of whether increased numbers of women in parliament actually makes a substantive, or practical difference is more controversial. The evidence for the claim that more women in parliament means more policy decisions will be made in women’s interests is inconclusive. Part of the problem in this debate lies in the difficulty of defining ‘women’s interests’, or arguing that women as a group necessarily have common interests arising from the fact of their sex. In some contexts, women’s class or racial identity may outweigh their potentially shared interests as women. But of most relevance in a parliamentary context, especially in such a politically partisan context as Australian politics, is the fact that party allegiance is apparently stronger than gender in determining women MPs’ positions on particular policy issues.

83 Table compiled from IPU data, except for Scotland and Wales where data is from the UK Government Women and Equality Unit website <[http://www.womenandequalityunit.gov.uk/public\\_life/parliament.htm](http://www.womenandequalityunit.gov.uk/public_life/parliament.htm)>

There is certainly no evidence that the presence of women alone is enough to guarantee the kinds of policy changes that would increase gender equality. Clearly this relationship is not an inevitable one. The example of previous British prime minister Margaret Thatcher, with her dismissal of the relevance of a gender analysis of power, and her failure to advance any feminist policy agenda, is only the most obvious example of many that could be cited. In the contemporary Australian context, Anne Summers has gone so far as to refer to women federal parliamentarians as ‘political eunuchs’, expressing her frustration that despite their increasing numbers they have largely failed to act together on policies that affect women. Summers points out that the ‘massive rollback in women’s rights’ that has occurred under the Howard Government happened at the same time that the numbers of women entering Parliament soared.<sup>84</sup>

Furthermore, the presence of women in parliament does not necessarily mean that their views are heard in parliamentary debate. As an illustration of this, recent research suggests that there has been a steady fall over the last decade in the number of times that women are referred to in federal parliamentary debate by government members—again, at the same time that the numbers of women in parliament have increased markedly<sup>85</sup>.

However, it is possible to point to a number of instances over time, and in various jurisdictions, where women’s presence in parliament has clearly affected a legislative outcome. The recent federal debate on the issue of the so-called ‘abortion pill’, RU486, is one such instance. The conscience vote on this issue, discussed below, represents a clear case where women parliamentarians made a practical difference, both in putting the issue on the agenda and in determining the outcome.

84 Summers, *The End of Equality*. Summers has recently acknowledged that the cross-party alliance of women on the issue of RU486 was a welcome exception to this tendency.

85 Sawyer, ‘Paradise postponed’

## RU486. 'A victory not just for but by women.'

In early 2006 a group of four women parliamentarians submitted a bill proposing to remove the requirement for the Federal Minister for Health to approve RU486 and give this power to the Therapeutic Goods Administration (consistent with the process for all other pharmaceutical drugs). In a rare move,<sup>86</sup> the bill was sponsored by four women Senators from across the party political spectrum—Democrat leader Lyn Allison (Vic), Labor's Claire Moore (Qld), the Nationals' Fiona Nash (NSW) and the Liberals' Judith Troeth (Vic). These (and other) women MPs lobbied in favour of the bill, both within their own parties, in parliament and in the media. The bill was passed by both Houses. In the Senate, all but 3 of the 27 women members voted yes, while just over half of the men (25 out of 49) voted no. In the House of Representatives the Government waived the right to a division, and the bill was carried 'on the voices only', hence Hansard does not record the names of supporters and opponents.

As political commentator Alan Ramsey's analysis noted in relation to the Senate vote, this was a victory not just for, but by women; in his words, 'Only the overwhelming support of its women members got the bill through the Senate. Had it been up to the men—in a decision solely about the most fundamental of women's rights—the bill would have gone down.'<sup>87</sup>

There are signs that the cross-party group will continue to work together in the future and pursue a range of other issues of importance to women. Since the success of their bill, the four women Senators have indicated that they will meet regularly to discuss issues such as child care, paid maternity leave and reproductive rights for women in developing countries.<sup>88</sup> They have reportedly begun to lobby the government for increased funding in Australia's aid program in areas such as domestic violence, sexual health and reproductive rights.<sup>89</sup>

## Representation outside the parliaments

While the national and sub-national parliaments are the most significant area of women's representation considered in this chapter, mention must also be made of women's levels of representation in other areas of public life. The following sections detail the current level of representation by women in local government, the public service, the judiciary and on boards and committees.

## Local government

Contrary to widespread belief, women are not better represented in local government than in State or Federal governments in Australia. While there tends to be an assumption that local government is a more 'natural arena' for women because it is 'closer to the community' and less disruptive of family life, this is not borne out in the figures, and never has been. The percentage of women councillors in local government is lower than in either national or State parliaments, with the average across Australian local governments being 27.8 per cent (compared to 28.3 at federal level and an average of 31.4 across the States and Territories). The highest proportion of women councillors is in the Northern Territory (32.8 per cent).

**Table 4.8.** Local government councillors who are women, by State, September 2005<sup>90</sup>

State	No. of councils with data	No of councillors	Councillors who are women (no.)	(%)
NSW <sup>a</sup>	144	1 523	400	26.3
VIC	79	620	181	29.2
QLD	157	1 275	361	28.3
WA <sup>b</sup>	143	1 352	369	27.3
SAC <sup>c</sup>	68	751	198	26.4
TAS	29	283	66	23.3
NT	63	762	250	32.8
<b>Total</b>	<b>683</b>	<b>6,566</b>	<b>1,825</b>	<b>27.8</b>

### Notes

a New South Wales data is for the 144 councils that held elections in 2004.

b Western Australian figure for number of councillors excludes 26 vacancies including 21 in two councils that are under administration by Commissioners.

c South Australian figures are as at May 2003.

86 Senator Fiona Nash was reported as saying that it was 'the first time in the history of this place that four members of different parties have co-sponsored a private senators' bill'. Summers, Anne, 2006, 'You go, girls', *Sydney Morning Herald*, 18 February. However, abortion law reform has been achieved in a similar manner in other jurisdictions—in Tasmania in 2001 for example, all 11 women members of both houses of parliament drafted a private members' bill to clarify the legal status of abortion in that State.

87 Louise Dodson and Stephanie Peatling, 2006, 'Win gives scope for parliamentary sisterhood' *Sydney Morning Herald*, 18 February.

88 Stephanie Peatling, 2006, 'Women senators switch aid focus to health', *Sydney Morning Herald*, 18 March.

89 Stephanie Peatling, 2006, 'Women senators switch aid focus to health', *Sydney Morning Herald*, 18 March.

90 Unpublished data from State departments responsible for local government and State Local Government Associations. Compiled by Department of Transport and Regional Services.

The representation of women in Australian local governments is comparable to figures for New Zealand (where women are 28.6 per cent of elected local government members) and England (29.1 per cent). Australian levels of representation are higher than those for Canada (21.7 per cent), Scotland (21.6 per cent) and Northern Ireland (18.6 per cent), but lower than Sweden (41 per cent).<sup>91</sup> The Australian pattern of lower levels of representation in local government compared to State or national governments is repeated in Canada, Sweden and New Zealand. The exception to this pattern is the UK, where women have long been better represented in local governments than in national parliament.<sup>92</sup>

## Public service

Women's representation in the Australian Public Service (APS) has come a long way since the infamous 'marriage bar' that preventing married women from holding public service jobs was removed in 1966. In 1975 the Equal Employment Opportunity (EEO) Section was established in the Public Service Board to address employment inequities facing a number of groups, including women. In the 2000–01 financial year, the proportion of women in the public service reached 50 per cent for the first time in its history.<sup>93</sup> Women now comprise 54.9 per cent of all APS employees.

However, as in other employment sectors, women are concentrated at the lower levels of the APS, and in particular are underrepresented in the senior management and leadership group, the Senior Executive Service (SES). Women occupy only 33 per cent of positions in the SES and are concentrated at its lower levels: 81.3 per cent of SES women are at Band 1 compared with 72.6 per cent of men, 15.7 per cent are at Band 2 compared with 21.9 per cent of men, and 3.0 per cent are at Band 3 compared with 5.5 per cent of men.<sup>94</sup>

91 Figures for New Zealand from <<http://www.lgnz.co.nz/faq/women.html>>, for Canada <<http://www.fcm.ca/english/policy/big.pdf>> (figures are for Canadian municipal councils), for Sweden: Karin Alfredsson 'Politics lead the way', at <[http://www.sweden.se/templates/cs/CommonPage\\_\\_\\_12899.aspx#3](http://www.sweden.se/templates/cs/CommonPage___12899.aspx#3)> (percentage of elected representatives at the municipality and county council level), for England, Scotland and Northern Ireland <[http://www.womenandequalityunit.gov.uk/public\\_life/parliament.htm](http://www.womenandequalityunit.gov.uk/public_life/parliament.htm)>

92 This may be a result of the different spread of responsibilities—local government in the UK has a stronger role in education, health and housing compared to Australia. See Diane Sainsbury, 2001, 'Rights without seats: The puzzle of women's legislative recruitment' in Marian Sawyer (ed.), *Elections Full, Free and Fair*, Annandale NSW, Federation Press.

93 Rose Verspaandonk, and Ian Holland, 2003, 'Changes in the Australian Public Service 1975–2003' Parliamentary Library, Canberra <<http://www.aph.gov.au/library/pubs/chron/2002-03/03chr01.htm>>

94 Australian Public Service Commission, 2005, *State of the Service Report 2004–05* <<http://www.apsc.gov.au/stateoftheservice/0405/c2k.htm>>

## Judiciary

Women also remain significantly underrepresented in the Australian judiciary.<sup>95</sup> On the High Court of Australia there is one woman among the seven current judges. Justice Susan Crennan, who joined the court in November 2005, is only the second ever woman to be appointed to the High Court. The first was Mary Gaudron (1987–2003). Since the Court was established in 1903, there have been 34 Justices. Of these, only two have been women, and none of the 10 Chief Justices in this time has been a woman.

On the Federal Court five of the 42 current judges are women (11.9 per cent). On the Federal Magistrates Court, women represent 7 of the 32 magistrates, or 21.9 per cent.<sup>96</sup> Women's representation on the Family Court is slightly higher, at 34.2 per cent, or 14 of the 41 judges. In addition to this, the Chief Justice is a woman and three of the seven appeal judges are women.

In the States and Territories, women's representation at the highest level—the supreme courts—ranges from zero in the ACT<sup>97</sup> to 33.3 per cent in Queensland. The average across all States and Territories is just 18.1 per cent (23 of the 127 judges). Justice Marilyn Warren, Chief Justice of the Supreme Court of Victoria is the only woman among the eight State and Territory chief justices.<sup>98</sup>

95 All data in this section is sourced from the relevant courts, either from the court website or by telephone.

96 Includes chief magistrate (male).

97 None of the three ACT Supreme Court judges are women, however the Court website lists sixteen 'additional judges', of which two are women.

98 Justice Warren is the first woman to hold this post, appointed a full 100 years after the prohibition preventing women from practicing law in Victoria was removed. 'Her Honour, the Chief Justice', *The Age editorial* 27 November 2003.

**Table 4.9. Women judges on State and Territory Supreme Courts**

Jurisdiction	Women judges / total judges (does not include Chief Justices)	% women
NSW	4 / 33 (also 1/10 acting judges, 1/4 associate judges and 2/10 appeal judges)	12.1
VIC	4 / 33	12.1
QLD	6 / 18 (also 1/5 appeal judges)	33.3
WA	4 / 18	22.2
SA	3 / 12	25.0
TAS	1 / 5	20.0
ACT	0 / 3 (also 2/16 'additional judges')	0
NT	1 / 5	20.0

Women's representation on the 'middle courts' in the State<sup>99</sup> legal systems is slightly higher, at an average of 25.4 per cent. Representation ranges from 14.7 per cent in Queensland to 36.4 in Victoria. Women are also two of the five Chief Judges (in Queensland and Western Australia).

**Table 4.10. Women judges on State District Courts**

Jurisdiction	Women judges/total judges	% women
NSW	15 / 66	22.7
VIC (County Court)	20 / 55	36.4
QLD	5 / 34	14.7
WA	7 / 24	29.2
SA	3 / 18	16.7

As in many institutions, women's representation in the judiciary is highest at the lowest levels—the magistrates courts. On average, women are 29.7 per cent of magistrates across Australia. None of the nine Chief Magistrates is a woman however.

99 Note: there are no district courts in the ACT, NT or Tasmania.

Former High Court Justice Michael Kirby has suggested that the higher proportion of women in the magistracy is 'perhaps ... because of the more open procedures of recruitment and selection that apply.'<sup>100</sup>

**Table 4.11. Women magistrates**

Jurisdiction	Women magistrates / total magistrates	% women
Federal Magistrates Court	7 / 31	22.6
NSW <sup>101</sup>	43 / 134	32.1
VIC <sup>102</sup>	31 / 96	32.3
QLD	24 / 80	30.0
WA	11 / 37	29.7
SA <sup>103</sup>	8 / 35	22.9
TAS	3 / 14	21.4
ACT	3 / 7	42.9
NT	2 / 11	18.2

## Boards and committees

The representation of women in the higher echelons of the private sector is extremely low. Women represent a very small minority of company board members—just 8.6 per cent of board directors in the top 200 ASX companies. Progress in this area is notoriously slow, with negligible improvement in recent years. Furthermore, where companies do have a female board member, she is almost always the only woman—there are only 11.5 per cent of companies with 2 or more women directors. There are still 47.1 per cent of companies with no women directors.<sup>104</sup>

100 The Hon Justice Michael Kirby AC CMG, Lesbia Harford Oration 2001, 'Women in the law—what next?', address to the Victorian Women Lawyers' Association, Melbourne 20 August. <[http://www.hcourt.gov.au/speeches/kirbyj/kirbyj\\_vicwomen.htm](http://www.hcourt.gov.au/speeches/kirbyj/kirbyj_vicwomen.htm)>

101 Includes deputy chiefs, children's, licensing court, coroner, industrial and mining magistrates.

102 Includes deputy chief magistrates, State coordinating magistrates but not acting magistrates or coroners.

103 Includes industrial magistrates.

104 Equal Opportunity for Women in the Workplace Agency, 2004, 2004 Australian Census of Women in Leadership

**Table 4.12. Representation of women on Australian company boards (top 200 ASX companies)<sup>105</sup>**

	2004	2003	2002
% of women Board Directors	8.6	8.4	8.2
% of women executive managers	10.2	8.8	8.4

The representation of women on private sector boards in Australia is higher than in New Zealand, but lower than in the UK, Canada and Sweden, as shown in the table below.

**Table 4.13. Women on private sector boards: International comparison<sup>106</sup>**

Country	% women private sector Board Directors	Data set	Date
Sweden	20	Swedish companies in top 200 European	2004
Canada	11.2	FP500 companies	2003
United Kingdom	10	56 UK companies in top 200 European	2004
Australia	8.6	ASX top 200	2004
New Zealand	5	NZX publicly listed companies	2003

A range of factors have been identified as contributing to the low levels of representation of women on boards and committees. The NSW Government Action Plan for Women<sup>107</sup> characterises such barriers as personal (for example, lack of confidence), situational (for example, inflexible meeting times and lack of childcare) and structural.

Structural barriers include:

- isolation and marginalisation of women as leaders and decision-makers in organisations and organisational culture;
- impact of traditional beliefs and values about the role of women;
- limited access to workplace opportunities;
- rigid definitions of merit;
- absence of role models;
- lack of mentoring; and
- lack of access to training.

In 1994, federal Cabinet introduced measures to ‘enforce’ equal representation of women on public boards and committees. Currently both federal and State governments have measures aimed at increasing the representation of women on public sector boards, including registers of women interested in such positions and search services.

Arguably as a result of such action, the representation of women on boards in the public sector is significantly better than in the private sector. Women hold 32.2 per cent of public sector board positions at the federal level<sup>108</sup> and between 29 and 48 per cent in the States and Territories.<sup>109</sup>

<sup>105</sup> Equal Opportunity for Women in the Workplace Agency, 2004 Australian Census of Women in Leadership

<sup>106</sup> Figures for Sweden and UK: European Professional Women’s Network, 2004, *EuropeanPWN BoardWomen Monitor* <[http://www.europeanpwn.net/pdf/womenboard\\_pres\\_europe.pdf](http://www.europeanpwn.net/pdf/womenboard_pres_europe.pdf)>; Canada: Catalyst, 2004, *2003 Catalyst Census of Women Board Directors of Canada* <<http://www.catalystwomen.org>>; Australia: EOWA 2004, *Australian Census of Women in Leadership*; New Zealand: New Zealand Human Rights Commission and New Zealand Centre for Women and Leadership 2004, *New Zealand Census of Women’s Participation in governance and professional life*.

<sup>107</sup> Department for Women (NSW), *NSW Government Action Plan for Women 2000–2002*, p.96

<sup>108</sup> Commonwealth Government Office for Women website <[http://www.ofw.facs.gov.au/leadership\\_development/national\\_leadership\\_initiative/women\\_on\\_boards/appoint\\_reporting.htm](http://www.ofw.facs.gov.au/leadership_development/national_leadership_initiative/women_on_boards/appoint_reporting.htm)>. This figure is given as at June 2004.

<sup>109</sup> A breakdown by State has not been included because reliable data is not available. The range quoted here is from MINCO (2004), ‘Measuring women’s involvement in leadership and decision making’, available on the Victorian Office for Women’s Policy website. However, the report cautions against comparison, because of inconsistencies in definition and differences in the way the data is collected. It is also not clear what the reference period is for these figures. <<http://www.women.vic.gov.au/CA256EAE0012F311/Womens%20Policy/Women+as+leadersMINCO+Leadership+Report>>.

Table 4.14. Women on public sector boards: International comparison

Country	% women Board Directors: public sector	Data set	Date
Sweden <sup>110</sup>	56	Public sector boards	2005
	42	State owned companies	2005
United Kingdom <sup>111</sup>	38.6	Ministerial appointments to public boards	2004
New Zealand <sup>112</sup>	35.1	Crown company boards	2004
Australia <sup>113</sup>	32.2	Commonwealth boards and bodies where the Government has total discretion over the appointment	2004
Canada <sup>114</sup>	23.7	Crown corporation boards	2003

## Conclusion

As a signatory to CEDAW, Australia has made undertakings to increase the number of women on decision-making bodies. CEDAW calls on governments to address the structural and attitudinal problems that continue to exclude women from equal representation in positions of power and influence. Specifically, Article 7 states that women should be able to vote and stand for election, to participate in government policy processes, to hold public office and to contribute to non-government organisations that are concerned with public and political life. Article 4 also encourages states to take ‘temporary special measures’ (such as quotas or other affirmative action measures) that are aimed at achieving true gender equality. These Articles are supported by the strategic objectives grouped under ‘G’ in the BPFA that call on governments to take action to ensure women’s participation in power structures and decision-making and to increase women’s capacity to participate in decision making and leadership.

A generous reading of the statistics provided in this chapter suggests that Australia can be seen to be making steady, if slow, progress in relation to achieving greater

110 Karin Alfredsson, 2005, ‘Politics lead the way’, The Swedish Institute. <[http://www.sweden.se/templates/cs/CommonPage\\_\\_\\_12899.aspx#3](http://www.sweden.se/templates/cs/CommonPage___12899.aspx#3)>

111 The Cabinet Office UK, 2004, *Public appointments: Delivering diversity in public appointments*. <<http://www.publicappointments.gov.uk/diversityreport04.pdf>>

112 New Zealand Human Rights Commission and New Zealand Centre for Women and Leadership, 2004, *New Zealand Census of Women’s Participation in governance and professional life*.

113 Commonwealth Government Office for Women website: <[http://www.ofw.facs.gov.au/leadership\\_development/national\\_leadership\\_initiative/women\\_on\\_boards/appoint\\_reporting.htm](http://www.ofw.facs.gov.au/leadership_development/national_leadership_initiative/women_on_boards/appoint_reporting.htm)>. This figure is given as at June 2004.>

114 Catalyst, 2004, 2003 *Catalyst Census of Women Board Directors of Canada*, available at [www.catalystwomen.org](http://www.catalystwomen.org)

representation for women in positions of power and influence. On the other hand, however, there is little to suggest that governments at the national or sub-national levels are doing much to accelerate this progress. There are few special measures in place designed to increase the numbers of women in parliaments or in the judiciary, although more action is being taken to increase the numbers of women on boards and committees.

Beyond the numbers, however, there remains the very real question of whether increasing the numbers of women in parliaments or on the judiciary will do much to achieve greater gender equality. While equal representation is important from a symbolic perspective, the apparent erosion of women’s rights under the Howard Government, at a time when there have been record numbers of women in parliament, demonstrates that the presence of women in and of itself is insufficient.

Various reasons have been offered for women’s lack of influence, particularly in the federal parliament. These include:

- the lack of a critical mass of women, able to enforce change;
- women’s location in ‘unsafe’ seats leaving them less secure in their positions and less confident to agitate for change;
- few women being in positions of real power (i.e. they are backbenchers rather than ministers);
- parliaments retaining an entrenched male culture;
- women facing significant work and family issues, particularly the lack of childcare and parliamentary sitting hours;
- women being put off by the adversarial nature of parliamentary debate;
- women disliking the ‘boy’s club’ atmosphere; and
- continuing high levels of political partisanship that prevent the development of female solidarity.<sup>115</sup>

These reasons suggests that governments—and political parties—could be taking much more proactive measures to increase women’s representation. In the meantime, exceptions such as the RU486 debate discussed above highlight what it is *possible* for women parliamentarians to achieve when they use the numbers and influence available to them, and are able to work outside the constraints of party policy.

115 Whip, ‘The 1996 Australian Federal Election and its Aftermath.’

## STRENGTHS

- Women now comprise 28.3 per cent of members of federal parliament. Women's representation in State and Territory parliaments is slightly higher, with the average across all States and Territories being 31.4 per cent.
- In January 2006 a woman was appointed to a federal government leadership position for the first time, when Senator Helen Coonan became deputy leader of the government in the Senate
- In some instances women's presence has clearly affected legislative outcomes. The 2006 federal debate on the issue of the so-called 'abortion pill', RU486, is one such instance.
- Women's representation in the Australian Public Service (APS) has improved dramatically, with women now comprising 54.9 per cent of all APS employees.
- Both Federal and State and Territory governments have been trying to increase the representation of women on public sector boards. Women currently hold 32.2 per cent of public sector board positions at the federal level and between 29 and 48 per cent in the States and Territories.

## WEAKNESSES

- The major parties still do not preselect women in equal numbers to men. Women were only 28.6 per cent of nominations in the 2004 federal election.
- As of January 2007, women comprise only 13 per cent of federal government ministers (4 out of 30) 11 per cent of Cabinet ministers (2 out of 18).
- Contrary to widespread belief, the percentage of women councillors in local government is lower than in either national or State parliaments, with the average across Australian local governments being 27.8 per cent.
- Women remain concentrated in the lower levels of the Australian Public Service, and in particular are underrepresented in the senior management and leadership group, the Senior Executive Service (SES).
- Women remain significantly underrepresented in the Australian judiciary.
- The representation of women in the higher echelons of the private sector is extremely low—just 8.6 per cent of board directors in the top 200 ASX companies. Progress in this area is notoriously slow, with negligible improvement in recent years.

## 5. Consulting with women's non-government organisations

### Introduction

Women's non-government organisations (NGOs) have been central actors in every aspect of the struggle for gender equality in Australia. As discussed in Chapter 3, the success of the Australian model of women's policy machinery depended on an interconnected relationship with the women's movement, which in turn is made up of a range of NGOs. Similarly, women's NGOs were involved in lobbying for and developing the legislative framework discussed in Chapter 2 and have been active in their efforts to improve women's representation as discussed in Chapter 4. More broadly, women's NGOs have long provided a conduit between government and a wide range of women in the community, bringing a deliberative democratic character to policy debates and acting as 'indispensable intermediaries' in consultations on a wide range of policy issues.<sup>116</sup>

The women's NGOs that are the focus of this chapter are generally understood as being constitutive components of the women's movement. This has also been the case with women's movements elsewhere in the world. These organisations generally fall into two categories; those concerned with the broad sweep of issues and concerns that are implicated in the pursuit of gender equality, and those organisations with a more specialised focus and expertise, for example in areas such as reproductive rights, education or childcare.

Throughout Australia's history a range of both types of organisations have come and gone in response to changing political imperatives and a changing political context. Over time, organisations have pursued concerns such as suffrage,

<sup>116</sup> Rose Melville, 2003. *Changing Roles of Community-Sector Peak Bodies in a Neo-liberal Policy Environment in Australia*. An ARC-funded study, Institute of Social Change and Critical Inquiry, Faculty of Arts, University of Wollongong, p.1.

temperance, welfare, health, education, contraception, pay equity, access to abortion and so on. It is beyond the scope of this chapter to consider all of these organisations over time. Instead the focus of this chapter will be on the changes in the relationship between women's NGOs and governments since the 1970s and particularly in the last decade.

Feminist sociologist Gisela Kaplan suggests that, in retrospect, the Australian women's movement can be divided into three distinct phases: the early formative years from 1969 to 1972; the years of the Whitlam government and its 'honeymoon' with the Australian women's movement from 1972 to 1975; and the third, 'more diffuse' phase from 1975 to the publication of her book in 1996.<sup>117</sup> To this we would add a fourth, more defensive phase, from 1996 to the present. During this last phase a broader change in government views concerning the role of NGOs in the policy process, particularly influenced by the increasing dominance of public choice theory, has had a profound impact on the women's NGO sector.

The public funding of non-government organisations has been key to enabling them to represent their constituencies in a manner 'comparable in sophistication' to the business and free-market advocates so favoured by government.<sup>118</sup> As one of the co-authors of the focused audit on NGOs, Mark Lyons, has argued, it makes sense for governments to fund NGOs in their advocacy role 'in the interests of equity' because 'middle-class interests and business groups can afford to lobby in their interests [but] disadvantaged groups need government funds to do so'.<sup>119</sup>

Over the last decade, however, much advocacy and lobbying by NGOs in Australia has been redefined as 'special-interest pleading' rather than as inclusive forms of deliberative democratic decision-making.<sup>120</sup> This negative view of the work of NGOs draws heavily on the tenets of public choice theory and appears to now be almost hegemonic among the politicians and bureaucrats who determine the nature of government-NGO relations. In the public choice view, governments are at great risk of being 'perverted'<sup>121</sup> by 'selfish and self-serving' interest groups with little representational legitimacy.<sup>122</sup> In the public choice paradigm, actions such as policy advocacy, participation and consultation are to be avoided, and

117 Kaplan, *The Meagre Harvest*, pp 34–5.

118 Marian Sawyer, 2002, 'Governing for the mainstream: Implications for community representation', *Australian Journal of Public Administration*, 61(1): p. 39.

119 Mark Lyons, 2001, *Third Sector: The Contribution of Nonprofit and Co-Operative Enterprises in Australia*, Sydney, Allen and Unwin, p. 222.

120 Sawyer, 'Governing for the mainstream', p. 43.

121 John May, 2001, 'The challenge of poverty: The case of ACOSS', in Marian Sawyer and Gianni Zappala, (eds), *Speaking for the People: Representation in Australian Politics*, Melbourne, Melbourne University Publishing, p. 254.

122 Ian Marsh, 1999, 'The Senate, policy-making and community consultation', Paper presented as a lecture in the Senate Occasional lecture Series at Parliament House, Canberra, 23 April, p.6.

are regarded as forms of 'rent-seeking', or the seeking of additional funding, power and influence for NGOs and their members.<sup>123</sup> This view has contributed to the increasing exclusion of women's NGOs from important and relevant policy debates.

For many women's NGOs the focus has become the fight to preserve (and extend) the funding for the wide range of services and programs secured up until the mid 1990s. However this focus on state funding has also led to criticisms that women's NGOs have become overly institutionalised or that these organisations have been co-opted through their relationship with government. While it is arguably true that the current funding regime has created obstacles for NGOs that are critical of government, this chapter also observes that feminist and other women's NGOs continue to make a diverse range of contributions to the struggles for gender equality in Australia. These contributions include claiming resources on behalf of women, delivering vital services to women and working to ensure that women's voices are heard in policy debates.

Today, however, a much smaller range of organisations is funded at the federal level, and programs vary widely in the States and Territories. This not only results in an uneven and inequitable spread of resources and access for women and women's NGOs across Australia but also restricts women's access to government, and demonstrates a lack of respect for a diversity of views and perspectives in policy debate, thereby limiting the quality of public deliberation.

## Funding for women's NGOs

The relationship between women's NGOs and Australian governments has long been complex, particularly in relation to the funding of organisations. In 1975, the Whitlam Federal Government made a total of \$3.3 million in funds available to community and non-governmental organisations to promote women's projects as a part of International Women's Year (IWY).<sup>124</sup> As long-term feminist activist Joyce Stevens has noted, 'To feminists, this was a double-edged sword' for two reasons. First, although many women welcomed funding for financially struggling projects, others feared co-option by governments and their representatives.<sup>125</sup> Second, Elizabeth Reid maintained that programs and services that should be the proper responsibility of government departments or agencies, such as

123 Lionel Orchard, 1998, 'Public sector reform and the Australian Way,' in Bettina Cass and Paul Smyth (eds), *Contesting the Australian Way: States, Markets and Civil Society*, Melbourne, Cambridge University Press, p.114.

124 \$2 million was allocated in 1974–75 and another \$1.3m for 1975–76. This was an extraordinary figure for the times, especially considering that the UN only allocated around \$400 000 to IWY worldwide.

125 Joyce Stevens, 1985, A History of International Women's Day in words and images, *Cyber Edition*: <[http://www.isis.aust.com/iwd/stevens/70s80s\\_2.htm](http://www.isis.aust.com/iwd/stevens/70s80s_2.htm)>

refuges, health centres and rape crisis centres, should not be funded through the IWY grants. There was conflict between Elizabeth Reid's priorities for the IWY funding (activities geared to broad community change) and the priorities of women working in struggling, unfunded women's services.<sup>126</sup>

Prior to 1975 women's organisations tended not to be funded by governments nor to expect such funding. Along with the developing international human rights framework, IWY changed such expectations and many women's organisations came to believe that it was the proper business of government to provide funding for a range of women's NGOs. This principle is now enshrined in CEDAW and the BPFA as an important strategy in the struggle for substantive gender equality.

Funding at the levels provided in 1975 was not seen again until the change of government in 1983, although the Fraser government did continue to fund the ACTU Working Women's Centre. In the 1983 and 1984 Budgets grants-in-aid were made to the Women's Electoral Lobby (WEL), the Federation of Business and Professional Women (BPW), the National Council of Women, the Country Women's Associations and the Young Women's Christian Association (YWCA).<sup>127</sup> As head of the Office of the Status of Women (OSW), Anne Summers was keen to strengthen the Office's links to the wider women's movement. Along with the creation of the National Women's Consultative Council (NWCC, discussed below) Summers negotiated a new Consultation and Assistance Program to 'support women's organisations and projects aimed at improving the status of women.' Under this program operational grants were extended to the Catholic Women's League, the Union of Australian Women and the Movement for the Ordination of Women, and project grants went to a broader range of organisations and individuals.<sup>128</sup> This funding program was expanded in 1988 under the new National Agenda for Women's Grants Program (NAWGP).

By the 1990s a wide range of organisations was being funded under the NAWGP. For example in 1995–96 thirty organisations were funded under this model, including the WEL, Australian Women in Agriculture, the Foundation for Australian Agricultural Women, the Coalition of Activist Lesbians, the Older Women's Network, the Australian National Consultative Committee on Refugee Women, and the Coalition of Australian Participating Organisations of Women (CAPOW!). Nevertheless, many women's organisations were unhappy with the level of funding, pointing out that community groups funded under other Commonwealth grants programs received more substantial amounts. For example the Women's

126 Discussed in Sawyer, *Sisters in Suits*, pp. 15–17.

127 Office of the Status of Women, 1984, *The 1984–85 Women's Budget Program: An Assessment of the Impact of the 1984–85 Budget on Women*, Canberra, Government Printer, 21 August, pp 14–15.

128 Office of the Status of Women, 1986, *Women's Budget Program 1986–87*, Canberra, AGPS, p. 200.

Emergency Services Network (the national peak organisation for all women's services funded under the Supported Accommodation Assistance Program) received \$110 000 through the Department of Housing and Regional Development in 1995–96.<sup>129</sup>

Importantly however, NAWGP funding was for operational, rather than project purposes. While access to a small (and apparently declining, see Table 5.1) amount of money that had to be re-applied for every twelve months was in many ways a less than perfect funding model, these funds were a vital contribution towards rent and administrative costs for organisations that were otherwise dependent on membership and fundraising for their continued existence. While few organisations were happy with the arrangement, the funding they received at least ensured the survival of a diverse range of women's voices and perspectives in the policy arena.

Table 5.1. Comparison of NAWGP funding January–June and July–December\* 1995.

Organisation	Amount	
	Jan/Jun	Jul/Dec
Association of Non-English Speaking Background Women of Australia (ANESBWA)	\$36 000	\$20 000
Association for Women Educators	\$30 000	\$17 500
Australian Federation of BPW	\$34 000	0
Australian Federation of University Women	\$30 000	0
Australian Feminist Law Foundation	\$10 000	0
Australian National Consultative Committee on Refugee Women	\$30 000	\$12 500
Australian Women in Agriculture	\$25 000	\$15 000
CAPOW!	\$45 000	\$47 500
Catholic Women's League, Australia	\$29 000	\$10 000
Coalition of Activist Lesbians—Australia	\$24 000	\$15 000
Foundation for Australian Agricultural Women	\$25 000	\$10 000
Maternity Alliance	\$15 000	\$10 000
National Council for the Single Mother and her Child	\$20 000	\$25 000
National Council of Women of Australia	\$24 000	\$10 000
National Women's Justice Coalition	0	\$12 500
National Women's Media Centre	\$23 000	\$10 000
Network of Women in Further Education	\$35 000	\$17 500

129 Women's Electoral Lobby, 1995, 'National Agenda for Women Grants Program', *Inkwel*, 4–6. <<http://www.wel.org.au/inkwel/ink956/956nawgp.htm>>

Table 5.1. continued

Organisation	Amount	
	Jan/Jun	Jul/Dec
Nursing Mothers' Association of Australia	\$10 000	\$20 000
Older Women's Network	\$45 000	\$45 000
Pan-Pacific & South East Asia Women Association of Australia	\$6 200	0
Soroptimist International of the South Pacific	\$10 000	0
Union of Australian Women	\$20 000	0
Women in Film and Television	\$30 000	\$22 500
Women in Science Enquiry Network	\$11 000	0
Women with Disabilities (Australia)	\$43 397	\$43 000
Women's Action Alliance	\$5 399	0
Women's Electoral Lobby, Australia	\$25 000	\$25 000
Women's International League for Peace and Freedom	\$25 000	\$22 500
Womensport Australia	\$30 000	\$22 500
Young Women's Christian Association of Australia	\$40 000	\$20 000
<b>Total</b>	<b>\$736 849</b>	<b>\$455 500</b>

Source: Women's Electoral Lobby, 1995 'National Agenda for Women Grants Program', *Inkwell*, 4–6.  
<http://www.wel.org.au/inkwell/ink956/956nawgp.htm>

\* The July–December figure is the equivalent of 6 months funding under the 95–96 grants.

Things were to change dramatically with the election of the Howard government in March 1996. In December that year Jocelyn Newman, the new Minister Assisting the Prime Minister for the Status of Women, announced that the NAWGP would end, and that from 1997–98 women's NGOs would be 'encouraged to apply for mainstream funding through programs.' The new grants program announced as a replacement for the NAWGP would only provide funding for a 'limited number of key national women's organisations' that were considered 'unlikely to be accommodated within mainstream portfolio programs.' According to budget documents, the changes in funding arrangements were part of a wider strategy designed to 'reduce fragmentation of assistance and government administration costs while increasing accountability.' The organisations deemed eligible for the limited grants funding would have to demonstrate their capacity to 'represent issues of concern to membership at the Federal and State Government and community levels'.<sup>130</sup> The result was the new 'secretariat' funding model for women's organisations, discussed in the next section.

130 Commonwealth of Australia, Budget 1997–98, Budget paper number 2.  
<http://www.budget.gov.au/1997-98/bp2pt1p1.asp>

## Women's NGOs under the Howard government, 1996–2006

The Howard Government is not regarded as supportive of women's NGOs (nor indeed of NGOs more generally). Since the election of the Coalition in 1996, a range of women's organisations have perceived themselves to be under threat in relation to their ability to contribute to women's policy debates.

The election of the Howard Government, and the attitude of Minister Newman, saw relations between the Government and women's NGOs begin to deteriorate. Newman's insistence that women's organisations 'get out of the sandpit' and seek funding from mainstream government departments or become self-funding<sup>131</sup> was deeply offensive to many organisations that felt they had been working hard for many years to provide policy advice to government and much needed services to women on small budgets and with little support or acknowledgement. As Marian Sawyer observes, the claim that women's NGOs could or should be able to access funding from mainstream departments is 'a hard call for advocacy groups often representing particularly disadvantaged groups of women'.<sup>132</sup>

In 1999 the National Agenda for Women's Grants Program was wound up and the range of organisations funded under that program was replaced with three funded 'secretariats': the YWCA, the Business and Professional Women's Association and the National Council of Women of Australia (NCWA). In the face of strong criticism from women, the Government defended the move by pointing out that organisations tendering for the secretariat roles had to demonstrate that they were representative of Australian women by providing evidence of their membership.<sup>133</sup> When the organisations funded under the secretariat model were announced in 1999, the then executive director of OSW, Pru Goward, defended the decision as an attempt to 'professionalise the women's movement', arguing that, in the Government's opinion, too many women's NGOs had been funded under the old arrangements.<sup>134</sup> Criticism that there was a *need* for a wide range of women's organisations given the wide range of Australian *women* was ignored.

131 As a representative of the National Women's Media Centre at the 1997 Roundtable meeting one of the authors of this report, Sarah Maddison, was a witness to this statement. Sawyer, 'Governing for the mainstream', p. 44.

132 Sawyer, 'Governing for the mainstream', p. 44.

133 The conservative NCWA included the membership of several Victorian private school 'old-girl' networks in their membership. It is also worth noting that the national president of the NCWA in 1999, Gracia Baylor, was a former Liberal MLC from Victoria.

134 The Australian Broadcasting Corporation, 1999, 'Women's groups miss out on government funding', *The 7.30 Report*, 12 October. <http://www.abc.net.au/7.30/stories/s59370.htm>

Figure 5.1. The role of the Office for Women secretariats

To:

- work collaboratively to provide informed and representative advice to government on policy issues, development and implementation relevant to the diverse views and circumstances of women;
- represent the diverse views of women through consultation with the women's sector, their own constituencies and other groups and organisations relevant to women's concerns;
- act as a conduit for the exchange information between government and the women's sector;
- undertake specific policy analysis on individual areas of organisational expertise and concern; and
- undertake and maintain effective governance structures to fulfil the roles and responsibilities of national secretariats.

Source: [http://ofw.facs.gov.au/networks/national\\_secretariats/index.htm](http://ofw.facs.gov.au/networks/national_secretariats/index.htm)

Shortly after the secretariats were announced the Government appeared to respond to criticism that they were not adequately representative of Australian women and announced some 'second round grants' of between \$10 000 and \$25 000, to another 12 organisations. These organisations included the National Council for Single Mothers and their Children, the Older Women's Network, Women With Disabilities Australia, the National Association of Services Against Sexual Assault, and the Foundation for Australian Agricultural Women. Minister Newman also announced \$35 000 to be spent on 'capacity building workshops' for four organisations that were not successful in their tender for the secretariat funding, including WEL.<sup>135</sup> Despite these concessions, however, the Howard Government has remained committed to the secretariat model as its core method of funding women's organisations. In 2002, the federal government added the newly formed National Rural Women's Coalition (NRWC) to the already funded secretariats. While the addition of the NRWC to the three existing secretariats is perhaps a recognition that adequate representation was not achieved by the three original secretariats, it does not address the continuing lack of representation for wide range of other Australian women.

In another change, in 2002, the secretariats were also expected to form 'consortia', the aim of which was to 'ensure broad representation and consultation with the women's sector on policy matters and other issues'.<sup>136</sup> As a result of this change

135 Jocelyn Newman, 1999, 'Women's group funding second round grants', Media release, 14 October. Previously available at <<http://www.facs.gov.au/internet/newman.nsf/0/07c5b0a28395d82aca25680a002300d3?OpenDocument>>

136 Marilyn Rolls, 2002, 'The WomenSpeak Network,' *Inkwell*, October. <<http://www.wel.org.au/inkwell/ink0210/wmnspek.htm>>

the four secretariats are now known by their consortium names: the NCWA has become the agent for the Australian Women's Coalition, BPW has become the agent for Security 4 Women, and the YWCA is now the agent for the WomenSpeak Network. The Foundation for Australian Agricultural Women is now the agent for the NRWC, which retains its name and structure as it was already a consortium of sorts. Each secretariat and each consortium is expected to develop their own broad objectives and to focus their work towards particular groups of women in the community. For example, the WomenSpeak Network retains its focus on young women that is a part of the YWCA's *raison d'être*. Clearly the NRWC is expected to retain its focus on women living in rural and regional Australia. For a full list of secretariats and consortia see Appendix 3.

Alongside the secretariat model, some women's NGOs have been able to access periodic project funding through the Women's Development Program. Through this program, women's NGOs can receive project funding, which is not intended to fund operational purposes such as rent and utilities. In addition to the project funding, each year a handful of organisations are provided with 'capacity building' funds.<sup>137</sup> The amount available in the program varies from year to year as the tables in Appendix 4, from 2001–02 and 2004–05 show. A total of \$800 000 has been allocated for the two rounds of WLDP grants in 2005–06.

The Howard Government is aware that many women's NGOs are deeply unhappy with the current funding arrangements. Some of the organisations de-funded in 1999 have not survived. Others, like WEL, have struggled financially, but have since been drawn back into a more formalised (but now unfunded) relationship with the state through the development of consortia. In 2001 the Association of Women's Organisations Conference put out a media release that stated that the organisations involved in the conference 'reject the corporatisation of women's representation to government through the current secretariat model, which leads to a loss of pluralism and diversity in the voices being heard by government'.<sup>138</sup> Many groups of women now have little or no representation in women's policy debates. Under-represented groups include Aboriginal women, women from culturally and linguistically diverse backgrounds, refugee women, and lesbians.

The secretariat model has also been criticised for the constraints that were originally placed on the funded organisations through their funding agreements, and that appeared to have the aim of curtailing the advocacy capacity of these organisations. The three women's organisations that were initially funded under

137 Office for Women, Women's Development Program 2001–02, Project Funding. <[http://ofw.facs.gov.au/leadership\\_development/womens\\_development\\_program/wdp\\_0102.htm](http://ofw.facs.gov.au/leadership_development/womens_development_program/wdp_0102.htm)>

138 Association of Women's Organisations Conference, 2001, 'AWOC 2001', Media release, 25/26 August. <[http://www.capow.org.au/AWOC/AWOC%20key%20concerns%20doc\\_public.doc](http://www.capow.org.au/AWOC/AWOC%20key%20concerns%20doc_public.doc)>

the new secretariat model in 1999 found a clause in their funding agreements stating: 'The Organisation shall not make any public announcement, statement, publish or release any agreement material produced as part of the national Secretariat Services provided by the Organisation without the prior approval of the Commonwealth in writing'.<sup>139</sup>

The secretariats have certainly had little or no public profile in recent policy debates of significance to women, including significant national debates about childcare, paid maternity leave or the provision of RU486. There is evidence, however, that they would like to have more impact. But although the current funding contracts with the women's secretariats no longer contain these clauses there have been other attempts by government to limit the influence of these groups. In July 2005, three of the four secretariats met in Melbourne to discuss the potential impact of the federal government's proposed industrial relations reforms on specific groups of women (the National Rural Women's Coalition did not attend). The three groups agreed to each contribute a sum of money in order to contract the National Centre for Social and Economic Modelling (NATSEM) to do some financial modelling in order to better understand these impacts. However, when OSW was advised of this proposal they contacted the organisations and warned them that if they proceeded they would have the money paid to NATSEM removed from their budgets for 2005 as it was 'not their role' to do research.<sup>140</sup>

Examples such as this lend weight to the assessment that at least one desired outcome of the change in funding arrangements was the silencing of women's NGOs that would be critical of government policy. Indeed, this is a strategy that the Howard government has adopted in other 'troublesome' areas, most notably through the 1998 de-funding of the vocal Australian Youth Policy and Advocacy Coalition, replaced with a poorly resourced roundtable mechanism.<sup>141</sup> Women's organisations query why, if the federal government really wanted to 'strengthen the important voice of women throughout the community' as Senator Newman asserted in 1999, they did not commit to funding CAPOW! as the organisation that women themselves had constituted to provide national representation? The de-funding of CAPOW! was a particular blow to women as it had been the closest thing to a national or centralised women's movement organisation that Australia

139 Cited in Sawyer, 'Governing for the mainstream', p. 46.

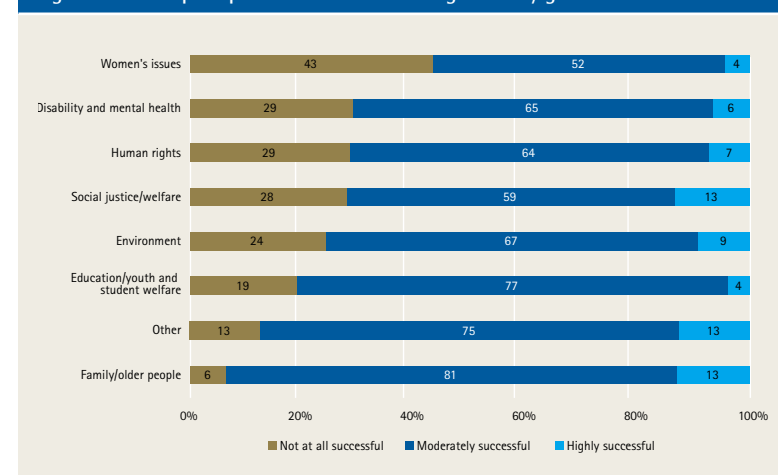
140 Marie Coleman, 2005, 'Getting traction in the Welfare to Work debate', Margo Kingston's Webdiary, 19 September. <[http://margokingston.typepad.com/harry\\_version\\_2/2005/09/getting\\_traction.html](http://margokingston.typepad.com/harry_version_2/2005/09/getting_traction.html)>

141 Australian Council of Social Service, 1998, 'ACOSS calls on federal government to re-instate funding for peak youth body', *Budget 98 Media Release*, 29 January. Available at <http://www.acoss.org.au/media/1998/mr090798.htm>

has seen having been formed as an attempt by a range of organisations in the Australian women's movement to form a national networking coalition.

Other research has suggested that different sectors of non-government organisations are clearly enjoying more success than others. A 2004 survey by the Australia Institute found that representatives of women's NGOs were the most likely to believe that they were 'not at all successful' in getting their message across to government (43 per cent); with only 4 per cent of women's groups believing that they are highly successful in getting their message heard by government. By contrast, groups representing families and older people were the least likely to say that they had no success in getting their message heard by government (6 per cent) and reported the equal highest likelihood of being highly successful in getting their message heard by government (13 per cent).<sup>142</sup>

Figure 5.2. NGO perceptions of success in being heard by government



Source: Sarah Maddison et al, *Silencing Dissent*, The Australia Institute Discussion Paper 65, 2004.

142 Sarah Maddison, Richard Dennis, and Clive Hamilton, 2004, *Silencing Dissent: Non-Government Organisations and Australian Democracy*, Discussion Paper 65, Canberra, The Australia Institute. 290 non-government organisations participated in the web-based survey. Full details of the survey method can be found in the discussion paper.

## Other consultative processes

Along with the changes to national funding for women's NGOs, over time there have been significant alterations to federal government mechanisms for consulting with women's NGOs.

As noted above, the NWCC was established in 1985 as a part of the new Consultation and Assistance Program developed by Anne Summers and OSW. The NWCC was established to replace the National Women's Advisory Council (NWAC), which in turn had been created to provide a consultative mechanism that was separate to the advice and coordination functions of the policy machinery. Pressure from women's organisations ensured that this separation of roles was retained through the creation of the NWCC despite the Hawke Labor Government's reluctance to create another advisory council. The 20 members of the NWCC included representatives of major women's NGOs, representatives of State and Territory Advisory Councils and an appointed convenor, however it was generally considered to have less independence and influence than its predecessor.<sup>143</sup>

In the 1990s, the NWCC was replaced by the National Women's Roundtable as the primary means for the federal government to consult with women's NGOs. The Roundtable was first held in 1994 and for the first three years was held twice each year for one day, with just over 50 organisations represented. Meetings were held in Parliament House during sitting weeks to facilitate participants' access to Parliamentarians. In 1997, the Minister Assisting the Prime Minister for the Status of Women, Jocelyn Newman, changed the arrangements to two-day meetings, once each year.

Women's NGOs were strategic in their use of the Roundtable meetings, making the most of them as the only times that representatives of national women's organisations had the opportunity to meet together. Until 1997, when it was de-funded by the Howard Government, CAPOW! organised pre-Roundtable meetings each time a Roundtable was held. Since its formation in 1992, CAPOW! had played a major role in developing means for women's organisations to communicate and cooperate, and saw the twice-yearly face-to-face meetings as an extremely valuable part of this process. On-going communication was also maintained by CAPOW!'s fortnightly fax stream.

NGOs used the pre-Roundtable meetings that CAPOW! had organised to exchange information about their activities and discuss issues on the agenda for the government's meeting the following days. Expert groups on particular

issues briefed the rest, different views were debated and common ground was identified for presentation to the Minister as agreed positions across the organisations present. The cutting back of the Roundtable to one annual meeting, along with the defunding of CAPOW! and its replacement by a government-controlled newsletter, created barriers to communication and to opportunities for cooperation for women's organisations.<sup>144</sup>

The last national Women's Roundtable was held in 1999 when it was 'replaced' by the WomenSpeak conference, which was held in 2001 and 2003. These conferences were criticized for changing the focus of national meetings of women's organisations from policy input *from* women's organisations to information sessions *for* these same organisations. Since 2003, there has been no national policy consultation process with women's NGOs.

Despite the demise of the formal consultative processes once available to Australian women's NGOs, many individuals and organisations have attempted to maintain their networks in order to share information and retain as much of a presence in the policy domain as is possible in the current circumstances. For example, the online resource Pamela's List provides a network for representatives of over sixty Australian national women's organisations and representatives of regional and State women's organisations not represented nationally (for a full list see Appendix 5). The list allows these organisations, representing a diverse range of women and women's NGOs, to communicate independently of the government-funded secretariats. A similar resource, Ausfem-polnet, is an internet discussion board that focuses on women and politics and has around 900 subscribers. Virtual networks such as these suggest not only the breadth of the women's NGO sector, but also highlight the diversity of expertise not available to the federal government through the current funding model and consultative mechanisms.

Federal government performance and accountability in women's affairs remains a primary focus for many of these organisations. One significant aspect of this work is the preparation of the Australian NGO Shadow Report on the Implementation of CEDAW, which provides the CEDAW Committee with an alternative assessment of progress towards gender equality to that provided by the federal government in their country report. It is widely considered that it was the coordinating work that CAPOW! did in preparing the shadow report to Australia's country report in 1997 that earned it the ire of the current federal government. The shadow report recorded the policy impact of the new government, as the official country report did not. As a result of the information in the shadow report Australia was criticised

143 Sawyer, *Sisters in Suits*, pp. 42–45, 84–89.

144 Australian Women's Organisation Conference, 'The Story of AWOC' [previously called 'Pre-Round Table']. <<http://www.capow.org.au/AWOC/story.htm>>

by the CEDAW committee, an event that received wide media coverage and resulted in considerable embarrassment for the government. Shortly afterwards, Minister Newman made the decision not to renew CAPOW's operational funding when it expired in June 1997.

Preparation of the latest NGO shadow report in 2005 was conducted by the Women's Rights Action Network Australia in partnership with Koori Women Mean Business, the National Network of Indigenous Women's Legal Services, Working Women's Health and the YWCA, with the support and cooperation of a range of other women's NGOs. Somewhat surprisingly the shadow report is not overly critical of the secretariat funding model, 'welcoming' the funding of the four secretariats, although noting 'the lack of Secretariats specifically addressing the needs of Indigenous women or women from diverse cultural and linguistic backgrounds.' This endorsement of such a controversial model invites speculation as to how much the involvement of organisations funded as secretariats (specifically the YWCA) in the preparation of the report has constrained the report authors in their assessment in this area.

### Women's NGOs in the States and Territories

At the sub-national level the level of support for and engagement with women's NGOs is mixed. Some States and Territories remain committed to regular and formal consultation with women's NGOs and maintain a grants program that supports the work of these organisations. Other jurisdictions, however, have abolished all formal consultation processes and fund only a tokenistic grants program (for example Victoria) or no grants program at all (for example New South Wales).

Table 5. 2. State and Territory grants programs and consultation mechanisms

Jurisdiction	Grants program	Consultation process
NSW	No grants program 2005–06.	No longer holds 'Peak women's organisations meetings'. Primary consultation is through the Premier's Council for Women.
VIC	Women's Community Leadership Grants Program. \$2000 (for individuals) and \$5000 (for organisations) 'to improve women's leadership skills at the community level.' Total grants pool approx \$120 000 per annum.  The Victorian Women's Trust, set up in 1985 with a gift of \$1 million from the Cain Government, also provides annual project grants.	Various consultation fora including: Women's roundtable discussions; annual Premier's Women's Summit; annual Women's Health and Wellbeing Forum and annual Women's Safety Forum.  Also conducts on-line consultations via the OWP website on focused topics such as Financial Literacy and Support for Working Mothers in the Workplace. OWP also convenes three Statewide Steering Committees comprising government and non-government members (including peak women's organisations), which provide advice to the Government on Reducing Family Violence, Reducing Sexual Assault and Reducing
QLD	Funds available for grants program 'not publicly available.'	No formal mechanisms. Consults with NGO/ peak organisations 'as participants/members of Think Tanks, Taskforces and reference groups.'  Has commenced a new State-wide engagement strategy, to place 10 regional coordinators in key locations to consult and establish networks with community groups, government agencies and non-government organisations

Jurisdiction	Grants program	Consultation process
WA	WA Grants for Women Program. Up to \$3000 (Community Organisation)  \$3001–\$7000 (Partnership of Community Organisations)  \$7001–\$15 000 (Partnership of Community Organisations). No information available on total grants budget.	Hosts 'community Consultations' and the 'Indigenous Women's Congress'. No information available on consultations in 2006. Community consultations held 2–3 times per year 2002–05.
SA	No grants program.	Consults through the Women's Services Network, a formal network of women's services organisations from across South Australia and the Premier's Council for Women.
TAS	Women's Development Small Grants Program Approx \$85 000 available for funding up to \$1500 per project.	Consults through the Women's Development Program and the Tasmanian Women's Council.
ACT	Women's Grants Program  \$100 000 in total available for both project and capacity building grants.	Consults through the Ministerial Advisory Council on Women.
NT	Chief Minister's Study Awards for Women. \$18 000 budgeted for 2005/06, plus various one-off grants 'to support activities in line with strategic priorities.' Total expenditure for 2005/06—\$56 564.	Women's Forums held in association with the Community cabinet.

There is also a lack of transparency about grants and consultation in the States and Territories. The extent of information about these mechanisms that is available on women's policy unit websites in the various jurisdictions varies widely, and there were varying degrees of cooperation with requests for information by the

authors of this report. At a time when the federal government's antipathy towards NGOs is clear, and has had a dramatic effect on the capacity of the sector to engage in policy deliberations, many women's NGOs are looking to the States and Territories for support and engagement with their concerns. As with other areas of sub-national responsibility for progress towards gender equality, however, there is no consistency of response across the jurisdictions.

## Conclusion

Both CEDAW and BPFA pay significant attention to the role of women's NGOs in struggles for gender equality. Article 7 of CEDAW concerns the elimination of discrimination against women in political and public life, and makes specific mention of ensuring that women can participate in NGOs concerned with public and political life and can participate in the formulation of government policy. The BPFA strategic objectives that give direction to states in their attempt to ensure their compliance with this article are grouped under 'G' and concern measures to ensure women's full and equal participation in power structures, decision-making and leadership.

The significance of the work of Australian and international women's NGOs in this regard cannot be underestimated. As former federal Sex Discrimination Commissioner Susan Halliday has claimed, 'without non-government organisations, particularly the women's NGOs, women of the world would not have the rights that they have today'.<sup>145</sup>

In contrast to such claims, the current situation for Australian women's NGOs presents what Ruth Phillips describes as a 'double negative' for women: the federal government is averse both to feminism and the model of participatory, pluralist, deliberative governance that would enable a wider range of women's NGOs to provide independent policy advice to government.<sup>146</sup> Without a well-resourced NGO sector that has the capacity to be critical of government policy, other areas of progress towards gender equality are also adversely affected. For example, the downgrading of women's policy machinery—see discussion in Chapter 3—took place with barely a whimper, as most of the organisations once in a position to comment or advise have now lost their capacity to do so.

<sup>145</sup> Susan Halliday, 2001, 'Using the UN to advance the rights of women', Women Wise Up Symposium, 8 February, University of NSW. <[http://www.hreoc.gov.au/speeches/sex\\_discrim/women\\_wise\\_up.html](http://www.hreoc.gov.au/speeches/sex_discrim/women_wise_up.html)>

<sup>146</sup> Ruth Phillips, 2006, 'Undoing an activist response: Feminism and the Australian government's domestic violence policy', *Critical Social Policy*, No 26, February: pp 192–219.

## STRENGTHS

- Despite political obstacles, women's NGOs continue to work for gender equality.
- There is evidence that the funded secretariats would like to have more impact. In July 2005, three of the four secretariats met in Melbourne to discuss the potential impact of the federal government's proposed industrial relations reforms on specific groups of women.
- Despite the demise of the formal consultative processes once available to women's NGOs, virtual networks such as Pamela's List and Ausfem-polnet continue to exist and share expertise.
- Women's NGOs continue to prepare the Australian NGO Shadow Report on the Implementation of CEDAW, providing the CEDAW Committee with an alternative assessment of progress towards gender equality to that provided by the federal government.

## WEAKNESSES

- The increasing dominance of the public choice paradigm in the federal policy sphere has contributed to the increasing exclusion of women's NGOs from important and relevant policy debates.
- Under new arrangements for NGO funding, the federal government now provides operational funding for only four 'secretariats'. The secretariats have had little or no public profile in policy debates.
- As a result of the changed arrangements many groups of women have little or no representation in women's policy debates. Under-represented groups include Aboriginal women, women from culturally and linguistically diverse backgrounds, women with disabilities, refugee women, and lesbians.
- Since 2003 there has been no national policy consultation process with women's NGOs.
- Some States and Territories remain committed to regular and formal consultation with women's NGOs and maintain grants programs to support their work. Other jurisdictions, however, have abolished all formal consultation processes and fund only a tokenistic grants program or no grants program at all.

## 6 Conclusion: Persistent problems, new threats

This report has evaluated the extent to which Australian democracy is serving the interests of women and achieving success in the pursuit of equality between women and men. In particular, it has focused on the legislative framework, policy machinery, level of representation of women and the participation of women's NGOs in the policy process. It has found a substantial decline in Australia's previously high level of commitment to gender equality. Each of the areas examined has suffered from a combination of political opposition to feminist goals and lack of effective pressure from the Australian women's movement. This lack of pressure has in turn been further exacerbated by the structural changes in the relationship between governments and women's NGOs.

We conclude now with a discussion of the way in which this diminished political commitment to gender equality is impacting on policy and programs that most affect women's equal citizenship. In particular, this chapter considers the extent to which current policy frameworks position women within certain family structures and entrench some aspect of gender inequality. Specific focus is on the suite of 'work and family' policy issues that bear directly on women's capacity to participate as full citizens. Discussion will include the family tax system, paid maternity leave, and access to childcare.

These areas of policy are used to highlight the persistence of certain aspects of gendered inequality in Australia. There are, of course, other significant areas that could be used to make a similar point, for example the persistently high rates of sexual and domestic violence or the implications of the recent federal industrial relations reforms for specific groups of women. Indeed, it is likely that federal

sex discrimination legislation will be no match for the impact of the new 'Work Choices' regime, and that women will be the losers in the new industrial relations environment. However, there is not scope in this report to consider these areas in detail.

## The work and family policy debate

The focus on 'work and family' returns the discussion to the issues raised in the introduction to this report concerning the equality-sameness paradox that complicates ideas of gender equality. The task of combining paid employment with the labour of caring for children and elderly relatives and nurturing a family is still one that falls disproportionately on the shoulders of women.<sup>147</sup> Also as suggested in the introduction, the conservative political parties in Australia have generally demonstrated greater resistance to gender equality and this resistance stems from their more conservative views of the family. Achieving gender equality, which would see women take their place as fully participating citizens, is seen as a threat to the supposedly traditional 'male breadwinner' family structure.

After ten years of conservative government at the federal level there appears to be an increasing disconnect between the view of the majority of Australians who support a diversity of family structures,<sup>148</sup> the federal government's political rhetoric about the diverse life experiences of Australian families in the 21st century, and the conservative ideology of gender that continues to structure work and family policy initiatives. As feminist political economist Elizabeth Hill has argued, 'Embedded within the work and family policies of the Howard Government is an unreconciled confusion over how women who have children should be conceptualised and treated by public policy. Are they workers, are they carers, or are they both?'<sup>149</sup> This confusion is evident in the specific areas of policy discussed below.

## The family tax system

The Howard government introduced the Family Tax Initiative (FTI) in January 1997. In its first phase, this initiative provided an increased tax-free threshold for families with dependent children and treated single-income families (single parents and couples) more favourably than dual-income families. In July 2000 the FTI was enhanced and a new Family Tax Benefit (FTB) system launched, which

147 Barbara Pocock, 2003, *The Work/Life Collision: What Work is Doing to Australians and What to do About It*, Sydney, Federation Press.

148 Gabrielle Meagher and Shaun Wilson, 2006, 'After Howard's decade, is Australia more Conservative?' Symposium: A Decade of Howard Government, 23 Feb. <[http://www.australianreview.net/digest/2006/02/meagher\\_wilson.html](http://www.australianreview.net/digest/2006/02/meagher_wilson.html)>

149 Elizabeth Hill, 2006, 'Howard's 'Choice': The ideology and politics of work and family policy 1996–2006.' Symposium: A Decade of Howard Government, 23 Feb. <<http://www.australianreview.net/digest/2006/02/hill.html>>

rolled 12 pre-existing family assistance benefits into three: Family Tax Benefit Part A, Family Tax Benefit Part B, and the Child Care Benefit (CCB).

Although simpler, the new system of family support payments continued to impose very high effective marginal tax rates (EMTRs) on 'secondary earners' who sought to move from caring duties into paid employment. Despite considerable critical analysis that has highlighted EMTRs as a strong disincentive to mothers wanting to increase their participation in the labour market, EMTRs have remained as high as 61.5 per cent.<sup>150</sup>

The most contentious and clearly ideological element of the family tax system is FTB Part B, which is only available to single income families—*regardless of how high the single income is*. In contrast, when a heterosexual couple<sup>151</sup> chooses to share the responsibility for paid work more equally, the amount of FTB Part B paid to the secondary earner is decreased, leading to an overall reduction in the total amount of FTB paid to the family. This payment structure makes it 'financially irrational' for many women to increase their participation in the labour market. As Hill again argues, 'The 'choice' for women to return to or increase their paid work is therefore highly circumscribed by a system of financial incentives that rewards married women with children who do less paid work rather than more'.<sup>152</sup>

Despite some improvements in the 2004 budget, the Family Tax Benefit scheme continues to reward most highly those households closest to the traditional male breadwinner model. The financial obstacles in the way of a more equitable share of household labour, including the care of children, are a significant barrier to full gender equality. Recently, however, the Prime Minister again rejected this view, and reaffirmed his support for the provision of FTB part B. He further suggested that Labor's policy to introduce a \$250 000 means test for FTB part B was merely the 'thin end of the wedge' in a secret plan to means test single-income families earning as 'little' as \$125 000 per annum.<sup>153</sup>

## Paid maternity leave

In 2000 the ILO revised the Maternity Protection Convention (ILO 103), recommending fourteen weeks paid leave (ILO 183), two weeks longer than

150 For a full discussion of the impact of the family tax regime on EMTRs see Patricia Apps, 2004, 'The high taxation of working families,' *Australian Review of Public Affairs*, 5(1): pp. 1–24

151 As same-sex couples have no relationship recognition at the federal level they are also not recognised in the tax system. Therefore, all same-sex couples with children are treated as single-income families for the purposes of assessing family tax payments and receive the full amount of FTB part B.

152 Hill, 'Howard's 'Choice''.

153 John Howard, 2006, 'Taxation: Keeping faith with Australian families,' Transcript of the Prime Minister the Hon. John Howard MP, Address to the Menzies Research Centre, Great Hall, Parliament House, Canberra, 18 April. <[http://www.mrcld.org.au/uploaded\\_documents/18-04%20Menzies%20Research%20Centre.pdf](http://www.mrcld.org.au/uploaded_documents/18-04%20Menzies%20Research%20Centre.pdf)>

the standard set in 1952. Australia, the United States and New Zealand<sup>154</sup> refused to ratify the Convention. As noted in Chapter 2, Australia has also maintained its reservation to CEDAW article 11 in relation to the provision of paid maternity leave.

The refusal to implement a national system of paid maternity leave means that there is a wide variety of both access to and length of leave available to Australian women, based on where and how they are employed. Most women who do have access to maternity leave provisions do so through the conditions in their award or enterprise bargaining agreement. However, not all awards include provisions for paid maternity leave, and conditions in enterprise agreements vary widely. The fourteen weeks recommended by the ILO is available in only a handful of federal agreements. Full-time employees in the public sector have access to paid maternity leave of varying periods ranging from two to twelve weeks<sup>155</sup> but in the private sector there is no guarantee of any leave provision whatsoever, beyond the 12 months of unpaid parental leave allowed for all workers, male or female, under federal industrial relations legislation.<sup>156</sup> Although the exact figure is not known, estimates regarding the availability of paid leave suggest that only one-quarter to one-third of the female workforce is eligible<sup>157</sup>.

In 2002, the federal government introduced a new payment called the Baby Bonus, widely regarded as a regressive policy initiative. The maximum payment was only available to women who stayed out of the workforce for five years after the birth of their child, effectively penalising women who wanted or needed to return to work. It was also considered inequitable as the payment was calculated on the basis of the woman's pre-birth salary, meaning that women on low incomes received far less than women on previously high incomes. The majority of women who were eligible for the payment would receive only ten dollars per week<sup>158</sup>.

As a result of these problems, in 2004 the Baby Bonus was replaced with the Maternity Payment, a universal payment, initially of \$3000, available to all new mothers irrespective of whether or not they were in paid employment prior to the birth of their child. The Maternity Payment increased in July 2006, to \$4000, and will increase again in July 2008, to \$5000. It is indexed in line with the

154 The New Zealand government has since changed its position and introduced paid parental leave in July 2002.

155 Marian Baird, Deborah Brennan, and Leanne Cutcher, 2001, 'Paid maternity leave in Australia: A pregnant pause?' Labour Studies Seminar Series, University of Sydney, 15 May.

156 Unpaid parental leave has been available to all permanent employees since 1994. In 2002 this was extended to casual employees.

157 Marian Baird, 2002, 'Paid maternity leave in Australia: HREOC's *Valuing Parenthood*', *Australian Review of Public Affairs*, 14 June. <<http://www.australianreview.net/digest/2002/06/baird.html>>

158 Baird, 'Paid maternity Leave in Australia.'

Consumer Price Index in March and September each year. As Marian Baird notes, this will more than triple Commonwealth support for parents at the birth of a child.<sup>159</sup>

Despite its generosity, however, the Maternity Payment is not a universal system of paid maternity leave. The payment does not distinguish between women in paid work and women not in paid work prior to the birth of a child, and the different needs and pressures that these two sets of circumstances produce. Fundamentally, it does not recognise maternity leave as an industrial entitlement in the same league as recreation leave or sick leave. In maintaining its resistance to a government-funded paid maternity leave scheme and instead choosing to support an increased maternity payment, the federal government again demonstrated its discomfort in supporting women's participation in the labour force during their childbearing years.<sup>160</sup>

## Childcare

In 1997 the Howard Government removed the operational subsidy from community-based not-for-profit childcare centres, forcing centres to increase their fees in order to keep operating. In low-income areas where families were unable to afford an increase in fees, childcare centres were forced to close and, in some areas, women subsequently lost their access to the labour force. A comprehensive report by the Western Sydney Regional Organisation of Councils released in 2001 found that in two socio-economically disadvantaged suburbs of Sydney an estimated 1547 women had been forced to leave their jobs or were prevented from seeking fulltime work due to rising childcare costs since the change in funding arrangements.<sup>161</sup>

The rhetoric used to justify the removal of the operational subsidy was the redistribution of these funds to parents in the form of individual subsidies for the cost of their choice of care. In 2000 these subsidies were packaged as the Child Care Benefit (CCB). This payment is subject to a number of restrictions and conditions that vary the amount paid to different families. These include means testing, the number of children in care and whether they attend approved centres that comply with Commonwealth quality assurance programs.

159 Baird, 'Paid maternity Leave in Australia.'

160 Hill, 'Howard's 'Choice''.

161 Western Sydney Regional Organisation of Councils, 2001, *Changes to childcare funding and women's labour force participation in Western Sydney*. <<http://www.wsroc.com.au>>

Despite the significance of the CCB as the measure most specifically targeted at barriers to women's workforce participation,<sup>162</sup> the payment does not address the structural problems in the child care sector that have resulted from the withdrawal of the operational subsidy. As noted above, those most affected by the change in funding arrangements have been women in low-income areas where there is now a dramatic shortage of places in approved childcare centres. Also contributing to the waiting list for centre-based childcare places are the low wages paid to trained childcare workers, which has produced a shortage of qualified workers.

In an effort to address continued problems with the provision and affordability of childcare, the federal government used the 2005 Budget to introduce the 30 per cent Child Care Tax Rebate on fees paid (minus CCB), up to a maximum rebate of \$4000 per child per year. The problem with both the new scheme and CCB is that working parents seeking government support for the costs of childcare must first *find* childcare at an approved centre. Where a place at an approved centre is not available, families become ineligible for both the benefit and the rebate.<sup>163</sup> Thus, rather than increasing the choice of care available to families, the net effect of the redirection of funds from centres to individuals has been both an inequitable distribution of resources and further constraints on the availability of affordable centre-based care.

## Conclusion

This discussion of work and family policy underscores a number of points made in this report. Firstly, Australia's legislative framework for the protection of women's human rights is inadequate for ensuring a substantive gender equality in areas such as women's access to, and equal participation in, the labour market. Although the SDA does prohibit discrimination against women on particular grounds in particular circumstances, it cannot compel a government to develop further legislation or policy that removes obstacles to women's equal citizenship, including their participation in the labour force. Without an entrenched constitutional or legislative statement (such as a bill of rights) promoting equality between women and men, there is little legal recourse available to address persistent inequities such as those evident in the work and family arena.

Secondly, there is compelling evidence to suggest that increasing the level of parliamentary representation of women within a two-party system where each party has a binding caucus does little to improve gender equality. While a politics of presence is inarguably important for symbolic reasons, an increase in the

<sup>162</sup> Baird, 'Paid maternity Leave in Australia.'

<sup>163</sup> Hill, 'Howard's 'Choice'.

number of women in parliament does not mean that governments are more likely to introduce policies aimed at removing barriers to gender equality. Certain circumstances, such as the recent conscience vote in the federal parliament concerning RU486, may challenge this status quo, but in general, women in both major parties are bound to the party line. Despite indications from current federal government backbencher Jackie Kelly that she is unhappy with government childcare policy,<sup>164</sup> and some effective lobbying by Opposition spokesperson Tanya Plibersek, there has been little meaningful dissent in the ranks of the major parties.

Thirdly, it appears that the early promise of women's machinery of government has not been fulfilled. Despite the conviction that the innovative 'wheel' model of machinery would entrench gender analysis as a central and legitimate part of the conduct of government business, a government hostile to this goal has demonstrated the ease with which the machinery itself can be dismantled. Reliant as it was on pressure from an active and vocal women's movement, in a time of relative movement abeyance the federal machinery has been stripped of power, influence and considerable funding with barely a peep. As a result, gender analysis of issues such as those raised in the work and family area discussed above is non-existent inside government, further entrenching a particular view of women's and men's roles in government policy.

Finally, it is evident that the women's NGO sector has been effectively marginalised from any significant policy influence or even participation in policy debates over the past decade. An earlier commitment to funding a wide range of such organisations, that would provide policy advice from a wide range of perspectives, has been replaced with a much narrower and more constraining funding model in which both the number of funded organisations and their capacity to act independently of government is restricted. The absence of these voices in public debates over work and family policy has in turn restricted the terms of the debate and allowed the federal government to pursue a policy agenda that has further entrenched gendered inequalities.

The majority of these observations have been about the federal sphere of politics. As noted in the introduction to this report and in several other places, there is a growing sense that the current federal government has been intent on winding back many of the gains made by the Australian women's movement since the 1970s. Policy changes (such as changes to childcare funding) and the resistance to other policy initiatives (such as the introduction of paid maternity leave), have

<sup>164</sup> *Sun Herald*, 2006, 'Opposition more serious on child care, says Lib MP,' 14 May.

sent a clear signal to Australian feminists that the issues of most concern to the women's movement are not on the government's agenda. The federal government's attitude to work and family policy in particular, highlights a lack of commitment to the issues that women themselves are putting on the policy table.

Further, as feminist political scientist Louise Chappell has argued, through recurrent attempts to amend the scope and powers of the , the refusal to become a signatory to the Optional Protocol to the CEDAW, and the Prime Minister's ongoing efforts to undermine and diminish our federal sex discrimination laws, women's rights in Australia have been 'diluted not strengthened' under the Howard government.<sup>165</sup>

In this political climate there is a legitimate expectation that women should be able to turn to their State and Territory governments to address inequities and shortfalls in policy and service provision at the federal level. As is clear from this report, however, the sub-national jurisdictions vary widely in their response to issues of gender equality, most particularly in terms of the work done by the State and Territory policy machinery. Some States, such as South Australia, have risen to the challenge with a revitalised gender analysis framework, whereas others, such as New South Wales, have significantly downgraded their machinery and capacity for strategic gendered policy advice. The result is that women around Australia experience varying conditions for, among other things, participation, consultation, and access to grants and other NGO funding.

In relation to the values that inform the Democratic Audit of Australia this report raises some serious concerns about the failure of both successive decades of feminist activism and varying levels of government commitment to achieve a more substantive gender equality. Australia was once a world leader in struggles to increase women's influence over public decision-making; in promoting gendered analysis of public policies to ensure equal benefit for women; in enshrining the principle of deliberative democracy through a well-funded and oft consulted women's NGO sector; and in a national commitment to legislative and policy innovations designed to enhance women's human rights and civil liberties. Today, after a decade of federal government overtly hostile to these goals, Australia's standing as a leader in the struggle for gender equality is much diminished.

Looking to the future, there is further concern that rebuilding the policy machinery and the NGO sector will require a renewed struggle by a revitalised Australian women's movement. There is little evidence to suggest that a change of government at the federal level would be enough to turn the situation around. A new government would need considerable persuading that there would be an electoral benefit to be gained from the investment of time, effort and money required to reconstruct what has recently been dismantled.

Nevertheless, if substantive and entrenched gender equality is ever to be achieved in Australia these concerns must be addressed.

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## Appendix 1 The Convention on the Elimination of All Forms of Discrimination against Women

### The States Parties to the Present Convention,

Noting that the Charter of the United Nations reaffirms faith in fundamental human rights, in the dignity and worth of the human person and in the equal rights of men and women,

Noting that the Universal Declaration of Human Rights affirms the principle of the inadmissibility of discrimination and proclaims that all human beings are born free and equal in dignity and rights and that everyone is entitled to all the rights and freedoms set forth therein, without distinction of any kind, including distinction based on sex,

Noting that the States Parties to the International Covenants on Human Rights have the obligation to ensure the equal rights of men and women to enjoy all economic, social, cultural, civil and political rights,

Considering the international conventions concluded under the auspices of the United Nations and the specialized agencies promoting equality of rights of men and women,

Noting also the resolutions, declarations and recommendations adopted by the United Nations and the specialized agencies promoting equality of rights of men and women,

Concerned, however, that despite these various instruments extensive discrimination against women continues to exist,

Recalling that discrimination against women violates the principles of equality of rights and respect for human dignity, is an obstacle to the participation of women, on equal terms with men, in the political, social, economic and cultural life of their countries, hampers the growth of the prosperity of society and the family and makes more difficult the full development of the potentialities of women in the service of their countries and of humanity,

Concerned that in situations of poverty women have the least access to food, health, education, training and opportunities for employment and other needs,

Convinced that the establishment of the new international economic order based on equity and justice will contribute significantly towards the promotion of equality between men and women,

Emphasizing that the eradication of apartheid, all forms of racism, racial discrimination, colonialism, neo-colonialism, aggression, foreign occupation and domination and interference in the internal affairs of States is essential to the full enjoyment of the rights of men and women,

Affirming that the strengthening of international peace and security, the relaxation of international tension, mutual co-operation among all States irrespective of their social and economic systems, general and complete disarmament, in particular nuclear disarmament under strict and effective international control, the affirmation of the principles of justice, equality and mutual benefit in relations among countries and the realization of the right of peoples under alien and colonial domination and foreign occupation to self-determination and independence, as well as respect for national sovereignty and territorial integrity, will promote social progress and development and as a consequence will contribute to the attainment of full equality between men and women,

Convinced that the full and complete development of a country, the welfare of the world and the cause of peace require the maximum participation of women on equal terms with men in all fields,

Bearing in mind the great contribution of women to the welfare of the family and to the development of society, so far not fully recognized, the social significance of maternity and the role of both parents in the family and in the upbringing of children, and aware that the role of women in procreation should not be a basis for discrimination but that the upbringing of children requires a sharing of responsibility between men and women and society as a whole,

Aware that a change in the traditional role of men as well as the role of women in society and in the family is needed to achieve full equality between men and women,

Determined to implement the principles set forth in the Declaration on the Elimination of Discrimination against Women and, for that purpose, to adopt the measures required for the elimination of such discrimination in all its forms and manifestations,

Have agreed on the following:

## PART I

### Article 1

For the purposes of the present Convention, the term 'discrimination against women' shall mean any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field.

### Article 2

States Parties condemn discrimination against women in all its forms, agree to pursue by all appropriate means and without delay a policy of eliminating discrimination against women and, to this end, undertake:

- (a) To embody the principle of the equality of men and women in their national constitutions or other appropriate legislation if not yet incorporated therein and to ensure, through law and other appropriate means, the practical realization of this principle;
- (b) To adopt appropriate legislative and other measures, including sanctions where appropriate, prohibiting all discrimination against women;
- (c) To establish legal protection of the rights of women on an equal basis with men and to ensure through competent national tribunals and other public institutions the effective protection of women against any act of discrimination;

- (d) To refrain from engaging in any act or practice of discrimination against women and to ensure that public authorities and institutions shall act in conformity with this obligation;
- (e) To take all appropriate measures to eliminate discrimination against women by any person, organization or enterprise;
- (f) To take all appropriate measures, including legislation, to modify or abolish existing laws, regulations, customs and practices which constitute discrimination against women;
- (g) To repeal all national penal provisions which constitute discrimination against women.

### Article 3

States Parties shall take in all fields, in particular in the political, social, economic and cultural fields, all appropriate measures, including legislation, to ensure the full development and advancement of women, for the purpose of guaranteeing them the exercise and enjoyment of human rights and fundamental freedoms on a basis of equality with men.

### Article 4

1. Adoption by States Parties of temporary special measures aimed at accelerating de facto equality between men and women shall not be considered discrimination as defined in the present Convention, but shall in no way entail as a consequence the maintenance of unequal or separate standards; these measures shall be discontinued when the objectives of equality of opportunity and treatment have been achieved.
2. Adoption by States Parties of special measures, including those measures contained in the present Convention, aimed at protecting maternity shall not be considered discriminatory.

### Article 5

States Parties shall take all appropriate measures:

- (a) To modify the social and cultural patterns of conduct of men and women, with a view to achieving the elimination of prejudices and customary and all other practices which are based on the idea of the inferiority or the superiority of either of the sexes or on stereotyped roles for men and women;

- (b) To ensure that family education includes a proper understanding of maternity as a social function and the recognition of the common responsibility of men and women in the upbringing and development of their children, it being understood that the interest of the children is the primordial consideration in all cases.

#### Article 6

States Parties shall take all appropriate measures, including legislation, to suppress all forms of traffic in women and exploitation of prostitution of women.

### PART II

#### Article 7

States Parties shall take all appropriate measures to eliminate discrimination against women in the political and public life of the country and, in particular, shall ensure to women, on equal terms with men, the right:

- (a) To vote in all elections and public referenda and to be eligible for election to all publicly elected bodies;
- (b) To participate in the formulation of government policy and the implementation thereof and to hold public office and perform all public functions at all levels of government;
- (c) To participate in non-governmental organizations and associations concerned with the public and political life of the country.

#### Article 8

States Parties shall take all appropriate measures to ensure to women, on equal terms with men and without any discrimination, the opportunity to represent their Governments at the international level and to participate in the work of international organizations.

#### Article 9

1. States Parties shall grant women equal rights with men to acquire, change or retain their nationality. They shall ensure in particular that neither marriage to an alien nor change of nationality by the husband during marriage shall automatically change the nationality of the wife, render her stateless or force upon her the nationality of the husband.

2. States Parties shall grant women equal rights with men with respect to the nationality of their children.

### PART III

#### Article 10

States Parties shall take all appropriate measures to eliminate discrimination against women in order to ensure to them equal rights with men in the field of education and in particular to ensure, on a basis of equality of men and women:

- (a) The same conditions for career and vocational guidance, for access to studies and for the achievement of diplomas in educational establishments of all categories in rural as well as in urban areas; this equality shall be ensured in pre-school, general, technical, professional and higher technical education, as well as in all types of vocational training;
- (b) Access to the same curricula, the same examinations, teaching staff with qualifications of the same standard and school premises and equipment of the same quality;
- (c) The elimination of any stereotyped concept of the roles of men and women at all levels and in all forms of education by encouraging coeducation and other types of education which will help to achieve this aim and, in particular, by the revision of textbooks and school programs and the adaptation of teaching methods;
- (d) The same opportunities to benefit from scholarships and other study grants;
- (e) The same opportunities for access to programs of continuing education, including adult and functional literacy programs, particularly those aimed at reducing, at the earliest possible time, any gap in education existing between men and women;
- (f) The reduction of female student drop-out rates and the organization of programs for girls and women who have left school prematurely;
- (g) The same Opportunities to participate actively in sports and physical education;
- (h) Access to specific educational information to help to ensure the health and well-being of families, including information and advice on family planning.

## Article 11

1. States Parties shall take all appropriate measures to eliminate discrimination against women in the field of employment in order to ensure, on a basis of equality of men and women, the same rights, in particular:
  - (a) The right to work as an inalienable right of all human beings;
  - (b) The right to the same employment opportunities, including the application of the same criteria for selection in matters of employment;
  - (c) The right to free choice of profession and employment, the right to promotion, job security and all benefits and conditions of service and the right to receive vocational training and retraining, including apprenticeships, advanced vocational training and recurrent training;
  - (d) The right to equal remuneration, including benefits, and to equal treatment in respect of work of equal value, as well as equality of treatment in the evaluation of the quality of work;
  - (e) The right to social security, particularly in cases of retirement, unemployment, sickness, invalidity and old age and other incapacity to work, as well as the right to paid leave;
  - (f) The right to protection of health and to safety in working conditions, including the safeguarding of the function of reproduction.
2. In order to prevent discrimination against women on the grounds of marriage or maternity and to ensure their effective right to work, States Parties shall take appropriate measures:
  - (a) To prohibit, subject to the imposition of sanctions, dismissal on the grounds of pregnancy or of maternity leave and discrimination in dismissals on the basis of marital status;
  - (b) To introduce maternity leave with pay or with comparable social benefits without loss of former employment, seniority or social allowances;
  - (c) To encourage the provision of the necessary supporting social services to enable parents to combine family obligations with work responsibilities and participation in public life, in particular through promoting the establishment and development of a network of child-care facilities;
  - (d) To provide special protection to women during pregnancy in types of work proved to be harmful to them.

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3. Protective legislation relating to matters covered in this article shall be reviewed periodically in the light of scientific and technological knowledge and shall be revised, repealed or extended as necessary.

## Article 12

1. States Parties shall take all appropriate measures to eliminate discrimination against women in the field of health care in order to ensure, on a basis of equality of men and women, access to health care services, including those related to family planning.
2. Notwithstanding the provisions of paragraph 1 of this article, States Parties shall ensure to women appropriate services in connection with pregnancy, confinement and the post-natal period, granting free services where necessary, as well as adequate nutrition during pregnancy and lactation.

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## Article 13

States Parties shall take all appropriate measures to eliminate discrimination against women in other areas of economic and social life in order to ensure, on a basis of equality of men and women, the same rights, in particular:

- (a) The right to family benefits;
- (b) The right to bank loans, mortgages and other forms of financial credit;
- (c) The right to participate in recreational activities, sports and all aspects of cultural life.

## Article 14

1. States Parties shall take into account the particular problems faced by rural women and the significant roles which rural women play in the economic survival of their families, including their work in the non-monetized sectors of the economy, and shall take all appropriate measures to ensure the application of the provisions of the present Convention to women in rural areas.
2. States Parties shall take all appropriate measures to eliminate discrimination against women in rural areas in order to ensure, on a basis of equality of men and women, that they participate in and benefit from rural development and, in particular, shall ensure to such women the right:
  - (a) To participate in the elaboration and implementation of development planning at all levels;

- (b) To have access to adequate health care facilities, including information, counselling and services in family planning;
- (c) To benefit directly from social security programs;
- (d) To obtain all types of training and education, formal and non-formal, including that relating to functional literacy, as well as, inter alia, the benefit of all community and extension services, in order to increase their technical proficiency;
- (e) To organize self-help groups and co-operatives in order to obtain equal access to economic opportunities through employment or self employment;
- (f) To participate in all community activities;
- (g) To have access to agricultural credit and loans, marketing facilities, appropriate technology and equal treatment in land and agrarian reform as well as in land resettlement schemes;
- (h) To enjoy adequate living conditions, particularly in relation to housing, sanitation, electricity and water supply, transport and communications.

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## PART IV

### Article 15

1. States Parties shall accord to women equality with men before the law.
2. States Parties shall accord to women, in civil matters, a legal capacity identical to that of men and the same opportunities to exercise that capacity. In particular, they shall give women equal rights to conclude contracts and to administer property and shall treat them equally in all stages of procedure in courts and tribunals.
3. States Parties agree that all contracts and all other private instruments of any kind with a legal effect which is directed at restricting the legal capacity of women shall be deemed null and void.
4. States Parties shall accord to men and women the same rights with regard to the law relating to the movement of persons and the freedom to choose their residence and domicile.

### Article 16

1. States Parties shall take all appropriate measures to eliminate discrimination against women in all matters relating to marriage and family relations and in particular shall ensure, on a basis of equality of men and women:
  - (a) The same right to enter into marriage;
  - (b) The same right freely to choose a spouse and to enter into marriage only with their free and full consent;
  - (c) The same rights and responsibilities during marriage and at its dissolution;
  - (d) The same rights and responsibilities as parents, irrespective of their marital status, in matters relating to their children; in all cases the interests of the children shall be paramount;
  - (e) The same rights to decide freely and responsibly on the number and spacing of their children and to have access to the information, education and means to enable them to exercise these rights;
  - (f) The same rights and responsibilities with regard to guardianship, wardship, trusteeship and adoption of children, or similar institutions where these concepts exist in national legislation; in all cases the interests of the children shall be paramount;
  - (g) The same personal rights as husband and wife, including the right to choose a family name, a profession and an occupation;
  - (h) The same rights for both spouses in respect of the ownership, acquisition, management, administration, enjoyment and disposition of property, whether free of charge or for a valuable consideration.
2. The betrothal and the marriage of a child shall have no legal effect, and all necessary action, including legislation, shall be taken to specify a minimum age for marriage and to make the registration of marriages in an official registry compulsory.

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## PART V

### Article 17

1. For the purpose of considering the progress made in the implementation of the present Convention, there shall be established a Committee on the Elimination of Discrimination against Women (hereinafter referred to as the Committee) consisting, at the time of entry into force of the Convention, of eighteen and, after ratification of or accession to the Convention by the thirty-fifth State Party, of twenty-three experts of high moral standing and competence in the field covered by the Convention. The experts shall be elected by States Parties from among their nationals and shall serve in their personal capacity, consideration being given to equitable geographical distribution and to the representation of the different forms of civilization as well as the principal legal systems.
2. The members of the Committee shall be elected by secret ballot from a list of persons nominated by States Parties. Each State Party may nominate one person from among its own nationals.
3. The initial election shall be held six months after the date of the entry into force of the present Convention. At least three months before the date of each election the Secretary-General of the United Nations shall address a letter to the States Parties inviting them to submit their nominations within two months. The Secretary-General shall prepare a list in alphabetical order of all persons thus nominated, indicating the States Parties which have nominated them, and shall submit it to the States Parties.
4. Elections of the members of the Committee shall be held at a meeting of States Parties convened by the Secretary-General at United Nations Headquarters. At that meeting, for which two thirds of the States Parties shall constitute a quorum, the persons elected to the Committee shall be those nominees who obtain the largest number of votes and an absolute majority of the votes of the representatives of States Parties present and voting.
5. The members of the Committee shall be elected for a term of four years. However, the terms of nine of the members elected at the first election shall expire at the end of two years; immediately after the first election the names of these nine members shall be chosen by lot by the Chairman of the Committee.

6. The election of the five additional members of the Committee shall be held in accordance with the provisions of paragraphs 2, 3 and 4 of this article, following the thirty-fifth ratification or accession. The terms of two of the additional members elected on this occasion shall expire at the end of two years, the names of these two members having been chosen by lot by the Chairman of the Committee.
7. For the filling of casual vacancies, the State Party whose expert has ceased to function as a member of the Committee shall appoint another expert from among its nationals, subject to the approval of the Committee.
8. The members of the Committee shall, with the approval of the General Assembly, receive emoluments from United Nations resources on such terms and conditions as the Assembly may decide, having regard to the importance of the Committee's responsibilities.
9. The Secretary-General of the United Nations shall provide the necessary staff and facilities for the effective performance of the functions of the Committee under the present Convention.

### Article 18

1. States Parties undertake to submit to the Secretary-General of the United Nations, for consideration by the Committee, a report on the legislative, judicial, administrative or other measures which they have adopted to give effect to the provisions of the present Convention and on the progress made in this respect:
  - (a) Within one year after the entry into force for the State concerned;
  - (b) Thereafter at least every four years and further whenever the Committee so requests.
2. Reports may indicate factors and difficulties affecting the degree of fulfillment of obligations under the present Convention.

### Article 19

1. The Committee shall adopt its own rules of procedure.
2. The Committee shall elect its officers for a term of two years.

## Article 20

1. The Committee shall normally meet for a period of not more than two weeks annually in order to consider the reports submitted in accordance with article 18 of the present Convention.
2. The meetings of the Committee shall normally be held at United Nations Headquarters or at any other convenient place as determined by the Committee.

## Article 21

1. The Committee shall, through the Economic and Social Council, report annually to the General Assembly of the United Nations on its activities and may make suggestions and general recommendations based on the examination of reports and information received from the States Parties. Such suggestions and general recommendations shall be included in the report of the Committee together with comments, if any, from States Parties.
2. The Secretary-General of the United Nations shall transmit the reports of the Committee to the Commission on the Status of Women for its information.

## Article 22

The specialized agencies shall be entitled to be represented at the consideration of the implementation of such provisions of the present Convention as fall within the scope of their activities. The Committee may invite the specialized agencies to submit reports on the implementation of the Convention in areas falling within the scope of their activities.

## PART VI

### Article 23

Nothing in the present Convention shall affect any provisions that are more conducive to the achievement of equality between men and women which may be contained:

- (a) In the legislation of a State Party; or
- (b) In any other international convention, treaty or agreement in force for that State.

## Article 24

States Parties undertake to adopt all necessary measures at the national level aimed at achieving the full realization of the rights recognized in the present Convention.

## Article 25

1. The present Convention shall be open for signature by all States.
2. The Secretary-General of the United Nations is designated as the depositary of the present Convention.
3. The present Convention is subject to ratification. Instruments of ratification shall be deposited with the Secretary-General of the United Nations.
4. The present Convention shall be open to accession by all States. Accession shall be effected by the deposit of an instrument of accession with the Secretary-General of the United Nations.

## Article 26

1. A request for the revision of the present Convention may be made at any time by any State Party by means of a notification in writing addressed to the Secretary-General of the United Nations.
2. The General Assembly of the United Nations shall decide upon the steps, if any, to be taken in respect of such a request.

## Article 27

1. The present Convention shall enter into force on the thirtieth day after the date of deposit with the Secretary-General of the United Nations of the twentieth instrument of ratification or accession.
2. For each State ratifying the present Convention or acceding to it after the deposit of the twentieth instrument of ratification or accession, the Convention shall enter into force on the thirtieth day after the date of the deposit of its own instrument of ratification or accession.

## Article 28

1. The Secretary-General of the United Nations shall receive and circulate to all States the text of reservations made by States at the time of ratification or accession.
2. A reservation incompatible with the object and purpose of the present Convention shall not be permitted.
3. Reservations may be withdrawn at any time by notification to this effect addressed to the Secretary-General of the United Nations, who shall then inform all States thereof. Such notification shall take effect on the date on which it is received.

## Article 29

1. Any dispute between two or more States Parties concerning the interpretation or application of the present Convention which is not settled by negotiation shall, at the request of one of them, be submitted to arbitration. If within six months from the date of the request for arbitration the parties are unable to agree on the organization of the arbitration, any one of those parties may refer the dispute to the International Court of Justice by request in conformity with the Statute of the Court.
2. Each State Party may at the time of signature or ratification of the present Convention or accession thereto declare that it does not consider itself bound by paragraph 1 of this article. The other States Parties shall not be bound by that paragraph with respect to any State Party which has made such a reservation.
3. Any State Party which has made a reservation in accordance with paragraph 2 of this article may at any time withdraw that reservation by notification to the Secretary-General of the United Nations.

## Article 30

The present Convention, the Arabic, Chinese, English, French, Russian and Spanish texts of which are equally authentic, shall be deposited with the Secretary-General of the United Nations.

IN WITNESS WHEREOF the undersigned, duly authorized, have signed the present Convention.

## Appendix 2: The United Nations Beijing Declaration and Platform for Action

### Strategic objectives

#### Women and Poverty

- A.1. Review, adopt and maintain macroeconomic policies and development strategies that address the needs and efforts of women in poverty.
- A.2. Revise laws and administrative practices to ensure women's equal rights and access to economic resources.
- A.3. Provide women with access to savings and credit mechanisms and institutions.
- A.4. Develop gender-based methodologies and conduct research to address the feminization of poverty.

#### Education and Training of Women

- B.1. Ensure equal access to education.
- B.2. Eradicate illiteracy among women.
- B.3. Improve women's access to vocational training, science and technology, and continuing education.
- B.4. Develop non-discriminatory education and training.
- B.5. Allocate sufficient resources for and monitor the implementation of educational reforms.

B.6. Promote lifelong education and training for girls and women.

### Women and health

- C.1. Increase women's access throughout the life cycle to appropriate, affordable and quality health care, information and related services.
- C.2. Strengthen preventive programs that promote women's health.
- C.3. Undertake gender-sensitive initiatives that address sexually transmitted diseases, HIV/AIDS, and sexual and reproductive health issues.
- C.4. Promote research and disseminate information on women's health.
- C.5. Increase resources and monitor follow-up for women's health.

### Violence against women

- D.1. Take integrated measures to prevent and eliminate violence against women.
- D.2. Study the causes and consequences of violence against women and the effectiveness of preventive measures.
- D.3. Eliminate trafficking in women and assist victims of violence due to prostitution and trafficking

### Women and armed conflict

- E.1. Increase the participation of women in conflict resolution at decision-making levels and protect women living in situations of armed and other conflicts or under foreign occupation.
- E.2. Reduce excessive military expenditures and control the availability of armaments.
- E.3. Promote non-violent forms of conflict resolution and reduce the incidence of human rights abuse in conflict situations.
- E.4. Promote women's contribution to fostering a culture of peace.
- E.5. Provide protection, assistance and training to refugee women, other displaced women in need of international protection and internally displaced women.
- E.6. Provide assistance to the women of the colonies and non-self-governing territories.

### Women and the economy

- F.1. Promote women's economic rights and independence, including access to employment, appropriate working conditions and control over economic resources.
- F.2. Facilitate women's equal access to resources, employment, markets and trade.
- F.3. Provide business services, training and access to markets, information and technology, particularly to low-income women.
- F.4. Strengthen women's economic capacity and commercial networks.
- F.5. Eliminate occupational segregation and all forms of employment discrimination.
- F.6. Promote harmonization of work and family responsibilities for women and men.

### Women in Power and Decision-making

- G.1. Take measures to ensure women's equal access to and full participation in power structures and decision-making.
- G.2. Increase women's capacity to participate in decision-making and leadership.

### Institutional Mechanisms for the Advancement of Women

- H.1. Create or strengthen national machineries and other governmental bodies.
- H.2. Integrate gender perspectives in legislation, public policies, programs and projects.
- H.3. Generate and disseminate gender-disaggregated data and information for planning and evaluation.

### Human Rights of Women

- I.1. Promote and protect the human rights of women, through the full implementation of all human rights instruments, especially the Convention on the Elimination of All Forms of Discrimination against Women.
- I.2. Ensure equality and non-discrimination under the law and in practice.
- I.3. Achieve legal literacy.

## Women and the Media

- J.1. Increase the participation and access of women to expression and decision-making in and through the media and new technologies of communication.
- J.2. Promote a balanced and non-stereotyped portrayal of women in the media.

## Women and the Environment

- K.1. Involve women actively in environmental decision-making at all levels.
- K.2. Integrate gender concerns and perspectives in policies and programs for sustainable development.
- K.3. Strengthen or establish mechanisms at the national, regional, and international levels to assess the impact of development and environmental policies on women.

## The Girl-child

- L.1 Eliminate all forms of discrimination against the girl-child.
- L.2. Eliminate negative cultural attitudes and practices against girls.
- L.3. Promote and protect the rights of the girl-child and increase awareness of her needs and potential.
- L.4. Eliminate discrimination against girls in education, skills development and training.
- L.5. Eliminate discrimination against girls in health and nutrition.
- L.6. Eliminate the economic exploitation of child labour and protect young girls at work.
- L.7. Eradicate violence against the girl-child.
- L.8. Promote the girl-child's awareness of and participation in social, economic and political life.
- L.9. Strengthen the role of the family in improving the status of the girl-child.

## Appendix 3: National women's secretariats/ consortia

Original organisation	Secretariat/ Consortium	Participating organisations
YWCA	WomenSpeak Network	<ul style="list-style-type: none"><li>• Soroptimist International</li><li>• Guides Australia</li><li>• Catholic Women's League of Australia</li><li>• International Women's Development Agency</li><li>• National Foundation for Australian Women</li><li>• Women's International League for Peace and Freedom</li><li>• Children by Choice</li><li>• Australian Federation of Medical Women</li><li>• National Association of Services Against Sexual Violence</li><li>• Australian Women's Health Network</li><li>• Australian Federation of University Women</li><li>• National Council of Single Mothers and Their Children</li><li>• Public Health of Australia (Women's Special Interest Group)</li><li>• UNIFEM Australia</li></ul>

Original organisation	Secretariat/ Consortium	Participating organisations
		<ul style="list-style-type: none"> <li>• United National Association of Australia Status of Women Network</li> <li>• Women's Electoral Lobby</li> <li>• Working Against Sexual Harassment</li> <li>• Australian Bahai Community—Office of EqualityMigrant Women's Lobby Group of South Australia</li> <li>• Project Respect</li> <li>• Union of Australian Women</li> <li>• Victorian Immigrant and Refugee Women's Coalition</li> <li>• Women with Disabilities Australia</li> <li>• Women's Economic Think Tank</li> <li>• Body Image and Eating Disorders Network of South Australia</li> <li>• National Union of Students (Women's Department)</li> <li>• National Council of Churches in Australia (Gender Commission)</li> <li>• National Liaison Committee for International Students in Australia (Women's Department)</li> <li>• Australasian Council of Women and Policing</li> <li>• Aboriginal Legal Rights Movement in South Australia</li> <li>• Multicultural Women's Advocacy</li> <li>• An Indigenous woman</li> <li>• YWCA Australia</li> </ul>

Original organisation	Secretariat/ Consortium	Participating organisations
BPW	Security4Women	<ul style="list-style-type: none"> <li>• Association of Women Educators</li> <li>• Australian Federation of University Women</li> <li>• Certified Practising Accountants (Women)</li> <li>• View Clubs Australia (Voice, Interests and Education for Women)</li> <li>• Koori Women Mean Business</li> <li>• Women With Disabilities Australia</li> <li>• Working Against Sexual Harassment</li> <li>• Positive Women (Victoria) Inc</li> <li>• Victorian Immigrant and Refugee Women's Coalition</li> <li>• Victorian Women's Trust</li> <li>• National Association of Women in Construction</li> <li>• Women in Adult and Vocational Education</li> <li>• The Association of Professional Engineers, Scientists and Managers Australia</li> <li>• National Foundation of Australian Women</li> <li>• Women in Mortgage Broking Network</li> <li>• BPW Australia</li> </ul>

Original organisation	Secretariat/ Consortium	Participating organisations
NCWA	Australian Women's Coalition	<ul style="list-style-type: none"> <li>• Australian Church Women</li> <li>• Australian Federation of Medical Women</li> <li>• Catholic Women's League Australia</li> <li>• Council on the Ageing</li> <li>• Guides Australia</li> <li>• National Council of Jewish Women of Australia</li> <li>• National Council of Women of Australia</li> <li>• Pan Pacific and South East Asia Women's Association of Australia Inc</li> <li>• Salvation Army (Women)</li> <li>• Soroptimist International</li> <li>• UN Development Fund for Women (UNIFEM)</li> <li>• Zonta International</li> <li>• Muslim Women's National Network of Australia</li> <li>• Aboriginal Legal Rights Movement Inc</li> <li>• Conflict Resolving Women's Network Australia Inc</li> </ul>
N/A	National Rural Women's Coalition	<ul style="list-style-type: none"> <li>• Country Women's Association of Australia</li> <li>• Australian Local Government Women's Association</li> <li>• Australian Women in Agriculture</li> <li>• Foundation for Australian Agricultural Women</li> <li>• National Rural Health Alliance</li> <li>• Women's Industry Network Seafood Community</li> <li>• A rural Indigenous woman</li> </ul>

## Appendix 4: NGOs and projects funded under the Women's Development Program, 2001–02 and 2004–05

Women's development program 2001–02 Project funding		
Organisation	Project	Amount
National Foundation for Australian Women in a collaborative project with the Macquarie University and indigenous organisations on western Cape York Peninsula	Voice 'em out: Building capacities for self determination	\$60 000
National Association of Services Against Sexual Violence	Access and Equity Management Training to increase access to services against sexual assault with a particular focus on Indigenous communities	\$50 000
National Network of Indigenous Women's Legal Services	Our Strong women—Indigenous Women, Law and Leadership Improving Indigenous women's contribution to public policy	\$60 000
Australian Women's Constitutional Network	Centenary of Women's Suffrage in Australia: Looking back and looking forward. Community workshops in the lead-up to the national conference celebrating the centenary of women's rights to vote in federal elections.	\$30 000
Guides Australia	Guides Australia Community Network, creating a network of alliances with other NGOs and NGOs in the youth sector.	\$30 000
<b>TOTAL</b>		<b>\$230 000</b>

Women's Development Program 2001–02 Capacity building funding:	
Older Women's Network	\$25 000
Breast Cancer Network Australia	\$25 000
National Council of Single Mothers and their Children	\$25 000
National Association of Women in Construction	\$15 000
<b>TOTAL</b>	<b>\$90 000</b>

Source:  
[http://ofw.facs.gov.au/leadership\\_development/womens\\_development\\_programme/wdp\\_0102.htm](http://ofw.facs.gov.au/leadership_development/womens_development_programme/wdp_0102.htm)

Women's development program 2004–05 Policy project funding		
Organisation	Project	Amount
Fair Wear (partnering with Asian Women at Work Inc)	Economic Security for Clothing Outworkers—Corporate and Designer Wear	\$50 000
Association of Professional Engineers, Scientists & Managers, Australia (APESMA)	Professional Women's Mentoring Program	\$50 000
Australasian Council of Women and Policing (ACWAP)	Women Leading Change—training workshops	\$50 000
Australian Federation of Medical Women in partnership with the Centre for Culture & Health, UNSW and Australian Resource Centre for Healthcare Innovations	Achieving gender and cultural competence by Australia's medical workforce	\$50 000
Older Women's Network (Australia) Inc (OWN)	Making it Count! Older women's contribution to Australian communities	\$50 000
UNIFEM Australia Incorporated	Community Leadership Strategy to raise public awareness about violence against women	\$50 000
Australian Federation of Medical Women (AFMW) in conjunction with the Australian College of Rural and Remote Medicine	Support for Rural and Remote Female Doctors in Australia	\$49 750
Women Chiefs of Enterprise, International (WCEI)	Voicing Women Managers' Unemployment Experience in Australia: The Hidden Toll	\$ 49 500

Women's development program 2004–05 Policy project funding continued		
Organisation	Project	Amount
National Network of Indigenous Women's Legal Services Inc (NNIWLS)	Our Strong Women—the next step	\$49 467
International Women's Development Agency	Sharing Women's Leadership to address Violence Against Women	\$48 300
<b>TOTAL</b>		<b>\$497 017</b>

Women's Development Program 2004–05 Capacity building project funding:		
Organisation	Project	Amount
ZONTA International District 23	Capacity Building for Executive & Staff of Ngaanyajarra Pitjantjatjara Yankunytjatjara Women's Council (NPYWC)	\$24 925
WINCOTT	Advancing Partnerships in Cotton—a development initiative for Australian Women in Cotton	\$22 000
National Foundation for Australian Women (in partnership with Women on Boards)	Women on Boards—enhancements to <a href="http://www.womenonboards.org.au">www.womenonboards.org.au</a>	\$19 600
Women with Disabilities Australia	Development of an Accessible Information and Referral Portal for Women with Disabilities in Australia	\$ 25 000
<b>TOTAL</b>		<b>\$91 525</b>

Source:  
[http://ofw.facs.gov.au/leadership\\_development/womens\\_development\\_programme/wdp\\_0405.htm](http://ofw.facs.gov.au/leadership_development/womens_development_programme/wdp_0405.htm)

## Appendix 5: Organisations represented on Pamela's List June 2006

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Abortion Rights Network of Australia	ANCORW Co-operative Ltd (Australian National Committee of Refugee Women)
AFMW (Australian Federation of Medical Women)	ANESBWA (Association of Non-English Speaking Background Women of Australia)
Association of Women Educators Inc	Australian Breastfeeding Association
Australasian Council of Women and Policing Inc.	Australian Council of Businesswomen
Australian Federation of Business and Professional Women Inc.	Australian Federation of University Women
Australian Feminist Law Foundation	Australian Local Government Women's Association
Australian Women Lawyers	Australian Women's Coalition
Australian Women's Health Network	Australian Women's Motorsport Network
Baha'i Office for Women	Breast Cancer Network Australia
CAPOW! (Coalition of Australian Participating Organisations of Women)	Coalition against Trafficking in Women—Australia
COAL (Coalition of Activist Lesbians)	Females in Information Technology & Telecommunications
Foundation for Australian Agricultural Women	Guides Australia
International Women's Development Agency	Maternity Alliance

Muslim Women's National Network of Australia Inc	National Association of Services Against Sexual Violence
National Association of Women in Construction	National Council of Jewish Women of Australia
National Council of Single Mothers and their Children	National Council of Women of Australia
National Foundation for Australian Women	National Network of Indigenous Women's Legal Services Inc.
National Network of Women's Legal Services	National Union of Students Women's Department
National Women's Christian Temperance Union of Australia Ltd	National Women's Justice Coalition
National Rural Women's Coalition	National Women's Media Centre
Older Women's Network (Australia)	Ordination of Catholic Women Inc
Project Respect	Queen Victoria Women's Centre
Queensland Rural Women's Network	Sole Parents' Union
Soroptimist International	UNIFEM Australia Inc.
United Nations Association of Australia Status of Women Network	Union of Australian Women
WESNET (Women's Emergency Services Network)	Women Into Politics Inc
Women with Disabilities Australia	Women's Action Alliance (Australia)
Women's Electoral Lobby (Australia) Inc	Women in Adult and Vocational Education (WAVE)
WILPF (Women's International League for Peace and Freedom)	Women's Rights Action Network
Womensport Australia	YWCA of Australia
Zonta International District 24	Zonta International District 23

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