

AUSTRALIA

CEDAW A/43/38 (1988)

397. The Committee considered the initial report of Australia (CEDAW/C/5/Add.40 and Amend.1) at its 114th and 118th meetings, held on 23 and 25 February 1988 (CEDAW/C/SR.114 and 118).

398. In her introduction, the representative stated that her country had ratified the Convention in August 1983. That had given Australia the constitutional foundation on which to base important legislation to counter discrimination against women. The Constitution did not include any specific reference to equal rights for men and women, but it did not embody any discriminatory principles either.

399. Since 1983, progress had been achieved in women's employment, with an increase from 44.5 per cent to 50.3 per cent of female participation in the labour force. The number of child-care centres had risen by 150 per cent. Over 17 per cent of executive or managerial positions in the private sector were now held by women; and 50.1 per cent of students in higher education were women compared with 46.3 per cent in 1938.

400. The implementation of a national policy for the education of women and girls had generated many programmes to increase participation in non-traditional fields of study. A review of social security programmes, the creation of a child support agency, a public education campaign on domestic violence, preventive health programmes, cancer-screening services and community development services, were among many different initiatives taken by the Government on behalf of women.

401. However, in spite of all the measures enumerated, much remained to be done. Women's average weekly earnings were still significantly less than men's; although the ratio had improved since 1983 from 75 to 79 per cent; women were still a minority in political representation; and attitudes still prevailed which placed women as the primary caretaker. A conservative outlook did not recognize women's unremunerated contribution to the national economy. There was an unacceptable level of violence against women and children.

402. The special problems of indigenous, immigrant and non-English-speaking women, as well as disabled women, were of concern to the Government. Data released recently revealed that Aboriginal women had a life expectancy of from 57 to 65 years as compared with 79 for other women. Unemployment rates among them were high. She provided the Committee with extensive information on the status of the Aboriginal and Islander community, as well as government programmes to improve their well-being.

403. The new Disability Services Act passed in 1986 set guidelines for the funding of non-profit community-based organizations providing services to people with disabilities. Forty-three per cent of their clients were women. Special provision was also made for disabled people through the Programme of Assistance for Sport and Recreation for Disabled People and most Family Planning

Association centres employed staff who dealt with problems faced by disabled women.

404. The Federal Sex Discrimination Act, passed in August 1984, prohibited, among the usual form of discrimination, sexual harassment in employment and education. A total of 2,400 complaints had been registered under the Act between 1984 and 1987. The Affirmative Action (Equal Employment Opportunity for Women) Act had also been adopted in 1986. It provided that employers of 100 or more staff and all higher education institutions should take positive steps to improve employment opportunities for women. A far-reaching measure that was about to be launched by the Federal Government was the "National Agenda for Women", which provided a comprehensive plan for government action to improve the status of Australian women by the year 2000.

405. Finally, Australia had made two reservations to the Convention, one on paid maternity leave and the other regarding exclusion of women from combat-related duties. However, progress achieved in these two areas could lead the Government to withdraw the reservations in the not too distant future. The Australian people were proud of the advances achieved since ratification of the Convention and, with the help and active support of voluntary non-governmental organizations, were confident of reaching the ultimate goals. Procedural measures had been instituted and strategies under way provided the means and model for continuing progress.

406. The Committee congratulated the representative of the State party on the report which was, in the opinion of all the experts, a model one. Not only did it follow the Committee's guidelines but it was candid, self-critical and frank. The amount of information provided was both concise and overwhelming. There was no doubt that the Australian Government had made a very serious commitment to achieve real equality between men and women.

407. As part of the general comments, Members of the Committee requested details on the system of government in Australia. There were several questions on how states related to the federal Government and on how laws passed by the central government were not applicable in all parts of the country. It was remarked that there seemed to be a contradiction between the possible application of the Convention at the national level and the independence of state governments exempting them from executing certain laws. It was also asked how candidates for public election were selected or nominated and what the electoral system was.

408. The Government of Australia was praised for attempting to draft new legislation in gender-neutral terms, and for enacting the Sex Discrimination Act. More information was requested on the population's reaction to these innovative measures.

409. Commendations were expressed regarding the establishment of pilot projects with the private sector to implement affirmative action plans, and questions were asked regarding the results achieved.

410. Several experts expressed concern about the two reservations entered by Australia upon ratification of the Convention, especially regarding maternity leave provisions which applied to the civil service but not to the private sector. Clarification was requested on that discrepancy. Regarding the other reservation which concerned women's employment in the armed forces, information was requested about the definition of combat duties from which women were excluded, and more

statistics were also requested on the proportion of men and women in the military by rank.

411. The report and introduction had both dealt in great detail with the situation of Aboriginal people and statistics thereon had been furnished. However, it was pointed out that no information had been provided on the recent phenomenon of the “importing” of Filipino brides, whether it was a growing problem, and whether initiatives had been taken to help those women. Additional data were also requested on non-English-speaking people.

412. It was noted that certain offices had been merged or had changed name, and it was asked whether the Office for the Status of Women was the main co-ordinating body for all the women’s programmes and whether it had a budget large enough to accomplish its work. More information was also requested on how all the different bodies and offices involved in the improvement of the status of women related to each other, and how the women’s bureau changed or evolved over the years.

413. Further clarification was requested with regard to the term “indirect discrimination”, which was referred to in the report as unlawful.

414. It was remarked that a conceptual framework had been established that would enable all the objectives of the Convention to be achieved, and it was asked what the priority areas were, what the minimum and maximum goals were, and what, in the view of the representative, was the major obstacle hindering the implementation of the national plan.

415. In reference to the implementation of article 2 of the Convention, it was noted that the Constitution did not provide for equality of the sexes and that the retirement and marriage age remained different for the two sexes. It was asked if there was any particular reason for that.

416. More commendations were expressed regarding the establishment of pilot projects with the private sector to implement affirmative action plans and questions were asked regarding the results achieved.

417. The Committee also praised the Government of Australia for its efforts to eradicate sex stereotypes through legislation, public information campaigns and the media, and it was asked whether noticeable changes in public opinion had occurred.

418. The initiative taken by the Australian Government to abolish sexist language was praised and more information was requested on initiatives to eliminate pornography. Questions were also asked concerning the wages for housework and the implementation of paternity leave. In efforts to modify social and cultural patterns, it was asked whether the concerns of Aboriginal women were taken into consideration and whether the recommendations of the Aboriginal women’s task force had been implemented.

419. Other questions were raised regarding national compliance with central Government measures and it was asked if conflict and confrontation often occurred and how they were solved. On the other hand, it was remarked that more efforts should be employed in the socialization of men, especially in regard to violence against women and rape.

420. Although it was obvious that many women's organizations were active in Australia, it was asked what their involvement in party politics was and whether there were steps to increase women's participation in political life. More information was requested on steps taken to assist women to advance in the public services, their involvement in trade unions and in the higher and lower courts, the positions and rank women held in the Foreign Ministry and what their participation was at international events.

421. The overall education situation was considered good but experts questioned the high rate of drop-outs among girls. It was asked what was being done to prepare teachers to bring about a change in attitudes. Note was taken of the extensive adult education programmes and it was asked whether they were available to Aboriginal women. Remarks were made on the coeducational versus single-sex educational system.

422. Remarks were made regarding existing child-care facilities which were not free or subsidized and it was asked what percentage of the individual salary was devoted to these services. There was general agreement that women should be free to choose their own occupation, and in that regard experts commended the Government of Australia in removing protective legislation. Information was requested on the background of the discussions preceding the labour reform law. Questions were also asked about the means of enforcing the principle of equal pay for work of equal value.

423. Judging from the report, the labour market was very segregated and women were engaged in part-time work than men. That made women poorer than men, it was noted, an additional information was requested regarding immigrant and Aboriginal women in the labour market.

424. If family planning and abortion facilities information was not circulated in certain states because it was prohibited, how then could such material reach women in those areas, it was asked. It was noted that the infant mortality rate was two thirds higher among Aboriginals, and more information was requested on the causes of, and solution to, that problem. The provisions on sex-predetermination, artificial insemination and fertilization in vitro were noted and it was asked whether the views of women's organizations had been sought in that regard.

425. Clarifications were requested on the rights of children born out of wedlock including their inheritance rights, and more statistical information also was requested regarding marriage, divorce and consensual unions. It was asked whether Aboriginal couples abided by the existing family laws or if there were separate laws.

426. The Committee concluded its remarks by proposing to the representative of Australia that the country should consider holding a seminar on the status of women. It was also suggested that Australia should be asked to help the Committee secretariat prepare for a seminar of State parties on the preparation of reports. One of the working papers for that seminar would include a paper on the Australian experience.

427. Before replying to questions, the representative of Australia introduced two other representatives of the Australian Government who would share with her responses and clarifications requested by the Committee. She mentioned that it had been difficult to obtain certain data requested because of the 16-hour time difference in Australia. To facilitate the work of the Committee she had

provided copies of the replies to all members, since replies would have to be abridged.

428. In regard to the Australian federal system of Government, when there was inconsistency between state and federal legislation in an area where both jurisdictions might validly enact legislation, federal legislation prevailed. Australia fully accepted its obligations as a sovereign State ratifying a treaty. The statement made by Australia on ratification concerning the federal system described the way in which the treaty would be implemented in Australia. As the report indicated, consultation had taken place with the states and the Northern Territory in regard to the Convention and these consultations continued after ratification.

429. Australia's position on reservations was that they were matters of gradual progress; this implied eventual removal of reservations. The Office on the Status of Women had funded research on maternity leave provisions in the public and private sector and an examination of the feasibility of funding schemes for leave. Regarding the armed forces, about 35 per cent of positions in the regular component of the Australian defence forces were now open to women in competition with men as compared with only 8 per cent of positions in 1983. The number of women in the defence forces had doubled in the period 1983-1987 and was now 8.6 per cent of the total enlistment.

430. Some experts had requested clarification on the term "indirect discrimination" which was used in the Sex Discrimination Act. Discrimination on the grounds of sex included the situation where a person was required to meet a condition that she or he could not meet and that most people of the opposite sex could meet or that was not reasonable in the given circumstances. For example, a requirement that elevator operators should be six feet tall would exclude a higher proportion of women than men and could not be said to be a reasonable job requirement.

431. There had been questions regarding the different women's offices and units created by the federal Government. The National Women's Consultative Council was serviced by the Office of the Status of Women. The Human Rights Commission was now named the "Human Rights and Equal Opportunity Commission". There were women's units in all departments. Their role was to ensure that policy developed within that department was consistent with the Government's commitment to progress on the status of women. Their location in the departmental structure was crucial since access to decision-making at that level was needed. These units met regularly with the Office of the Status of Women to exchange information. The Office of the Status of Women relied on these units to monitor departmental activities while the Office concentrated on matters relative to more than one department at executive Government level. In 1986, the Government had upgraded the Aboriginal Women's Unit to the "Office of Aboriginal Women", headed by a Director.

432. The Office of Multicultural Affairs within the Prime Minister's Office was in charge of developing policy and designing assistance programmes to meet the needs of groups such as Thai and Philippine spouses. Filipino women had been involved in the so-called "Mail-order bride" business in order to gain permanent residence in Australia. This matter had been raised by the Office of the Status of Women in the current review of immigration policy and administration in Australia.

433. The national agenda for women was the priority for the Government, as mentioned in her introductory remarks. The agenda was a five-year action plan in which priority would be allocated to initiatives that improved women's economic independence and choice. There were no minimum

or maximum goals, but a progressive move towards change. Accordingly, child-care services, improvements in education and training and employment and attitudinal changes to domestic violence and the way women were perceived in society were all critical issues. The biggest barrier was the attitude of society itself that often saw change as threatening to normal life patterns.

434. In replying to questions asked under article 2 of the Convention, the representative went on to say that if retirement age was earlier for women than for men, it was a case of positive discrimination. After all, women had carried the double burden for a while longer than men.

435. As to the reactions of the population to the changes envisaged, she said that, as in every other country, there was a ground swell of conservative opinion in Australia on matters concerning the family and the role of women. This tendency was balanced by the respect for principles of “fair-play” and the right to equality of opportunity. However, reactions to adoption of the Sex Discrimination Act indicated a very strong belief in equal opportunities and discrimination legislation.

436. As part of the overall affirmative action plan, the current position on equal pay for work of equal value had been summarized in a 1986 decision by the Conciliation and Arbitration Commission in a case brought by the Royal Australian Nursing Federation. The Federation argued that nurse’s work was undervalued because it was a traditional female occupation and that the sex of the workers had contributed to the evaluation of the work. Though the Commission rejected the notion of “comparable worth”, it reiterated its commitment to the principle of equal pay for work of equal value and left the way open for future applications. The nursing profession has experienced substantial rises in their salaries since then. She then referred the experts to the supplemental report circulated to them. The merit principle was paramount; only when candidates were of equal expertise could positive discrimination occur. Compliance required employers to identify over/under representation of women within their labour forces and to take action to redress the imbalance in areas such as training opportunities. The private sector had just begun to react to the affirmative action plans. Research so far had shown that Australia had a high level of gender-based occupational segregation.

437. The Media Council of Australia monitored adherence to the guidelines which were not enforceable by law. The Office on the Status of Women was conducting a content analysis on how women were currently portrayed in advertising. From this research the Government would consider how the industry responded to the findings and would review options for improved regulation if progress was not satisfactory.

438. The Government, when necessary, took a different approach to safeguard and accommodate the rights and cultural distinctiveness of aboriginal people, most notably within the context of the policy of aboriginal self-determination and self-management.

439. Regarding the questions on domestic violence, new procedures had been introduced such as “protection orders”. Police were being retrained to take a greater role in the enforcement of protection orders to violence against women; the issue of rape was difficult to resolve in the short term. Australia’s second report would provide an update on programmes in these areas. Ongoing activities such as the Domestic Violence Community Education Campaign endeavoured to reach the

male consciousness through a media campaign, information directed at the police, the legal profession and the helping professions, as well as the development of school materials. Feminist organizations had established support systems in all of the above and it was to their credit that awareness and action had taken place, including the creation of new legislation.

440. Some Australian feminists had questioned the value of national machinery for women when it had been first proposed in the mid-1970s, fearing that it would become a token provision. Most feminists had, however, in fact demanded such institutions, although they had watched institutional activities with a critical eye. Most of the women working in the women's units of the state and federal Government were themselves feminists. Consultation with non-governmental groups was conducted on a regular basis through liaison networks and meetings.

441. The representative then turned to the answers involving the small participation of women in Parliament. The process, she indicated, was long and arduous. To succeed in elections, a woman candidate had to succeed first within the local and state-level bodies of the political party of her choice. She had to contest party preselection before she could stand for election and seek to win the votes of the Australian electorate. To assist in the process, the National Women's Consultative Council was about to launch a national series of seminars with women's organizations, tracing the history of Australian women's political participation since the struggle for the vote, as well as providing practical information and advice on how to become politically active.

442. Since 1977, trade union awareness had increased and in 1983 a women's policy had been issued by the Australian Council of Trade Union to improve women's participation in the workforce. Four out of the 10 executive councillors were women. Women represented 8 per cent of the total executive staff in the federal Government; 50 per cent of law students but less than 8 per cent of all barristers were women. Overall about 11 per cent of all judges, magistrates, barristers, solicitors and legal officers were women. Little improvement had been experienced within senior diplomatic posts, but currently two ministers were women.

443. Drop-out rates for girls had considerably lessened as the value of an education for girls had been established. School retention rates in the final years of schooling were now higher for girls than for boys; in 1987 there were 57 per cent of girls as compared to 49 per cent of boys.

444. The Australian Teachers Federation was a strong advocate for affirmative action and equal opportunity programmes. There was limited gender-specific data on aboriginal study grants (ABSTUDY); of the 20,000 adult persons who had received these grants, approximately 65 per cent were women, including the first female aboriginal solicitor (1986) and first female aboriginal helicopter pilot (1987). As a result of the lack of schools or colleges in the rural and remote areas, aboriginal and immigrant women undertaking continued education had to leave their local communities and family support systems. The care of children in an alien environment was a crucial concern and caused much anxiety, which in turn inhibited opportunities to acquire further education.

445. She had noted the Committee's interest in single-sex schools and explained that in Australia teachers were also very interested in this question, specially in single-sex classes within co-educational schools to assist girls in areas where co-education placed them at a disadvantage.

446. As stated before, the Government had an ongoing commitment to expand child-care places in the years ahead. Fees for Australian government-funded child care were fixed according to parents' incomes and lower fees were available for those on low incomes. The system was "needs-based" and not targeted to groups of special concerns, sole parents, immigrants, aboriginal women.

447. The representative stated that she had circulated the newest statistics on aboriginal women in the labour market. As could be seen, women had a higher representation in the clerical fields, at 32 per cent, employed in its majority by federal, state and local government. For many women part-time work was preferable, given child-raising responsibilities.

448. There had been increased access to abortion over the past 15 years. The Labour Party had supported the particular right of women to choose since 1984. It had recently decided that abortion could be freely debated at the state and federal level and that party members could register individual conscience votes in respect of proposed legislative changes.

449. Family-planning information was issued upon request. The Government believed that a national approach on dissemination of this type of information was not feasible owing to diverse cultural and social backgrounds and respective state legislation.

450. Women had not been consulted on the initial stages of development of reproductive technologies as this development had taken place in independent laboratories and universities. Concern had grown about the moral and legal implications of in vitro fertilization and embryo research. Each of the state and federal governments had conducted an inquiry on the implications and a national bioethics committee was about to be formed. Feminists had reminded the Government that these technologies had profound implication for women and it had been decided that 50 per cent of the membership of the committee would be women. Surrogate motherhood was illegal in Australia.

451. There were no special provisions regarding aboriginal infant mortality. The federal Government recognized that "band-aid approaches" tended to perpetuate aboriginal disadvantage unless accompanied by measures that sought to develop self-reliance and economic independence and that they key to aboriginal advancement was the improvement of the Aborigines' living conditions. Additional information had been furnished in the text circulated to the Committee.

452. The Australian Government had progressively reviewed its social security programmes. The objectives for women receiving family allowances and other forms of assistance were to reduce dependency on government income while facilitating opportunities for women through developments in other areas, to accord priority for women with low incomes, to ensure that family assistance reached mothers and to ensure adequate access to services.

453. Children of common law marriages were fully protected without regard to the status of their parents. This protection included equal rights to those of conventional marriages with regard to inheritance.

454. Both parents were entitled to guardianship. However, women in common law marriages were less protected. In only three states (Tasmania, New South Wales and Victoria) could the woman

claim maintenance. Either or both parents could sign the birth register. The mother could enter the father's name but this would not have legal effect in establishing paternity. The child was entitled to the same rights whether or not the father's name or signature appeared on the register. All disputes regarding the family were seen by the Family Court which consisted of 60 judges, of whom five were women.

455. There was no constraint for aboriginal couples to apply the Australian family law. In remote areas, aboriginal people preferred not to become involved with the ordinary laws of marriage. Those living in urban areas did apply them more frequently; they were free to choose. In addition, aboriginal people hardly made any use of the Family Court system since they were able to solve any dispute outside the legal system. Their most common resort to the courts had been in cases of children's maintenance whether from a marriage or a de facto situation. The Law Reform Commission had made proposals to enable tribal marriage to be more formally recognized. The main dilemma about a dual legal path situation was that traditional aboriginal custom involved marriage at ages lower than under the Australian legal system.

456. The representative thanked the Committee for their interest in the examination of Australia's initial report. One representative indicated that she would be consulting the Government as to the possibility of holding a seminar in Australia on the status of women. She also indicated that if the Secretariat decided to hold a workshop on the preparation of report, Australia would be more than willing to present a paper on the subject.

457. The Committee once more reiterated its appreciation for the thoroughness of the presentation and answers of the representatives, which were prepared at such short notice, and wished them the best of success in their endeavours.

CEDAW A/49/38 (1994)

370. The Committee considered the second periodic report of Australia (CEDAW/C/AUL/2) at its 251st meeting, on 31 January (see CEDAW/C/SR.251).

371. In her introductory statement, the representative of Australia recalled her Government's commitment to eliminating discrimination against women and referred to the means used to promote the status of women. Upon ratification of the Convention on the Elimination of All Forms of Discrimination against Women in 1983, the Sex Discrimination Act was passed in 1984 and the Affirmative Action (Equal Employment Opportunity for Women) Act in 1986. Several legislative amendments had been made since then, strengthening the sex discrimination and sexual harassment provisions. The representative stressed that her country's federal system of government required a cooperative approach between the Federal Government and the governments of the States and Territories to implement the Convention. The New National Agenda for Women, released in 1993 by the Federal Government, reflected many articles of the Convention and was a guideline to the year 2000.

372. The second periodic report followed the tradition of frankness about what remained to be done to implement the Convention. As part of programme to raise awareness on equal rights, the report had been widely distributed throughout the country. Government policy advise mechanisms on the status of women had been reviewed and several new consultative mechanisms established.

373. Women's representation in public life remained one of the areas of concern, since only 14.5 per cent of the members of Australia's parliament were women. The reasons for women's absence in decision-making and strategies to influence the political agenda would be discussed in a paper on women and government in Australia and New Zealand. Women's underrepresentation in the judiciary was addressed by the Federal Attorney-General in a report on the process of judicial appointments.

374. Violence against women, as a violation of women's human rights and a form of discrimination, was another area of national concern and a policy priority for the Office of the Status of Women. The National Strategy on Violence against Women provided a framework for concerted action at all levels of government. A national education programme on violence against women had been launched recently.

375. The third area of concern was the situation of particularly disadvantaged groups, including indigenous women, migrant women, all women of non-English speaking background and women with disabilities. Aboriginal and Torres Strait Islander women were the most disadvantaged people in Australia society, with high infant mortality rates, low life expectancy, high unemployment figures and high incidence of domestic violence and homicide. The Aboriginal and Torres Strait Islander Commission (ATSIC) had been established as the premier body responsible for Federal Government programmes. The ATSIC board members were elected by and from the Aboriginal and Torres Strait Islander people. The Office of Indigenous Women within ATSIC coordinated the Women's Initiative Programme. A national Aboriginal and Torres Strait Islander Consultative Women's Council was being considered. A comprehensive women's health policy was in

preparation. The representative stated that further programmes would be developed to help Aboriginal and Torres Strait Islander peoples move out of situations of dependence. The most significant development was the introduction on 24 December 1993, of the Native Title Act, which would establish tribunal and court processes for determining claims to native title.

376. The representative stated that Australia, being a member of the Commission on the Status of Women during the period leading to the Fourth World Conference on Women, felt responsibility to participate actively in international mechanisms and to promote the equality of women, in partnership between States, as reflected also in the international development work of the country. Australia was focusing on the protection of women's rights within the mainstream human rights forums to avoid marginalization of women's human rights.

General observations

377. Members of the Committee acknowledged the quality of the report, which complied with the general guidelines. A great deal of information had been made available in a self-critical manner. They thanked the representative for the extensive and very informative replies and commended the Government of Australia for the specific action taken to improve the status of women and its commitment to the implementation of the Convention. Special reference was made to the contribution of Australia to the World Conference on Human Rights and its efforts to treat the human rights of women on the same basis as all human rights.

378. Members especially welcomed the fact that women's unpaid work in the family was taken into consideration and integrated into the national accounts.

379. Members inquired about a change in government policy with regard to the reservation under article 11, paragraph 1 (c), in connection with combat duties, and paragraph 2 (b), on maternity leave. The representative replied that the ban on women serving in combat roles had been lifted, with a small number of exclusions related to violence. Women in the Australian Defence Force could now serve in the navy, army and air force. As a result of the revised employment policy, Australia would adjust its reservation to the Convention. With regard to the second reservation, maternity leave with pay was provided for all women employed by the Commonwealth Government, subject to a 12-month qualifying period, for 9 to 12 weeks depending on the State or Territory. Unpaid maternity leave had become available to Australian women employees since 1979 and had been inserted in all major Federal awards and the majority of State awards. During the International Year of the Family, paid maternity leave would become one of the major issues for public debate. The Government was now taking steps to introduce universal parental leave.

380. Following this report on gradual progress achieved, members expressed their hope that the Government would be able to report on the removal of the reservations in the next periodic report.

General questions

381. Acknowledging Australia's ambitious programmes to raise community awareness of the problem of violence against women, the question was raised whether the incidence of such violence had decreased. The representative replied that there were a number of barriers to collecting

comprehensive data. Much violence against women was not reported, particularly domestic violence. However, a greater community awareness of the criminality of violence against women has brought with it an increase in reporting. The Office of the Status of Women would establish a national coordinated data collection network with standardized statistical collection methods.

382. Asked about the impact of programmes to eliminate violence in the Aboriginal community, the representative stated that a national family violence intervention programme was being implemented by ATSIC using a community development approach. A national men's conference to discuss specific issues of family violence was held in 1993.

383. Members requested information on section 37 of the Sex Discrimination Act and asked whether that legal provision was applied for acts in conflict with Australian legislation or with the provisions of the Convention. The representative replied that such acts were only exempt by force of section 37 of the Sex Discrimination Act but were not exempt from criminal sanctions under other legislation. For example, genital mutilation would be treated as a breach of State assault laws and polygamy would be illegal under the Marriage Act.

384. The Committee welcomed the positive legislative measures, strategies and programmes for providing assistance to women that made it possible to have official legal rights on an equal basis with men. Asked why the Government still had not provided constitutional guarantees for equality of the sexes which would enrich the basic law of the States, the representative replied that it would require a constitutional amendment by referendum to entrench the right of equality of the sexes in the Australian Constitution. There had been ongoing debate since 1988 on which rights and freedoms should be explicitly guaranteed in Australian law. While approaching Australia's centenary of federation in 2001, interests in constitutional change had been renewed, and a conference on the issue of women and the Constitution would be organized in 1994.

Questions related to specific articles

Articles 1, 2 and 3

385. The Committee asked for an organizational chart to better understand the relationships between the women's organizations that were noted to have the common purpose of promoting the status of women. The representative replied that a distinction needed to be drawn between Government administrative and policy bodies and advisory bodies to the Government. The Office of the Status of Women was a Division within the Federal Government's Department of the Prime Minister and Cabinet. The National Women's Consultative Council, operating with federal funds and serviced by the Office was a means of communication between the Government and the members of national women's organizations. The Australian Council of Women was an advisory body to the Government on key issues for the Fourth World Conference on Women. The Federal Government set up the Human Rights and Equal Opportunity Commission as a statutory body to administer four acts, including the Sex Discrimination Act 1984.

386. On the question whether the Minister Assisting the Prime Minister for the Status of Women was a Cabinet member, the representative replied affirmatively and said that this had been achieved in a Ministerial reshuffle in December 1993.

Article 4

387. Members requested information on a study group on Aboriginal women and its authority and resources to ensure equality for indigenous women. The representative replied that she was unable to ascertain which study group was referred to. She noted that the office of Indigenous Women within ATSIC was the body responsible for Federal Government programmes for Aboriginal and Torres Strait Islander women. Since 1992, annual national Aboriginal and Torres Strait Islander women's conferences had been held to enable representatives of indigenous women to identify important issues and provide advice to ATSIC.

388. Asked what her Government had done to increase the status of Aboriginal and Torres Strait Islander women and whether they would be treated on equal terms if land was returned to the indigenous population, the representative confirmed that the high court decision in Mabo and Others v. the State of Queensland was the most significant judicial act that paved the way for the Native Title Act 1993, which represented a political shift in the treatment of indigenous Australians, although its full impact could not yet be grasped fully. An Aboriginal and Torres Strait Islander Social Justice Commissioner had been appointed to monitor and assess the human rights of the Aboriginal and Torres Strait Islander peoples, in particular women. Women's equal rights should be a major concern when it came to redistribution of land. She agreed that many services provided for indigenous women in the past had failed because traditional values had not been taken into account in the design and implementation of programmes, but efforts were being made to remedy that situation, in particular in the health sector.

Article 5

389. Having been informed that maternity leave was widespread in the public sector, the Committee wanted to know what action had been taken to enable women to continue work in the private sector, where most left their jobs after giving birth. The representative made clear that the inclusion of maternity, adoption and parental leave in federal awards had been supported by the Government. Asked whether legislation relating to paternity leave was being considered, she reported that significant progress had been made on that issue, since industrial relations legislation guaranteed 12 months unpaid parental leaves, which could be shared between men and women.

390. The Committee had difficulty in fully understanding the reservation on maternity leave. The representative said that there was considerable discussion going on in her country on the issue. Women's participation in wage labour had increased significantly in the last 15 years. The resistance to paid maternity leave came from many sides; there was no consensus on the issue even among women's organizations and trade unions. The universal social security system existing in the country cushioned cuts in income levels and was an incentive for part-time work. Moreover, there had been no strong pressure or demand for facilities to feed babies in the workplace.

391. Commenting on violence against women, the experts asked how many women had taken refuge in shelters. The representative said that a national census on a single night in May 1992 had found 4,700 adults and children using the Support Accommodation Assistance Program (SAAP) as a result of family violence. Eighty-five per cent of women applied for Government benefits or pensions after taking refuge. An accurate figure on women obtaining protection orders could not be

given owing to a lack of consistency in data collection by the States and Territories. In 1991, there were 603 applications for Domestic Violence Orders in the Australian Capital Territory, 90 per cent made by women against men. Asked how women's organizations helped victims of rape within marriage and of domestic violence, the representative said that rape crisis centres, domestic violence crisis services and women's health centres provided information on legal, health, financial and crisis accommodation matters and referred women to appropriate services.

392. The Committee wanted to know how the Government viewed the problem of violence against women and if any attempts were being made to solve it. The representative stressed that the commitment of the Government was evidenced by its considerable support to women and children victims of violence and its efforts to change the law and behaviour of perpetrators. The New National Agenda defined strategies to eliminate violence against women which included further legislative reform. The Government provided considerable funding for various measures to eliminate violence, in particular for community education campaigns, the provision of shelter and income support to women escaping violence. An emphasis was put on the role of men in all aspects of violence and the re-education of aggressors. A clear message was being sent out that violence was not acceptable behaviour.

393. Replying to a question on the legal concept of the family in Australian society and measures taken to strengthen it, the representative first stated that the family, as an entity, had no legal status or legally enforceable rights or duties. The Family Law Act concerned itself with the rights, duties and responsibilities of the individuals who belonged to families of particular kinds. The law implicitly recognized the existence of certain kinds of family. Australia's federal system did not provide a comprehensive code for family relationships, but recognized people's responsibilities for their relationships. In order to promote greater support, harmony and quality of life for all families, the Government had introduced a package of family payments. Efforts has been made to provide quality child care.

Article 7

394. Members of the Committee expressed their regret that the report lacked an analysis of the obstacles to the achievement of equality for women in positions of political leadership, and asked for more information on the reasons for the disparity in figures between different institutions. The representative explained that women tended to be particularly under represented in high-level posts in science and technology owing to entrenched values regarding women's entry into non-traditional areas. Her Government targeted women in public life as one of three priorities for improving the status of women and, therefore, was committed to 50 per cent representation of women on Government boards by the year 2001. A register of women and a monitoring system had been established. Women's under representation in public life resulted from entrenched social attitudes, parliamentary practices which conflicted with family responsibilities, lack of women in leadership positions and factionalism in the pre-selection processes in major political parties.

395. In reply to a question on the level of women's representation in local and national government, the representative said that there were a higher levels of female participation in local governments and relatively low levels in national government. This might be due to the structure of major political parties in Australia and their dominance by men. Large distances inside the country were

another obstacle to women's involvement in leading positions, since many women were not prepared to move to the Federal centre of government. She also noted that the Commonwealth State Ministers on the Status of Women were undertaking research on the issue.

Article 10

396. In reply to a question on action to raise female enrolment at the university level, the representative recalled that the number of women in higher education had grown steadily, reaching more than 50 per cent. More women than men had enrolled since 1987. However, women were still under represented in certain of study, and concentrated in arts, humanities, social sciences and education. The Government had published a plan for equity in higher education entitled "A Fair Chance for All", which set the goal of increasing women's share of engineering enrolments to 15 per cent and in other non-traditional courses to 40 per cent by 1995.

397. Members of the Committee requested further information on the education of Aboriginal women, their enrolment at university and their entry into the professions. The representative replied that the enrolment of Aboriginal and Torres Strait Islander women in higher education had increased by 192 per cent in the past five years, with women now representing 61 per cent of the total number of students. The rate of completion of courses remained of concern, although no detailed figures were available.

Article 11

398. The Committee was interested in the outcome of an initiative to review the restructuring of earnings. The representative confirmed her Government's strong support of a continued review of award wage relativities based on comparisons of skills and responsibilities. The ratio of female to male average weekly ordinary time earnings for a full-time adult was 83.2 per cent in 1992. A survey on workplace bargaining found that more male employees benefited from workplace-negotiated wage agreements. Reforms to the Industrial Relations Acts 1988 were undertaken in consultation with women's organizations to ensure that the industrial reforms would protect women's interests. Certified agreements would continue to exist between employees, unions and employers, but flexible agreements might be made directly between employers and employees. Agreements were required to ensure "no disadvantage" in the terms and conditions of employment for the employees. To that end, a number of additional safeguards had been included.

399. Asked whether the authorities planned to propose legislation to ensure equal remuneration for work of equal value with a view to raising women's incomes, the representative stated that the Government had ensures that provision under the Industrial Relations Reform Act 1993. Efforts were made to remove discriminatory elements in wage-fixing arrangements.

400. In view of the fact that the majority of women in Australia were working part time and assuming all family obligations, members took note of their economic disadvantage and inherent obstacles for career advancement and participation in public activities. Further clarification on the status of part-time workers, particularly their pension and social security rights, was needed. The representative confirmed that Australia had seen an increase of female part-time employment by 60 per cent compared to a growth in female full time employment of approximately 25 per cent. Part-

time workers tended to be employed more frequently on a casual basis than on a permanent part-time basis, which would give them continuity of employment and the possibility, generally, of accruing benefits. The Government welcomed the extension of permanent part-time employment and indicated that casual work should generally be restricted to short-term, irregular or seasonal work. The representative gave detailed information on pension and social security rights of part-time workers, in particular unemployment payments, job research and newstart allowances, family payments, pension payments and superannuation which would significantly increase coverage of part-time and casual employees. Asked what was considered part-time work, the representative said that it was employment of less than 30 hours a week.

401. The Committee noted that 44 per cent of working mothers had children under 4 years of age, 60 per cent had children under 14 years of age and 49 per cent were single mothers. They asked whether the 1989-1991 programme for the refurbishment and construction of centres had solved the problem of child care. The representative stated that the Government had implemented growth strategies to expand the number of funded child-care places, so that 74 per cent of the demand for formal work-related care for children below school age and 51 per cent for school-age children was met in 1992-1993.

402. Asked about women's employment in mines, the representative replied that there was resistance from the trade unions to allowing women to go underground and to enter an exclusively male dominated profession.

Article 12

403. Asked whether the nationally organized cervical screening programme had been implemented, the representative confirmed that all Health Ministers had adopted an organized approach to detection and management of cervical pre-cancers that included a national cervical screening policy based on a two-year interval, an age range of 18 to 70 years and the establishment of cervical cytology registries. In addition, a television campaign to raise awareness among women on the need for regular testing had been launched in 1993.

404. On a question related to family planning and freely available contraceptive advice for young women without parental consent, the representative said that young women had free access to advice on sexual and reproductive health in clinics funded under the Family Planning Programme.

405. The Committee wanted to know if abortion was available to young women on the same basis as adult women. The answer was that although equal service was ensured in theory, pregnant minor women were disadvantaged in their access to abortion services, since they did not have their own Medicare card and lacked support and money for transportation and consultation of specialists.

406. The Committee asked whether the Government planned to harmonize its family-planning, contraception and abortion policies. The representative stated that abortion laws were the responsibility of State and Territory governments, whereas the Family Planning Programme was a Commonwealth initiative. A harmonization took place in the sense that the Family Planning Programme was a means to prevent unwanted pregnancies and reduce demand for abortions.

407. On a question about the decrease of maternal and child mortality rates among the Aboriginal population, the representative stressed that the health of Aboriginal and Torres Strait Islander peoples had significantly improved in the past two decades. However, the burdens of disease continued to be comparatively high as did levels of child mortality. The proportion of maternal deaths had not decreased yet. There was a great need for an indigenous women's health policy to complement the National Aboriginal Health Strategy, the major initiative in Aboriginal and Torres Strait Islander health. Asked about legal or social barriers to artificial insemination and the public's response, in particular women's response to that process, the representative replied that the direct regulation of artificial insemination was a matter for State and Territory governments. The Commonwealth Government subsidized artificial insemination through the national health insurance scheme. There was evidence that the majority of the population accepted artificial insemination as part of wider reproductive technologies but was concerned about the confidentiality of information, ethnic cultural values and the rights of the child. Women were particularly concerned about the cost and emotional stress involved.

Article 15

408. The Committee commented on a recent controversy about gender bias in the courts that had resulted in a referral to the Australian Law Reform Commission. It asked whether the Government would introduce legislation or encourage law societies and the judiciary to adopt and implement the final recommendation of the Commission. The representative stated that her Government had taken action to address the issue of gender bias in the legal system. The Attorney-General had acknowledged that the process of judicial appointments should comprise suitably qualified women as well as other under represented groups. The Federal Government recognized the importance of judicial education. Gender bias awareness programmes for magistrates and judges had been developed.

Article 16

409. The Committee wanted to know how the Government intended to enact and enforce legislation designed to comply with the Convention and to protect women if marriages contracted according to customary law conflicted with the Convention. The representative said that Aboriginal customary marriages did not comply with the provision of the Marriage Act 1961 and therefore were not recognized as valid marriages, but could be accepted as de facto heterosexual relationships in some State jurisdictions. The Australian Law Reform Commission recommended that Aboriginal customary marriages should be recognized for specific purposes, such as social security law, and for giving legitimate status to the children of such marriages. There were no plans to legislate with respect to Aboriginal customary marriage.

410. The Committee noted that the Australian Law Reform Commission had made certain recommendations concerning marriage practices, such as polygamous marriages, which might comply with religious or customary law but be in conflict with the principles of the Convention. Asked whether there were plans to legislate and enforce domestic law which would protect women from traditions that endangered their health and caused them and their children hardship, the representative stated that marriage, according to the law in Australia, was the union of man and woman voluntarily entered into for life and a contract of valid polygamous marriage was not

possible according to the law. A de facto polygamous marriage contracted outside Australia would be recognized only if valid according to the common law rules of private international law. Any religious or customary marriage which did not comply with the Marriage Act's provisions was not valid.

411. On a question with regard to de facto relationships and the legal action taken to solve the problem of custody and guardianship of children, inheritance, maintenance and allocation of household property, the representative said that the effect of a de facto relationship was governed by State and Territory legislatures and courts, except in relation to children of such relationships. Jurisdiction therefore varied on the issue of share in the intestate estate of a deceased de facto partner. Guardianship, custody and maintenance of children was a matter for the Family Court or the Federal Child Support Agency.

412. The Committee deferred its concluding comments on the report of Australia until its fourteenth session.

CEDAW A/50/38 (1995)

593. The Committee emphasizes that the Convention has been recognized as one of the basic human rights instruments. The Government of Australia at the national level and at the international level has made significant efforts to put women's rights into the agenda at the International Human Rights Conference at Vienna, 1993, the Commission on the Status of Women, the Commission on Human Rights and the General Assembly.

594. Furthermore, the Committee notes with approval that the Government has adopted the new National Agenda for Women in 1993. This is the second plan of action concerning activities that the Government adopted in order to improve the status of women.

595. At the legal level, there hardly exists any longer any discrimination on the basis of sex. Following an evaluation of legislation, several legislative amendments have been made.

596. The Committee, however, expresses its concern about reservations which the Government made when ratifying the Convention. Although there have been some developments in this area, the Committee is particularly concerned about the reservations on paid maternity leave. The Committee urges the Government to continue its efforts to withdraw its reservations.

597. The Committee expresses its concern about indigenous women, migrant women and particularly women from aboriginal groups and Torres Strait Island who are the most disadvantaged people in Australian society. The Government has been frank in its information to the Committee about these women. However, the status of these women is significantly different from other women living in Australia. Violence, life expectancy, unemployment and the health situation among aboriginal women are remaining problems.

598. The Committee urges that in the next report the Government provide more specific data concerning aboriginal women and about remaining obstacles that impede their progress to full equality.

599. The Committee also asks for information about improvements for the aboriginal women after the court decision Mabo and Others v. The State of Queensland. Will that decision permit aboriginal women to receive redistributed land on an equal basis with aboriginal men?

600. The Committee also expresses its concern about the Government's policy to encourage part-time work among women. Women need access to full-time work to achieve independent status and to improve their economic situation.

601. Finally, the Committee encourages the Government to adopt new temporary measures in order to increase women's participation in politics at the state and federal levels.

CEDAW A/52/38/Rev.1 (1997)

365. The Committee considered the third periodic report of Australia (CEDAW/C/AUL/3) at its 352nd and 353rd meetings, on 18 July 1997 (see CEDAW/C/SR.352 and 353).

366. The report was introduced by the Assistant Secretary, Office of the Status of Women, Department of the Prime Minister and Cabinet. She explained that the report before the Committee had been prepared in 1993 as a supplementary report to Australia's second periodic report and had been submitted to the Secretariat as Australia's third periodic report in 1994. In stressing her Government's commitment to its treaty obligations, she regretted its inability to prepare a formal supplementary report for consideration by the Committee at the current stage, but noted that Australia had produced an implementation plan for the Beijing Platform for Action which was available to the Committee for information. The detailed answers to the questions on notice would provide the Committee with an up-to-date picture of the status of women in Australia. Noting the high standards of Australia's past reports as well as past practice, she regretted that the present report had not benefited from the involvement of non-governmental organizations. She indicated her Government's intention to combine the fourth and fifth periodic reports for the Committee's consideration at the beginning of the next century.

367. In her introductory statement, the representative of the State party noted that a robust framework of anti-discrimination legislation, positive measures, strategies and programmes had been put in place since ratification of the Convention in 1983. Government-funded services for women, specialized governmental machinery, and attention to women's health, educational curricula, violence against women, employment and women's participation in public life had resulted in a record of achievement which was significant by world standards. At the same time, the Government was aware of the need to address a number of specific areas where equality for women remained to be achieved.

368. As to the reservations Australia had entered to the Convention, the representative noted that while significant progress had been made towards the provision of comprehensive maternity leave, the Government was not in a position to remove the reservation regarding paid maternity leave. On the other hand, a modification of the reservation regarding "combat-related" employment in the armed forces was being considered.

369. The change in Federal Government following the March 1996 elections had brought a fresh approach. In a strengthening of gender mainstreaming policy, responsibility for gender issues, which had been concentrated in the Office of the Status of Women, had now been extended to all areas of the Commonwealth bureaucracy. Specialist units in line departments had responsibility for enhancing linkages and cooperation, including cooperation with women's organizations. A tight fiscal environment where tax increases or budget deficits were not considered to be means for covering shortfalls had led to difficult choices, but she emphasized the Government's commitment to expanding opportunity and choice for all.

370. While major advances had been achieved in the area of domestic violence over the last 20 years, it remained a significant area of concern, requiring a more comprehensive approach to prevention and response. A National Campaign against Violence and Crime would address, inter

alia, domestic violence. A recent programme had assisted in decreasing the incidence of family violence in Aboriginal and Torres Strait Islander communities. The portrayal of violence in the media was also receiving attention.

371. Australia was one of the few countries with a national women's health policy, and new efforts were under way better to understand women's specific health needs. Programmes and services were implemented to improve the health of Aboriginal and Torres Strait Islander women, including resource allocation. In order to address immigrant women's and girls' risk of genital mutilation, legislation to ban the practice had been introduced in most Australian states and territories, and programmes to prevent it had been developed.

372. New temporary measures had been introduced to increase women's participation in politics at the state and federal level. Rather than relying on quotas, the Government had chosen other means, such as mentoring and executive searches, to increase the number of women in politics. The last federal elections had seen a significant increase in the number of women parliamentarians. There had been an increase in the percentage of women in the Cabinet, in state and local government and in political parties.

373. Women's representation in decision-making and management in the private sector was increasing slowly. The Affirmative Action Agency's awards to recognize worthwhile employers' initiatives, as well as other measures, such as education strategies and the waiving of annual reporting requirements for organizations having implemented high-quality affirmative action programmes over three-year periods, were among the strategies used.

374. The Government was committed to greater participation of women in the paid labour market through the promotion of greater flexibility in the workplace, continuing support for childcare and a broadening of options in employment and training. Women's participation in the labour force had grown by 30 per cent in the past 10 years, almost double the increase for men.

375. The new legislative basis for industrial relations, adopted in 1996, included provisions for parental leave and the prohibition of employment termination for reasons of, inter alia, family responsibilities. Other provisions expected to benefit women in particular were the removal of restrictions on regular part-time work and the capacity to formalize individual workplace agreements. An Office of the Employee Advocate had been established to provide advice and assistance in that regard. She noted that wage gaps between men and women remained, and that a comprehensive income security safety net was available which benefited women to a greater extent than men.

376. In addressing disadvantages experienced by indigenous populations, the Government was committed to reconciliation between Aboriginal and Torres Strait Islanders and the larger Australian community. Indigenous women were playing an active role in those efforts.

377. She noted that the High Court Mabo (No. 2) decision of 1992, which had overturned the terra nullius doctrine and recognized the existence of native title, did not refer to gender as affecting the recognition of native title.

378. To ensure better options for indigenous women, recommendations contained in a report submitted to Parliament in May 1997 were being considered by the Government. A number of new initiatives, including the Aboriginal and Torres Strait Islanders "Healthy Women - Strong Families" initiative which had been announced at the Beijing Conference, were aimed at improving the health status of that group of women.

379. The representative concluded by saying that the Government of Australia believed that far-reaching cultural and economic changes required the support and acceptance of the community. She pledged Australia's determination to build on its existing achievements so as to ensure that women participated fully in all aspects of life so that their families, their communities and Australia would prosper.

Concluding comments of the Committee

Introduction

380. The Committee commended the Government for its past initiatives and efforts to promote and protect the human rights of women nationally and internationally. Australia's leadership for the advancement of women at the Fourth World Conference on Women and its initiative to make it into a "conference of commitment" were particularly noteworthy. The Committee took note of the fact that Australia had prepared a comprehensive national action plan to implement the Beijing Declaration and Platform for Action and provided a copy to each member of the Committee. The Committee appreciated the comprehensive introductory statement and detailed responses provided to the Committee's written questions by the representative.

381. The Committee noted, however, that the third periodic report did not comply with the Committee's reporting guidelines for periodic reports, and that it essentially reiterated information that had been considered at the time of presentation of Australia's second periodic report in 1994. At the same time, Australia could have combined its third periodic report with the fourth, which was due in August 1996, to enable the Committee to explore more fully the developments that had taken place since 1995 when the third report was submitted.

382. As there seems to be misunderstanding about the status of Australia's reports under the Convention, for the sake of clarification the situation is as follows:

<u>Report</u>	<u>Date due</u>	<u>Date submitted</u>	<u>Considered</u>
Initial report	August 1984	October 1986	1988
Second periodic report	August 1988	July 1992	1994
Third periodic report	August 1992	March 1995	1997
Fourth periodic report	August 1996	Not submitted	
Fifth periodic report	August 2000		

Positive aspects

383. Australia's commitment to the full implementation of the Convention and to the realization of the human rights of women was reflected in such legislative and administrative efforts as the New

National Agenda for Women of 1993, the Sex Discrimination Act of 1984 and Amendment of 1995, the Human Rights and Equal Opportunity Act of 1986 and its amendments, the review of the Affirmative Action (Equal Employment Opportunity for Women) Act of 1986, the annual women's budget statement, the register of women maintained by the Office of the Status of Women, and the Office of the Sex Discrimination Commissioner.

384. The Committee welcomed Australia's pioneering role in addressing violence against women and the measures and strategies that had been put in place to prevent and eliminate it. It commended the Government (Bureau of Statistics) for the establishment of the first comprehensive national statistical profile on the extent and nature of violence against women, and for its strong commitment to reducing the incidence of domestic violence including through preventive measures. The recommendations emanating from a National Domestic Violence Forum in September 1996 and the convening of a National Domestic Violence Summit in 1997 were considered to be important steps towards raising awareness about the issue and contributing to the creation of a climate in which such violence would no longer be tolerated.

385. The Committee welcomed the existence of a national health policy for women, which had been established in 1989, and for which funding was currently allocated for financial year 1998-1999. The policy's participatory approach in providing innovative primary health care and in emphasizing services for disadvantaged groups of women, including Aboriginal and Torres Strait Islanders, and migrant women were commendable, as was the inclusion of women's reproductive health and sexuality among its seven priority issues.

386. Legislation enabling the Government to prosecute Australians who committed sexual offences abroad was also commended.

387. The preparation by the Law Reform Commission of the report on equality of women before the law was an important step in further strengthening the equal access of women to justice and in eliminating discrimination and gender bias in areas such as legal aid, violence against women, immigration and refugee law. The recommendation of the Commission to enact an Equality Act which could lead to the entrenchment of equality legislation in the Constitution would, if implemented, reinforce Australia's leadership role with regard to the equality of women.

388. The Committee applauded the Government's intention to ratify the amendment to article 20, paragraph 1, of the Convention concerning the Committee's meeting time and noted with satisfaction Australia's support for the preparation of an optional protocol to the Convention on a complaints procedure and the initiation of domestic consultations in that regard.

Factors and difficulties affecting the implementation of the Convention

389. The Committee noted that the changing role of government in terms of public expenditure and the ongoing decentralization of responsibility in a number of areas, including health, from the federal to territorial or state Governments, had had an impact on the legal and practical implementation of the Convention. Australia continued to have two reservations to the Convention, one with regard to paid maternity leave and one with regard to "combat-related" employment in the armed forces,

which constituted an obstacle to the full implementation of the Convention.

390. The Committee was aware that Aboriginal and Torres Strait Islander women continued to face discrimination and disadvantages in terms of access to rights, opportunities and resources.

Principal areas of concern

391. The Committee was concerned about the Government's apparent shift in attention and commitment to the human rights of women and the achievement of gender equality. Indications such as the cut by 38 per cent in the budget of the Office of the Status of Women and a similar reduction of funding for the Human Rights and Equal Opportunities Commission gave rise to concern. While increased efforts at gender mainstreaming into all sectoral areas were commendable, the Committee was concerned about the weakened role of national machinery in providing policy advice on equality issues and in monitoring the effective implementation of such policies. The discontinuation of the women's budget statement, as well as of the national register of women, was regrettable since both had served as a model for other Governments embarking on similar exercises.

392. The Committee was alarmed by policy changes that apparently slowed down, or reversed, Australia's progress in achieving equality between women and men, such as in housing and childcare programmes, and in employment assistance. It was concerned about the delay in appointing a Sex Discrimination Commissioner and about the Government's declared intention to change its human rights policy and legislation as it pertained to women.

393. The Committee expressed its concern about the possibility that, at a time of fiscal constraint, resources for programmes and policies benefiting women or aimed at overcoming discrimination, for example in health, the provision of legal aid services, training and awareness programmes on violence against women for health, judicial, professional and other workers might be subjected to disproportionate budget cuts.

394. The Committee noted with concern that violence against women, notwithstanding major efforts, remained a central concern to Australian women, 7 per cent of whom experienced some type of violence in the course of a year. It noted the absence of data concerning violence against Aboriginal and Torres Strait Islander women and assessment of programmes directed at reducing such violence.

395. The Committee was also concerned about paedophilia and sex tourism involving Australian men, primarily in Asian countries, and the situation of women brought to Australia as brides.

396. The Committee noted with concern that new legislation on industrial relations providing for the negotiation of individual contracts between employer and employee might have a disproportionately negative impact on women. Part-time and casual workers, of whom women formed a disproportionate share, were usually in a weaker position than other workers to negotiate favourable working agreements, in particular with regard to benefits. The reservation to the Convention with regard to paid maternity leave, and Australia's non-ratification of ILO Convention No. 103 concerning maternity protection, remained a concern for women workers with family

responsibilities.

397. The Committee was concerned at the continuing adverse situation of Aboriginal and Torres Strait Islander women. Major causes of concern included a higher incidence of maternal mortality, lower life expectancy, reduced access to the full range of health services, a high incidence of violence, including domestic violence, and high unemployment rates. Their situation, as well as that of migrant women, was further compromised by an apparent rise in racism and xenophobia.

Suggestions and recommendations

398. The Committee recommended that the Government should carefully monitor the impact of recent policy changes in all areas covered by the Convention for inclusion in its next periodic report. To that end, it recommended that Australia conduct analyses of the successes and shortcomings of the new policies with a view to providing data for future action, both in Australia and elsewhere. It recommended that the Government design a long-term strategy aimed at the full implementation of the Convention.

399. In particular, the Committee recommended that an evaluation should be conducted of the Workplace Relations Act of 1996, assessing its impact upon women of different age groups, with different educational levels and in different occupational groups. The Government should assess whether the Act leads to increased or decreased part-time and casual work, and its impact on women workers' benefits and on workers with family responsibilities, particularly women's ability to obtain maternity leave. A similar evaluation and assessment was recommended for Australia's new childcare benefit scheme.

400. The Committee encouraged the Government to assess the benefits of a continuing national women's health policy and to ensure that any further change in that policy did not lead to a decreased access by women, especially vulnerable groups of women, to comprehensive health services. It also recommended that data and indicators on health should be collected, disaggregated by sex, age, ethnicity, rural/urban areas and other distinctions. Data should also be collected on the impact of the shift in responsibility for health care from the federal to the state level.

401. The Committee recommended that the Convention and the Beijing Declaration and Platform for Action should be translated for non-English-speaking Australians.

402. The Committee recommended that a comprehensive strategy to eliminate violence against women should be adopted following the National Domestic Violence Summit, with an emphasis on prevention, and with sufficient funding. It also recommended that ways should be found to involve women's groups in the development of strategies to reduce violence in the media, including electronic media, and that they should participate in the development of regulatory codes of practice of the media. The Government should further assess its monitoring and enforcement responsibilities in that regard.

403. The Committee noted the differing state provisions in relation to prostitution and encouraged the Government to assess the effectiveness of the varying measures in reducing the exploitation of

prostitution.

404. The Committee encouraged the Government to collect statistical data on the participation of Aboriginal and Torres Strait Islander women in the workforce, in decision-making, in politics and administration, and in the judiciary with a view to enhancing programmes that would benefit them. It suggested that the Government might include representatives of those communities when it presented its next report to the Committee.

405. The Committee recommended that, in the light of the Mabo and Wik judgements of the High Court, the Government should develop the necessary legislative and policy measures to ensure women's equal access to individual ownership of native land.

406. The Committee encouraged the Government to strengthen its support for women's studies, to provide funding for research and teaching, and to facilitate international academic exchange and cooperation in that field.

407. The Committee encouraged the Government to resume its active and visible participation in international forums on women's equality, such as the Commonwealth and the United Nations.

408. The Committee requested the wide dissemination in Australia of these concluding comments so as to make individuals aware of the steps that had been taken to ensure de facto equality for women and the further steps required in this regard.