

Government Response to
Half Way to Equal—
the Report of the Inquiry into Equal Opportunity
and Equal Status for Women in Australia
by the House of Representatives Standing Committee
on Legal and Constitutional Affairs

Presented by the Hon. Paul Keating, Prime Minister,
and the Hon. Wendy Fatin, Minister for the Arts and Territories and
Minister Assisting the Prime Minister for the Status of Women

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CONTENTS

EXECUTIVE SUMMARY.....	I
BACKGROUND.....	I
CONTEXT.....	I
STRUCTURE OF THE RESPONSE.....	II
OVERVIEW OF RESPONSES.....	II
SUMMARY OF RESPONSES.....	III
RESPONSES TO RECOMMENDATIONS.....	1
PART ONE.....	1
RECOMMENDATION 1.....	1
Government Departments – Women as Clients.....	1
RECOMMENDATION 2.....	4
Industrial Awards – Part-time/Casual.....	4
RECOMMENDATION 3.....	6
Government Departments – Casual Staff.....	6
RECOMMENDATION 4.....	7
Needs of Home-based Workers.....	7
RECOMMENDATION 5.....	10
Training.....	10
RECOMMENDATION 6.....	16
Voluntary Work.....	16
RECOMMENDATION 7.....	19
Women in Senior Positions.....	19
RECOMMENDATION 8.....	20
Women's Careers within the Australian Public Service.....	20
RECOMMENDATION 9.....	24
Impact on Women of Industrial Relations Changes.....	24
RECOMMENDATION 10.....	27
Flexible Working Hours.....	27
RECOMMENDATION 11.....	29
Maternity Leave.....	29
RECOMMENDATION 12.....	31
Parental Leave.....	31

RECOMMENDATION 13	34
Flexible Family-related Leave	34
RECOMMENDATION 14	35
Opportunities in Award Restructuring.....	35
RECOMMENDATION 15	40
Closing the Earnings Gap.....	40
RECOMMENDATION 16	41
Child Care	41
RECOMMENDATION 17	48
Work and Child Care Advisory Services.....	48
RECOMMENDATION 18	48
Child Care	48
RECOMMENDATION 19	49
Sole Parents	49
RECOMMENDATION 20	52
Age Pension Level	52
RECOMMENDATION 21	54
Superannuation	54
RECOMMENDATION 22	59
Use of Superannuation Funds.....	59
RECOMMENDATION 23	60
Dependant Spouse Rebate	60
RECOMMENDATION 24	60
Women War Veterans.....	60
RECOMMENDATION 25	61
Physical Education in Schools	61
RECOMMENDATION 26	63
Women's Sport	63
RECOMMENDATION 27	64
Media Coverage of Women's Sports.....	64
RECOMMENDATION 28	65
Affirmative Action Agency and the Media	65
RECOMMENDATION 29	66
Media Coverage of Womens' Sports.....	66
RECOMMENDATION 30	66
Women's Sport and Child Care	66
RECOMMENDATION 31	67
Women's Sport and Child Care	67

RECOMMENDATION 32	68
Women's Sport Funding and Child Care	68
RECOMMENDATION 33	69
Sporting Venues/Child Care	69
RECOMMENDATION 34	69
Australian Sports Commission – Gender Equity	69
RECOMMENDATION 35	70
Australian Sports Commission – Gender Equity	70
RECOMMENDATION 36	70
Gender Equity in Sport	70
RECOMMENDATION 37	71
Women and History	71
RECOMMENDATION 38	72
Australian Honours System	72
RECOMMENDATION 39	74
Australian Honours System	74
RECOMMENDATION 40	75
Sexual Harassment	75
RECOMMENDATION 41	75
Women in the Political Process	75
RECOMMENDATION 42	76
Appointment of Women to Government Boards and Committees	76
RECOMMENDATION 43	77
National Women's Consultative Council	77
RECOMMENDATION 44	78
Surveys of Use of Time	78
RECOMMENDATION 45	79
Adult Education Programs	79
RECOMMENDATION 46	80
Countering Sexism in Schools	80
RECOMMENDATION 47	81
Training Guarantee – Women's Access	81
RECOMMENDATION 48	83
Teacher Training	83
RECOMMENDATION 49	83
Recognition of Training/National System	83

RECOMMENDATION 50.....	84
Needs of Aboriginal and Torres Strait Islander Women.....	84
RECOMMENDATION 51.....	86
Rural Women.....	86
RECOMMENDATION 52.....	87
Rural Women's Section in OSW.....	87
RECOMMENDATION 53.....	89
Rural Women/Transport Subsidies.....	89
RECOMMENDATION 54.....	89
Rural Grants Program Expansion.....	89
RECOMMENDATION 55.....	90
Rural Women – Services.....	90
RECOMMENDATION 56.....	94
Needs of Women of Non-English Speaking Backgrounds.....	94
RECOMMENDATION 57.....	98
Non-English Speaking Background Women – Workplace Training.....	98
RECOMMENDATION 58.....	99
Needs of Women with Disabilities.....	99

PART TWO: PARTIAL RESPONSE TABLED BY THE

PRIME MINISTER ON 7 OCTOBER 1992..... 103

RECOMMENDATION 40.....	103
Sexual Harassment.....	103
RECOMMENDATION 59.....	103
Human Rights and Equal Opportunity Commission Complaints Data.....	103
RECOMMENDATION 60.....	104
Sex Discrimination Act Reform.....	104
RECOMMENDATION 61.....	105
Sex Discrimination Act Reform.....	105
RECOMMENDATION 62.....	106
Sex Discrimination Act and Workers with Family Responsibilities.....	106
RECOMMENDATION 63.....	106
Sex Discrimination Act Reform.....	106
RECOMMENDATION 64.....	107
Sex Discrimination Act Reform.....	107

RECOMMENDATION 65	107
Sex Discrimination Act Reform	107
RECOMMENDATION 66	108
Sex Discrimination Act – Complaints Handling	
Procedure	108
RECOMMENDATION 67	109
HREOC – Determinations/Federal Court.....	109
RECOMMENDATION 68	110
Sex Discrimination Commissioner – Resources	110
RECOMMENDATION 69	110
Sex Discrimination Cases – Legal Aid	110
RECOMMENDATION 70	111
Sex Discrimination Act Reform	111
RECOMMENDATION 71	111
Sex Discrimination Act – Women and Combat Duties	111
RECOMMENDATION 72	112
Sex Discrimination Act Reform	112
RECOMMENDATION 73	113
Sex Discrimination Act Reform	113
RECOMMENDATION 74	113
Sex Discrimination Act Reform – Federal	
Industrial Awards	113
RECOMMENDATION 75	115
Sex Discrimination Act Reform – Victimisation	115
RECOMMENDATION 76	115
Affirmative Action Agency	115
RECOMMENDATION 77	116
Affirmative Action Reforms.....	116
RECOMMENDATION 78	118
Affirmative Action Programs	118
RECOMMENDATION 79	119
Commonwealth Contracts/EEO	119
TERMS OF REFERENCE OF THE COMMITTEE.....	121
ACRONYMS.....	123

EXECUTIVE SUMMARY

BACKGROUND

The Report of the House of Representatives Standing Committee on Legal and Constitutional Affairs Inquiry into Equal Opportunity and Equal Status for Women in Australia, entitled *Half Way to Equal*, was released in April 1992.

The Inquiry was begun in 1989 and was re-referred to the re-established Committee in May 1990. The Committee was initially chaired by Mr Alan Griffiths, MP. Mr Michael Lavarch, MP became chair after the March 1990 election. Three female MPs, Ms Fran Bailey, Ms Mary Crawford, and Ms Jeannette McHugh joined the Committee for the purpose of this Inquiry. The Committee received 634 written submissions and heard evidence from 181 witnesses. Its report contains 79 recommendations ranging across a broad spectrum of Government policy and programs. There was a dissenting report on Recommendations 10, 11(b), 12, 13, 14, 60-63, 67, 69, 70, 72, 76-79. Terms of Reference for the Inquiry and membership of the Committee are in Appendix 1.

CONTEXT

In 1983 Australia became a signatory to the United Nations Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW). By ratifying CEDAW, the Government committed itself to developing policies and programs to improve the status of women in Australia. Since then Australia has put in place a structural framework of anti-discrimination measures, strategies and programs to assist women.

Australia is now recognised internationally for its achievements in raising the status of women.

While our achievements over nearly a decade have been significant, it is recognised at all levels of government in Australia that full equality for women is still some way off. Vigilant monitoring of progress and continued readjustment of Government policies will be necessary to maintain the momentum. The Report *Half Way to Equal* provides an opportunity to do just that, and the Government welcomes the work of the House of Representatives Standing Committee on Legal and Constitutional Affairs in this important area.

STRUCTURE OF THE RESPONSE

This response to the Committee's Report is divided into two parts. Part One consists of responses to Recommendations 1-39 and 41-58. Part Two consists of responses to Recommendations 40 and 59-79 which were dealt with in the Prime Minister's Statement of 19 September 1992 and were tabled in Parliament on 7 October 1992.

The recommendations in *Half Way to Equal* fall into the following categories.

PART ONE

- information and data (Recommendations 1, 6, 42, 44, 51)
- workforce issues (Recommendations 2-5, 7-15)
- education and training (Recommendations 45-49)
- child care (Recommendations 16-18, 30-31, 32(b), 33, 50(b), 55(a) and 56)
- income security (Recommendations 19-24)
- leisure and sport (Recommendations 25-29, 32(a), 34-36)
- women with special needs (Recommendations 50-58)
- recognition and related issues (Recommendations 37-39, 41, 43).

PART TWO

- sex discrimination and affirmative action (Recommendations 40, 59-79)

Summary titles of all recommendations appear in the contents page.

OVERVIEW OF RESPONSES

This response covers all recommendations, including those previously announced. The Report contained 79 recommendations, some of which had multiple parts. (Taking into account recommendations containing multiple parts, there were 136 components of recommendations in total.)

Overall, of 136 components of recommendations, 75 have been supported, 40 have been supported in principle, 3 are supported in part, 12 are still under examination and 6 are not supported.

A partial response to *Half Way to Equal* was announced by the Prime Minister on 19 September and tabled in the Parliament on 7 October 1992. The partial response covered Recommendations 40 and 59-79 dealing with reforms to sex discrimination and affirmative action legislation.

In addition, many of the issues raised in the Report will be addressed in the New National Agenda for Women, the Government's forward looking strategies for women towards the year 2000, to be released early in 1993.

The thrust of the Report and the vast majority of its recommendations have the Government's strong support.

Departments will be responsible for carriage of responses which fall within their portfolio areas.

Set out below is a summary of the Government's responses.

SUMMARY OF RESPONSES

Supported		Supported in Principle	Supported in Part	Not Supported	Under Examination
1a	3	1b	1c	24	22
4b	5a	2a	21d	43a	60a
5b	5c	2b	21e	53	60b
5d	6b	4a		77a	61a
7	8	6a		77b	61b
9	10a	12		77d	62
10b	11	13			69
14	15	16c			70a
16a	16b	16d			70b
16e	16g	16f			71
17	18a	20b			72
18b	19a	21c			73
19b	20a	21g			

Supported		Supported in Principle	Supported in Part	Not Supported	Under Examination
21a	21b	25a			
21f	23				
26a					
26b	33	25b			
34	35	25c			
36	40	25d			
41	42	27			
43	44a	28a			
44c	46a	28b			
46b	47	29			
48	49	30			
50a	50b	31			
54	55a	32a			
56a	56b	32b			
56c	56d	37a			
57	59	37b			
64	65a	38a			
65b	65c	38b			
66a	66b	39			
67	68a	44b			
68b	74	45			
75	76a	51			
76b	77c	52			
78a	78b	55b			
79a	79b	58a			
		58b			
		58c			
		58d			
		63			

RESPONSES TO RECOMMENDATIONS

PART ONE

RECOMMENDATION 1

Government Departments – Women as Clients

The Committee recommends that:

- 1(a) Government Departments review their current operations and particularly their research and development programs to identify the extent to which they focus on women as a client group;

RESPONSE

Supported.

As a result of recommendations contained in the House of Representatives Standing Committee into Legal and Constitutional Affairs' Report of the Inquiry into Equal Opportunity and Equal Status for Women in Australia (the Lavareh Committee Report), all Departments have been asked to look at these issues and report in the 1993 *Women's Budget Statement*. Many are already taking initiatives in this area.

For example, the Industrial Relations portfolio has a number of areas which specifically focus on women as an identifiable client group. This is particularly clear in the activities of the Work and Family Unit and the Equal Pay Unit in the Department and the Affirmative Action Agency (AAA), all of which involve research and development activities addressing issues that have a particular relevance to women. Similarly, in matters such as workplace bargaining, workplace agreements are monitored to establish the effect they are having on women, and the Government's submissions to national wage cases specifically include consideration of issues affecting women, ie pay equity, part-time and casual work and work value. The Department's Workplace Reform and Best Practice programs have provided funding for projects in female dominated industries and companies, some of which particularly focus on equity issues. The Department also focuses on Australian Public Service (APS) issues affecting women.

Similarly, the Department of Employment, Education and Training (DEET) has in place at any one time a range of initiatives related to improving the status of women in the broad range of portfolio activities, including projects funded under the National Action Plan for Women in Technical and Further Education (TAFE), the Women in Entry Level Training Report, and the Commonwealth Employment Service (CES) Women's Action Plan. DEET also has a specific research fund, the Women's Research Employment Initiatives Program (WREIP) designed to commission research relevant to policy development, and it produces or commissions material to be published on women's employment and training. The program also sponsors innovative programs and projects designed to identify best practise in relation to women's employment, education and training.

In the field of health research, the National Health and Medical Research Council (NHMRC), the body principally responsible for advising on health and medical research has established a Working Party on the development of an NHMRC Women's Health Strategy to ensure that its activities (including support for research, development of standards and guidelines, training and ethical issues) take into account the National Women's Health Policy goals and principles.

In 1992 there are 109 research project grants specifically related to women's health (totalling over \$6.7 million or 11.59 per cent of funds for project grants) supported through the Council's Medical Research Committee. A further \$80 000 is being provided to the Prince Henry's Institute of Medical Research in terms of a Development Project Grant for research into treatments for breast (and prostate) cancer. Additionally the Medical Research Committee has identified the fields of menopausal health and breast cancer as Special Initiative areas, and in the assessment process, project grant applications from researchers specialising in these areas are given an additional weighting. This year, four grants that would otherwise have missed out on funding, were supported for their research into menopausal health.

In 1992, the Public Health Research and Development Committee is supporting 16 research studies that are specifically related to women's health. Funding for these grants totals over \$500 000.

In addition, substantial financial support is provided to several medical research institutes which are researching women's health and associated medical issues.

The Research and Development Grants Advisory Committee (RADGAC) focus on a range of issues – including mental health, rural and remote service provision, child health, and ageing and well being – which are of significance to women. The RADGAC also addresses issues specific to women through its workshop program for research targeting purposes. Two recent workshops on *Women's Health* and on *Post Natal Depression (PND)* specifically focused on women's issues. In both cases, a number of Government, academic and community representatives were brought together to discuss the issues and develop a broad framework and direction for future research to be undertaken. In the case of the *Women's Health Workshop*, a call was subsequently made for research proposals to address the topics identified and projects were funded to research these. It is expected that research will be funded on PND when the workshop activities are finalised.

1(b) a component should be added to Departmental annual reports which specifically evaluates policy initiatives and programs which target women;

RESPONSE

Supported in principle.

The Government supports regular public reporting by Departments on policies and programs which target women. Departments are already required to provide information about policies and programs which target women for the annual *Women's Budget Statement* and *National Agenda Implementation Report* produced by the Office of the Status of Women (OSW).

The 'Preparation of Departmental Annual Reports' requirements issued by the Department of the Prime Minister and Cabinet state that public sector agencies, including departments, should report on the activities of their women's unit if they have one or relevant mechanisms such as Women's Desk Officers.

New draft guidelines for Annual Reports are currently being developed. However, they will be endeavouring to streamline rather than increase the size and complexity of the Reports and, as public reporting on policies and programs which target woman already occurs, the Government does not believe that this information should be added to Annual Reports.

- 1(c) All statistical and qualitative data collected by Government Departments should be gender disaggregated to ensure that neither gender is invisible.**

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

RESPONSE

Supported in part.

All social, labour and demographic data and some economic data, where gender is a relevant variable, collected by the Australian Bureau of Statistics (ABS) is already gender disaggregated.

Statistical data collected by most portfolios, other than that collected within programs exclusively for women (eg breast cancer and cervical cancer screening) is also routinely disaggregated by gender and other demographic variables.

The task of monitoring, evaluating and publishing this material would be beyond the resources of OSW and would duplicate work already done in other departments and agencies.

RECOMMENDATION 2

Industrial Awards – Part-time/Casual

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

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

RESPONSE

Supported in principle.

While the amendment of awards is primarily a matter for the parties to awards, the Government is supportive of moves to extend employees' access to permanent part-time employment through award provisions.

The Government has initiated consultation with the industrial parties on this recommendation through the National Labour Consultative Council (NLCC).

The Minister for Industrial Relations has brought this recommendation to the attention of State Ministers for Labour with a view to consideration of complementary action for employees under State awards.

Part-time and casual work has already been identified as a priority issue by the Departments of Labour Advisory Committee (DOLAC) Working Party on Women and the Labour Force and was considered at the July 1992 meeting of the working party in the context of the Lavarch Committee Report recommendations. (The Departments of Labour Advisory Committee comprises the heads of the Commonwealth, State and Territory Departments and agencies responsible for labour and related activities. The Committee meets twice each year to consult on employment, training and industrial relation matters of significant interest to the Commonwealth, States and Territories.)

The Department of Industrial Relations is involved in a range of activities which are designed to encourage the implementation of permanent part-time work, for example

- in July 1992 the Department published *Flexible Working Time: Part-Time and Casual Employment*, Industrial Relations Monograph Number 1, by Jane Romeyn. This provides information on the nature and extent of part-time and casual work in Australia and discussion of related issues; and
- the Department's Work and Family Unit is currently developing a practical guide on the management and implementation of permanent part-time work in the workplace. The aim is to assist supervisors, managers and human resource personnel implement and manage permanent part-time work in their organisation.

Part-time and casual employment is also being addressed in the industrial relations component of the implementation strategy for International Labour Organisation Convention (ILO) 156 in the context of terms and conditions of

employment relevant to workers with family responsibilities (refer Recommendation 10 for details).

The Government believes that desirably casual employment should be restricted to employment which is short-term, irregular or seasonal. To this end, award restrictions, definitions and provisions in relation to casual work need to be reviewed, particularly with a view to avoiding giving recognition to regular, long-term casual employment. Restrictions on permanent part-time provisions should be eased, provision for permanent part-time employment introduced and more flexible forms of permanent part-time employment considered with a view to providing an alternative to regular, long-term casual employment and to more effectively replacing casual employment.

COMMONWEALTH AS AN EMPLOYER

The Australian Public Service (APS) has permanent part-time awards covering the majority of its administrative, technical and professional staff. There are also various other awards and agreements that include permanent part-time work. The conditions for permanent part-time work are mainly equivalent full-time provisions provided on a pro-rata basis.

The APS is essentially a career service with no statutory provision for casual employment (refer Recommendation 3 for further comments regarding the limited application of award-based casual employment).

RECOMMENDATION 3

Government Departments – Casual Staff

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

RESPONSE

Supported.

The Public Service Commission (PSC) determines the manner of selection and registration of applicants for short term positions. It has recently conducted a review of procedures for engaging short term employees. Revised instructions will be issued shortly. Additionally, the PSC undertakes evaluations of human

resource policy issues within the Service. It is currently conducting an evaluation of the procedures for appointing short term and continuing employees.

There are only a limited number of areas where casual employment (generally referred to as temporary employment) is Award defined and used in the Australian Public Service (APS).

Temporary employees are engaged either as short term employees under s.82AD of the *Public Service Act 1922* for relief for initial periods of up to six months, or for fixed terms under Section 82AE of the Act where the work to be done is for a finite duration. It should be noted that 84 per cent of temporary employees in the APS are employed as full time. Depending upon the hours worked temporary staff are entitled to receive either sick and holiday leave or a loading in lieu of such entitlements.

Responsibility for engaging temporary employees has been devolved to departments and agencies. In the case of short term temporary employees, agencies are required by the Act to, *inter alia*:

- consider the need to maintain the service as a career service; and
- be satisfied that in considering the engagement of a temporary employee to perform temporary duties it would not be appropriate to use the services of an officer or a continuing employee.

Temporary employees whose engagement continues for one year are deemed to be continuing employees with enhanced benefits and entitlements similar to those of permanent officers of the APS.

RECOMMENDATION 4

Needs of Home-based Workers

The Committee recommends that:

- 4(a) relevant awards be varied so as to extend to all home-based workers, as a minimum, the regulation of wage rates and working conditions as provided to workers conducting similar work within regulated workplaces, as exemplified in the Outworkers provisions in the Textile, Clothing and Footwear Industries Award;

RESPONSE

Supported in principle.

Home-based work has already been identified as a priority issue by the Departments of Labour Advisory Committee (DOLAC) Working Party on Women and the Labour Force and was considered at the July 1992 meeting of the working party in the context of the Report recommendations.

The Government has initiated consultation with the industrial parties on the whole of this recommendation through the National Labour Consultative Council (NLCC).

Bearing in mind the limited powers of the Commonwealth to amend awards, the Government is supportive of moves to ensure that home-based employees receive adequate protection through award provisions.

The *Industrial Relations Legislation Amendment Act 1992* amends the *Industrial Relations Act 1988* to provide a procedure under which the Australian Industrial Relations Commission (AIRC) can review contracts for the performance of work by individuals who are working as independent contractors that are harsh, unfair or against the public interest. The AIRC will be able to make enforceable orders to rectify any objectionable aspects of the contract.

Provision is also made to permit such individuals to join federally registered unions which have coverage of their work. There is statutory protection, however, against any coercion or discrimination designed to compel independent contractors to join. Similarly, there is statutory protection against discrimination occurring because an independent contractor belongs to a union.

The reason for these amendments is that there are many workers who are not employees in the strict legal sense but who are in an employee-like relationship with minimal bargaining power or legal protection. In some cases such persons are required to perform work under arrangements that are little more than devices to avoid the ordinary obligations of an employer and the scrutiny of industrial tribunals.

These changes are likely to benefit women workers, many of whom are in a weak bargaining position and work in industries to which the amendments may

be relevant. For example, workers in the clothing industry (of whom around 70 per cent are women) are vulnerable to exploitative arrangements designed to avoid award coverage, and the provisions of the Act will assist in ensuring that they have protection against such arrangements.

4(b) in addition, the development of an information program directed at home-based workers, advising them of their legal status and rights.

RESPONSE

Supported.

The Work and Family Unit of the Department of Industrial Relations (DIR) is preparing a discussion paper on home-based work in the context of workers with family responsibilities (expected to be published in the 1992-93 financial year).

The Work and Family Unit play a promotional/educative role in relation to home-based work from a broad policy perspective. The Government views home-based work (where there are sufficient safeguards in place and/or properly regulated by awards) as one option worthy of consideration by employers, employees and their unions in the context of flexibility in the workplace, particularly for workers with family responsibilities, in addition to a whole range of other flexible working arrangements (refer Recommendation 10 for further details).

In relation to the textile, clothing and footwear industries a Tripartite Committee on Outwork, chaired by DIR, met between 1987 and 1989 and initiated a range of activities aimed at:

- educating both employers and outworkers on their rights and obligations under the award; and
- ensuring acceptable levels of compliance with award provisions.

The Committee was re-formed in 1992 because of an observed increase in the number of outworkers employed relative to the number of factory-based clothing workers as employers move to reduce infrastructure and labour costs.

The Committee is considering a range of options: an information campaign, an enforcement campaign, and a demonstration program to show how clothing outworkers can be employed legally and effectively.

COMMONWEALTH AS AN EMPLOYER

The Commonwealth as an employer is currently engaged in negotiations with the Public Sector Union (PSU) on how home-based work might be introduced into the Australian Public Service (APS). Wide consultations have been occurring with departments, agencies and statutory authorities staffed under the *Public Service Act 1922* to ensure that all areas have the opportunity to comment on the possible shape of home-based work in the APS. At this stage it is too early in negotiations to comment on possible vehicles for home-based work provisions.

Once provisions governing home-based work are established, DIR will advise APS staff of their entitlements and rights as home-based workers.

RECOMMENDATION 5

Training

The Committee recommends that:

- 5(a) further initiatives be undertaken to recruit girls and women into non-traditional areas of work in addition to the effective implementation of existing strategies such as the 'Women in Apprenticeship Report' and that this be monitored and evaluated by the Department of Industrial Relations (DIR) and the Department of Employment, Education and Training (DEET);**

RESPONSE

Supported.

The Government is pursuing and developing a range of strategies to recruit girls and women into non-traditional areas of work.

EMPLOYMENT

In the employment area not only are existing strategies operating that meet the recommendation but new initiatives aimed at youth also address this recommendation. Implementation is ongoing.

The Department of Employment, Education and Training actively encourages girls into non-traditional occupations through:

- provision of information materials by Youth Access Staff to young girls to encourage them into non-traditional occupations. A wide range of posters, brochures and materials are available from DEET and other Government agencies;
- running Career Seminars on non-traditional occupations;
- financially supporting 'Trades Women on the Move';
- some Commonwealth Employment Service offices keeping registers of women interested in non-traditional careers as well as registers of women role models/mentors in non-traditional careers;
- labour market programs targeted to women being provided in the area of non-traditional occupations;
- new initiatives such as the Landcare and Environment Action package targeting the involvement of young girls; and
- funding an incentive scheme to increase the take-up of second and subsequent females in non-traditional trades.

EDUCATION

In the higher education area the Government already has in place strategies to encourage women into non-traditional courses in higher education. National goals for improving the balance of participation of women in both non-traditional courses and higher degrees were identified in the 1990 discussion document, *A Fair Chance for All: Higher Education that's Within Everyone's Reach*. The specific targets for women are:

- to increase the proportion of women in non-traditional courses other than engineering to at least 40 per cent by 1995;
- to increase the proportion of women in engineering courses to 15 per cent by 1995;
- to increase the numbers of women in postgraduate study, particularly in research, relative to the proportion of female undergraduates in each field by 1995.

To ensure the achievement of these targets, and other national goals set for five other disadvantaged groups in the same document, higher education institutions were asked to develop equity plans that set institutional targets in line with the national goals and outlined strategies to be adopted for achieving them.

Updates of higher education institutions' equity plans and reports of progress towards targets are submitted each year as part of the institution's educational profile documentation.

Data collected from higher education institutions indicate that by 1991, the female share of undergraduate engineering enrolments was 10.2 per cent, and that females made up 42 per cent of undergraduate business enrolments; 40 per cent of science; 55 per cent of veterinary science; 36.5 per cent of dentistry; and 42 per cent of medicine.

However, in the postgraduate area, in each broad field of study, the percentage of female enrolments is not yet in proportion to their share of undergraduate enrolments.

Although initiatives to date appear to be achieving progress, a study into the appropriateness and effectiveness of current strategies will be commissioned by DEET in the near future. The outcome of this study will have a bearing on the type of policy framework adopted by the Government with reference to further initiatives to recruit women into non-traditional and postgraduate courses.

TRAINING

In the training area the major policy vehicle through which this is being done is the 'Women in Entry-Level Training' report, which is a policy review of the 1987 report 'Women in Apprenticeship' to which the Committee refers. The 'Women in Entry-Level Training' report was released in November 1991.

Implementation of the report has commenced, with the funding of two research projects. One of the projects is investigating the reasons why girls choose either traditional or non-traditional jobs, so that future strategies to encourage girls to enter non-traditional occupations can be targeted more effectively. The other project will research and document strategies that have been successful in improving the participation of women in entry-level training in both traditional and non-traditional areas, so that 'best practice' strategies can be circulated as widely as possible in all sectors. The Commonwealth, State and Territory Governments are in the process of drawing up Implementation Plans for the report's recommendations. The Women's Standing Committee of the Vocational Education Employment and Training Advisory Committee (VEETAC), which is responsible for overseeing the implementation of the 'Women in Entry-Level Training' report, is to report to VEETAC annually on implementation progress.

In addition, the Government will continue to support measures that encourage the recruitment of girls into non-traditional occupations through programs and measures such as Tradeswomen on the Move projects and funding of Preparatory Courses for Women. The report of the Employment and Skills Formation Council 'The Australian Vocational Certificate System', which has recommended the creation of a new unified entry-level training system, also views gender equity as an important concern, and recommends the continuation of such measures. The implementation of the new system, as recommended by the report, was announced by the Prime Minister in the National Training Plan for Young Australians which was released following the Youth Summit in July 1992. Funding has been allocated to establish pilot projects under this plan, with a major objective being to offer vocational education to girls who have previously had fewer opportunities to participate in vocational education and training.

5(b) The Commonwealth, through the Council of Ministers for Vocational Education Employment and Training encourage the providers of technical and vocational training, to develop strategic plans to ensure greater enrolment of young women. These would involve adequate training of trainers and supervisors to accommodate female students and workers;

RESPONSE

Supported.

This recommendation was referred by VEETAC to the VEETAC Women's Standing Committee (WSC). The WSC has commissioned a paper from the Department of Employment, Education and Training. Included in this paper will be recommendations for action which will be forwarded to VEETAC for consideration in mid 1993.

The Government supports the principle that providers of technical and vocational education and training should develop strategic plans to ensure greater enrolment of young women in areas where enrolment of women is currently low. The 'National Plan of Action for Women in TAFE' provides a framework for such an approach, for the Technical and Further Education (TAFE) sector. In particular, the project 'Gender-Inclusive Teaching in TAFE' is developing a model for staff development which will assist trainers and supervisors in areas of low female enrolment (such as the trades) to adopt more equitable practices in teaching. However, the broader scope of the recommendation can probably be best pursued once the Australian National Training Authority (ANTA), announced by the Prime Minister at the Youth Summit in July, has been fully established (expected to be in January 1994).

- 5(c) The National Plan of Action for Women in Technical and Further Education (TAFE) be monitored by Department of Employment, Education and Training (DEET) to ensure its effectiveness;**

RESPONSE

Supported.

DEET does in fact monitor the implementation and effectiveness of the 'National Plan of Action for Women in TAFE', through annual progress and financial reports, both to the Department and to bodies on which it has representation (VEETAC, the VEETAC Women's Standing Committee, and the Ministers of Vocational Education, Employment and Training (MOVEET)). The National Plan is to be evaluated after three years of operation, at approximately the end of 1993.

- 5(d) Department of Industrial Relations (DIR) in association with employers and unions involved in the employment of women in non-traditional areas be required to develop strategies designed to support women to remain in non-traditional environments, encompassing training courses as well as job sites.**

RESPONSE

Supported.

As the recommendation notes, a strategic approach to the employment of women in non-traditional areas calls for initiatives in both training and workplace culture.

In relation to training arrangements, the new entry level training arrangements, and in particular the integration of apprenticeship systems with other entry level training and the extension of the new arrangements to most occupations, should contribute to the breaking down of occupational barriers. However, even in delivery of training, there are certainly specific measures that can be taken, such as ensuring that women entering training for non-traditional occupations are grouped in ways that minimise their isolation and vulnerability to harassment. This and similar strategies should be developed and monitored through the VEETAC Women's Standing Committee.

DIR has a role to play in encouraging changes in workplace culture. Both the National Labour Consultative Council (NLCC) and the Workplace Reform and Best Practice Program provide points at which the industry parties can be encouraged to implement restructured awards that facilitate movement between male-dominated and female-dominated classifications at the same skill level. Relevant case study material could be provided to consultative committees, drawn for example from affirmative action reports and from the companies with best practice projects and those in the best practice network. Similarly, employers and unions could be encouraged to provide industry training which facilitates women's movement into non-traditional areas.

GOVERNMENT AS AN EMPLOYER

In the Australian Public Service (APS) context, departments' and agencies' Equal Employment Opportunity (EEO) Programs include support for appropriate career development opportunities for women such as training courses that target skills necessary for career progression as well as the enhancement of current skills.

In 1990, the Public Service Commission (PSC) issued *Joint Council Papers on Women in Non-Traditional Areas of Employment* which provide strategies for management on ways of overcoming problems faced by women entering non-

traditional areas of employment. The booklet also provides background and specific recommendations to guide negotiators in the development of more equitable award structures for all workers.

The need for employers to address sexual harassment in the workplace is monitored through the EEO Programs, and will be further reinforced by the forthcoming guidelines for the Elimination of Harassment in the Workplace.

As part of the draft Strategic Plan for EEO in the APS in the 1990s, the PSC is planning to undertake consultations with women in the various designated groups.

RECOMMENDATION 6

Voluntary Work

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

- 6(a) volunteer participation be included in the National Accounts as a supplementary report;**

RESPONSE

Supported in principle.

The international standard on which national accounts are based is the United Nations 'A System of National Accounts' (SNA). Australia closely follows the recommendations contained in the SNA. An extensive review of the SNA has been taking place over recent years and a revised version is expected to be released in 1993. The 1993 SNA will recommend that estimates of unpaid household work (including volunteer work) be produced within a national accounting framework. The estimates will be compiled in 'satellite accounts' (accounting statements separate from but consistent with the existing national accounting system) and will provide estimates which can be used in conjunction with those from the current system. The Australian Bureau of Statistics (ABS) proposes to produce such estimates each time that the data required to support them becomes available (i.e. each time a Time Use Survey is conducted).

In February 1990, the ABS released an Information Paper entitled *Measuring Unpaid Household Work: Issues and Experimental Estimates*, containing estimates of total unpaid household work. The estimated value of volunteer work was shown separately. The estimates contained in the publication will be updated when the results of the 1992 Time Use Survey become available.

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

RESPONSE

Supported.

The Government believes that this is an important issue and supports activities in relation to voluntary work. DEET plans a major study which will also review the profile of volunteer work as it relates to older and younger workers.

Several activities are already in progress which will support the study. Studies which have been undertaken by ABS include *Community and Volunteer Work South Australia 1988* and *ABS Measuring Unpaid Household Work: Issues and Experimental Estimates 1990*. Other government research also touches upon time spent in voluntary work, eg *Juggling Time: How Australian Families Use Time* published by the Office of the Status of Women in 1991. In addition, as indicated in the response to 6(a), ABS proposes to produce estimates of unpaid household work including volunteer work, in 'satellite

accounts' of the National Accounts, each time that the data required to support them become available.

The Department of Employment, Education and Training through the Women's Research Employment Initiatives Program (WREIP) has commissioned studies that look at measuring women's skills gained through unpaid work for use in obtaining employment. The Youth Bureau also publishes relevant information. DEET has a broad interest in the issues of skills gained in voluntary work and the extent to which these skills can be utilised in and are recognised in the labour market. Further work had previously been planned to see how skills obtained in voluntary work can be translated into labour market requirements, and will now be carried out as part of the study.

Additional Government activities in relation to those aspects of volunteer work covered by this recommendation include.

- A technical paper produced by the Department of the Arts, Sport, the Environment and Territories (DASET) on the economic impact of the sport and recreation voluntary sector in 1988 (*The Economic Impact of Sport and Recreation – The Voluntary Sector, Technical Paper No. 3*). This paper looked at the size of this sector, its demographic composition, and its impact on the cost of participation in sport and recreation activities.

The ABS is currently working on a survey on Employment in the Culture/Leisure industry which will include information on voluntarism in sport.

- The Parliamentary Secretary for Health, Housing and Community Services, has recently issued a discussion paper on voluntarism and possible Commonwealth responses to it. It discusses the importance of voluntarism, Government support in other countries, the size and characteristics of the Australian volunteer workforce, constraints on volunteering (including possible conflicts with paid employment), current structural arrangements in place to deal with voluntarism (both public and community-based), and possible Commonwealth responses.

Although the paper does not specifically address the extent of involvement in policy making for women in voluntary work, it does address the question of possible support for voluntary organisations which provide opportunities for volunteers, the majority of whom are women.

RECOMMENDATION 7

Women in Senior Positions

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

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

RESPONSE

Supported.

The Government supports development of additional activities to increase the number of women in senior positions, in both the public and private sectors. The Affirmative Action Agency (AAA) has specific responsibility for these matters in the private sector and higher education institutions. Both OSW and the AAA see benefit in working jointly to develop and implement proactive strategies and to ensure that there is no duplication of effort.

The two agencies will liaise with a view to developing in 1993 complementary strategies to further promote the appointment of women to senior positions; in particular, to examine whether any greater assistance can be given to the private sector in promoting the appointment of women to senior positions.

The Office of the Status of Women will seek information from professional bodies and educational institutions on the progress of women within their profession and determine a further response.

The Affirmative Action Act requires private employers with 100 or more employees, and higher education institutions, to implement affirmative action programs designed to eliminate discrimination against women in employment.

and to promote equal opportunity for women. Specific measures included in affirmative action programs include those described in (a), (b) and (c) above.

A number of employers have adopted measures under their affirmative action programs specifically designed to redress gender imbalance in senior positions. Measures have been adopted in areas including management training, provisions for women with family responsibilities and career break schemes. The Agency already assists employers to identify and implement appropriate measures to increase the number of women in senior positions through initiatives including publications on best practice, the annual Affirmative Action Awards, and the annual Women in Management and Industrial Relations Conference.

OSW runs the *Register of Women*, a database of women from the private, public and community sectors with particular expertise in specific areas. A specific aim of the *Register of Women* is to promote the appointment of women to senior positions on government boards and instrumentalities. In October, 1992 the Prime Minister announced that peak employer bodies would also be able to access information from the *Register of Women*, subject to privacy considerations being satisfied.

OSW also developed and supports *Appoint*, a system that monitors and assists progress in appointment of women to government boards and instrumentalities. Other departments have also taken specific initiatives, such as the Department of Industrial Relations (DIR), which has established a *Register of Women* active in industrial relations for possible appointment to portfolio bodies.

RECOMMENDATION 8

Women's Careers within the Australian Public Service

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

RESPONSE

Supported.

This recommendation is already being addressed through the equal employment opportunity provisions of the *Public Service Act 1922* which sets out the Government's commitment to equality of employment opportunity for all staff in the APS. The Public Service Commission is currently finalising its Strategic Plan for Equal Employment Opportunity for the Australian Public Service in the 1990s. A draft Strategic Plan was released in January 1992 for public debate and consultation. It sets out objectives and details of action planned to the year 2000. The Public Service Commission is taking into account the concerns of the Lavarch Committee about reporting by APS agencies on strategies to address direct and indirect discrimination.

In their EEO Programs, APS departments and agencies are required to collect and analyse data, which provides information on patterns of employment. Examination of this information can reveal anomalies and raise questions concerning the possible existence of direct or indirect discrimination.

For example, the collection of data on employment in the APS in 1988 and 1989 indicated that at the ASO2 level, women's promotion rates were substantially lower than men's. A research project has been conducted, funded by Joint APS Training Council to ascertain the reasons for this situation by consulting with ex-keyboard members and a control group of APS staff. The results of the project will be available by the end of 1992.

The Joint Council Sub-committee: Women in the Service monitors the effect of new and continuing workplace practices on the career progression and working situations of women. Current agenda items include permanent part-time work and equity guidelines for workplace bargaining. This sub-committee and the Joint Council EEO (Minority Groups) Sub-committee are chaired by the PSC.

In monitoring the EEO programs, the attention of departments and agencies is drawn to the need to record and report on training opportunities. The PSC is further examining this issue through the Human Resources Development Survey which is conducted annually. Questions have been included to raise awareness of the need to tailor appropriate Human Resource Development activities to EEO groups.

An increasing number of Public Sector organisations provide child care services for their employees. These range from advice/information on child care options for employees returning from maternity/parental leave, through vacation and out of school hours care, to the establishment of long day care centres for employees' children.

Employer sponsored child care can help workers to better combine their work and family responsibilities, increase the retention of skilled employees, assist the return of women to paid employment after a period of maternity leave and meet child care requirements which would otherwise be hard to meet, for example in the case of shift workers and geographically dispersed or isolated employees.

Some examples of public sector employer sponsored child care initiatives include:

- the establishment of a Work and Family Resource Centre in the Central Office of The Department of Health, Housing and Community Services;
- establishment by CSIRO of 40 place child care centres at Black Mountain, ACT, North Ryde, NSW and Clayton, Victoria;
- an extended hours centre at Gore Hill, NSW for employees of the Australian Broadcasting Commission;
- Joint Venture between Essendon City Council and the Australian Taxation Office, reserving 20 places for use by ATO employees in a 50 place centre at Moonee Ponds;
- establishment of vacation care programs and reservation of places in existing Community-based vacation care programs by a number of Commonwealth Departments including Australian Customs Service, Department of Primary Industries and Energy, Department of Health, Housing and Community Services;
- after school program conducted by the RAAF (Laverton, Victoria) for 15 children;
- Fee Relief for Employer Sponsored places in Commonwealth Funded Family Day Care Schemes is available from 1 January 1993 and

negotiations are already underway for provision of employer sponsored FDC places to Public Sector employees; and

- the provision of priority access to 56 long day care places in a privately run child care centre, at Kambah, (ACT), for National Administration employees of the Department of Social Security.

Other initiatives which redress potentially discriminatory situations are:

- action was taken to recognise women's service prior to deemed resignation due to marriage, for sick leave purposes. Before 1966, section 49 of the *Public Service Act 1922* (commonly known as *the marriage bar*) deemed women to have resigned from the APS on marriage. Women who had at least five but less than 15 years service, received a pro-rata payment in lieu of Long Service Leave. The *marriage bar* was repealed in 1966 but women who rejoined the Service after a break of more than two months were unable to access previously accrued sick leave credits. The recent action redresses this disadvantage;
- in August 1990 the Public Service provisions were amended to permit public servants who resign to care for a child, to apply for and compete on merit for vacancies advertised in the Commonwealth Gazette for a period of up to six years from the birth of the child. This provision applies to both women and men who resign to care for young children, including adopted children;
- the development of appropriate guidelines based on legislation to cover issues of workplace harassment including racial and other harassment. They will build on and supplement the existing guidelines *Eliminating Sexual Harassment*. The guidelines will provide information on the legislation and grievance procedures covering racial harassment, discrimination on the grounds of disability, including discrimination against people with Acquired Immune Deficiency Syndrome (AIDS) or with Human Immunodeficiency Virus (HIV) positive status and discrimination on the grounds of age. These guidelines are for the use of departments and agencies in the APS in carrying out their responsibilities as employers;
- the APS provides opportunities for permanent part-time work. Officers working part-time have access to equivalent career opportunities and conditions as those working full-time;

- the implementation of ILO Convention 156 on Workers with Family Responsibilities has seen an increased emphasis on the need for departments and agencies to facilitate access to more flexible working conditions and work related child care;
- Access of women and men who are working part-time or who have family responsibilities to training opportunities has been raised in training courses and material prepared by PSC. This includes the need to provide options for non-residential as well as residential courses, a factor to which the PSC drew attention in the *Draft Strategic Plan for Equal Employment Opportunity for the Australian Public Service for the 1990s*;
- the attention of managers and supervisors has been drawn to workplace practices such as setting a staff meeting at 5.00 pm as a possible example of indirect discrimination;
- other instances of indirect discrimination can occur through acceptance of stereotypes such as those based on race. The PSC publication *Accents are Everywhere* is designed to consider possible discrimination against people who speak with an accent that differs from the predominant ones.

In 1992-93, the Human Rights and Equal Opportunity Commission (HREOC) will produce a pamphlet on indirect discrimination, and the role of the Sex Discrimination Act.

HREOC will also produce a leaflet aimed at encouraging the union movement to use the Act to attack both direct and indirect discrimination.

In relation to the issue of including this material in Annual Reports, see the response to Recommendation 1 (b).

RECOMMENDATION 9

Impact on Women of Industrial Relations Changes

The Committee recommends that the Department of Industrial Relations (DIR) monitor the impact of new classification structures on womens' promotional prospects under the Structural Efficiency Principle; in particular the provision of formal and on-the-job training opportunities and the impact of productivity and enterprise bargaining on affirmative

action. This information should be made available to the Industrial Relations Tribunal, peak employer, industry and union bodies.

RESPONSE

Supported.

In December 1990 the Department of Industrial Relations published *Women in Restructured Awards*, which examined new classification structures in awards of particular relevance to women. New classification systems have also been continuously monitored in the Commonwealth's submissions to the Australian Industrial Relations Commission (AIRC) since the introduction of the Structural Efficiency Principle in 1988. While the Department will continue to make this information available, it proposes to focus future activities on the second part of the Committee's recommendation, which addresses a new area of research: the impact of productivity and enterprise bargaining on women workers.

In March 1991, DIR established an Equal Pay Unit to develop and provide policy advice on pay equity issues. The Unit also has responsibility for the conduct and commissioning of research into pay equity matters.

EQUAL PAY POLICY STATEMENT

In March 1992 the Government launched its Equal Pay Policy Statement. The statement sets out the Government's pay equity commitments. They include:

- support for the continuation of the award restructuring and minimum rates adjustment processes, which are helping to promote the proper valuation of women's skills;
- support for an equitable approach to workplace bargaining;
- supporting attention to equity considerations by the AIRC so that workplace bargaining does not result in exploitation or discrimination against particular groups of workers;
- support before industrial tribunals for measures to address any areas where provisions in awards and agreements may discriminate against particular groups of workers;

- promoting gender-bias-free practices, including job evaluation and performance appraisal schemes, to the industrial parties;
- continuing to secure observance of federal award provisions;
- the extension of award coverage to non-award employees;
- the coordination of Commonwealth/State approaches to equity in the application of wage-fixing principles;
- support for and promotion of measures in the workplace to assist workers with family responsibilities.

The Department has identified the research and database resources which are required to monitor the impact of productivity bargaining on women, and has raised the matter of monitoring State agreements through the Departments of Labour Advisory Committee (DOLAC). The Department has, within resource limitations, put in place mechanisms which will enable it to undertake the monitoring function proposed in the recommendation. The Department notes that additional information on formal and on-the-job training provision should become available through Australian Bureau of Statistics (ABS)/Department of Employment, Education and Training (DEET) sponsored survey data.

Under the Government's Equal Pay policy, the Equal Pay Unit (EPU) has a commitment to monitor the impact of workplace bargaining on women workers. The EPU's findings will be made available to the AIRC and peak industry, union and employer bodies as recommended.

Enterprise bargaining agreements will also be monitored through the Work and Family Unit to establish what effect they have had on women in the context of their family responsibilities.

Related material will also be collected under the Women's Research Employment Initiatives Program (WREIP), which commissions research on issues related to women's employment, education and training.

COMMONWEALTH AS AN EMPLOYER

The Public Service Commission (PSC), is finalising a research project funded through the Joint APS Training Council which follows a study aimed at measuring the career progress of women who were employed in the former

keyboard structure. Keyboard staff were integrated into the administrative structure in 1987 following the introduction of Office Structures Implementation (OSI). The study will compare their career progress with other women who were already in the administrative structure. The project is aimed at identifying differences in rates of progress through the administrative structure, identifying possible causes and assessing the extent to which any problems might be addressed.

The project report will be available by the end of 1992. Preliminary results indicate that there is a need for further training for women in this group, both for effectively performing the duties of their current jobs and to prepare for higher level work.

The PSC is actively engaged in on-going discussions on workplace bargaining, and equity issues will therefore be considered.

RECOMMENDATION 10

Flexible Working Hours

The Committee recommends that the Department of Industrial Relations (DIR):

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

RESPONSE

Supported.

The Government has initiated consultation with the industrial parties on this recommendation through the National Labour Consultative Council (NLCC).

The Minister for Industrial Relations has brought this recommendation to the attention of State Ministers for Labour with a view to consideration of complementary action for employees under State awards.

PROMOTIONAL ACTIVITIES

The Work and Family Unit of DIR is examining a number of specific types of flexible and innovative working arrangements which may assist workers to better balance their work and family responsibilities. These include part-time and casual work, flexitime, job sharing, home-based work and career break schemes. The Unit is preparing a series of research and discussion papers on a number of these topics.

The Unit's activities include providing direct grants as well as research and publication programs. In relation to part (a) of the recommendation, the Work and Family Unit aims to target its promotional activities to employers, unions and professional bodies.

The Government's strategy on ILO 156, concerning 'Workers with Family Responsibilities' will specifically address this issue. Article 4 of ILO 156 states that "With a view to creating effective equality of opportunity and treatment for men and women workers, all measures compatible with national conditions and possibilities shall be takento take account of their needs in terms and conditions of employment"

The implementation strategy for ILO 156 will be considered by the Government shortly.

The Government is amending the *Sex Discrimination Act 1984* to prohibit dismissal on the grounds of family responsibilities.

THE COMMONWEALTH AS AN EMPLOYER

In the Australian Public Service (APS) there are flexible working arrangements in operation. Clerical, professional and technical staff below the Senior Officer level are able to enter into a flexible working arrangement known as 'flexitime'. There are also permanent part-time work awards establishing provisions for eligible staff to work on a part-time basis in order to meet various commitments including family responsibilities.

Other provisions exist in determinations made under the *Public Service Act 1922* which allow for more flexible working arrangements where operational requirements permit, eg, 'Time off in lieu of Overtime' provisions.

All such arrangements are established in either Australian Industrial Relations Commission (AIRC) awards or in determinations under the Public Service Act, and are available to both male and female workers alike, provided they are eligible, and operational requirements allow. Staff are advised of the existence of these arrangements through the Personnel Management Manual and by way of a series of leaflets available to all staff through their personnel sections.

As part of its role in relation to Australian Government employees, and recognising the particular needs of women with family responsibilities, DIR:

- will improve the information base on the interaction between family responsibilities and work requirements of APS staff, to facilitate future policy development;
- is considering possible arrangements for home-based work in consultation with agencies and unions; and
- is facilitating discussion of human resource issues, in particular those relating to women, by establishing networks of Commonwealth statutory authorities and business enterprises to assist them to implement appropriate strategies through corporate planning and workplace bargaining.

Extension of such arrangements to Australian Defence Force (ADF) personnel would raise some issues because the inherent requirements of the operationally-ready Defence Force preclude the wide application of flexible working hours to defence personnel.

RECOMMENDATION 11

Maternity Leave

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

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

RESPONSE

Supported.

On 2 December 1992, the Prime Minister announced that the Government is giving consideration to the development of Commonwealth legislation protecting internationally recognised labour standards including maternity and parental leave.

The development of such legislation will be part of the Government's fifth term agenda.

In the meantime, the Government is concerned that there is still more work to be done to increase understanding in relation to existing maternity leave provisions:

- this is an issue which has been raised in a number of forums, including the Departments of Labour Advisory Committee (DOLAC) Working Party on Women and the Labour Force.

Given the parental leave decision (refer comments Recommendation 12) and the fact that parental leave encompasses maternity leave as well as paternity leave, adoption leave and part-time work, it may be more appropriate to publicise maternity leave provisions to employers and employees as part of a more comprehensive awareness raising and education program in relation to the complete parental leave package. (Refer Recommendation 12 for details of activities already undertaken in relation to parental leave.)

The *Industrial Relations (Legislation Amendment) Act 1992*, revises the provisions of the *Industrial Relations Act 1988* to facilitate and encourage workplace bargaining. The parties to a dispute within the jurisdiction of the AIRC are able to reach agreement on terms to settle the dispute and to have the agreement certified by the AIRC to operate as an award. A key element of the new provisions is that a certified agreement must not disadvantage employees. The circumstances in which the AIRC may find that an agreement will

disadvantage employees are specified. It must consider whether certification would result in the reduction of relevant employment entitlements and protections for the employees covered by the agreement, and if so, whether the reduction is contrary to public interest. In his Second-Reading Speech on the Bill the Minister stated that the provision is not intended to operate in a way to reduce well-established and accepted standards which apply across the community such as maternity leave, standard hours of work, parental leave, minimum rates of pay, termination, change and redundancy provisions and superannuation.

This statement has substantial weight in the Commission's consideration of the disadvantage test. Given the clear view expressed by the Minister as to how the provision is intended to operate, it is very unlikely that the Commission would certify an agreement which purported to reduce maternity or parental leave entitlements, assuming that a union (which must be a party to a certified agreement) would countenance such a result.

COMMONWEALTH AS AN EMPLOYER

The Commonwealth, as an employer, provides for maternity leave in the *Maternity Leave (Commonwealth Employees) Act 1973*. The maternity leave provisions provided by the Act are publicised in the *Maternity and Parental Leave* brochure which is available to all APS staff through personnel areas.

The Government has reinforced its commitment to paid maternity leave for Commonwealth public sector employees. In 1989, a Government Business Enterprise (GBE), Australian Defence Industries Ltd (ADI), included as part of its new award a clause which provided that new employees forgo their entitlement to paid maternity leave. In response to this, the Government decided that, unless all industrial parties agreed otherwise, employees in GBEs will retain access to paid maternity leave, and subsequently amended the Maternity Leave Act to extend its coverage to ADI.

RECOMMENDATION 12

Parental Leave

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

RESPONSE

Supported in principle.

As indicated in Recommendation 11, the Government is giving consideration to the development of Commonwealth legislation to protect internationally recognised labour standards including maternity and parental leave.

Bearing in mind the limited powers of the Commonwealth to amend awards, the Government is supportive of moves to ensure the incorporation of parental leave in all industrial awards. The Commonwealth demonstrated this support in its submission to the Parental Leave Test Case.

THE PARENTAL LEAVE DECISION

The Australian Industrial Relations Commission's (AIRC) Parental Leave Test Case decision was handed down in July 1990. The decision extended the provisions of the maternity and adoption leave standards to the case of paternity leave. In summary, there were two major aspects to the AIRC's decision:

- the granting of a right to unpaid leave to enable both mother and father to share leave to care for a child in the first year following birth or adoption; and
- provision for either or both parents to undertake permanent part-time work, with pro-rata pay and conditions, up to the child's second birthday or for two years following adoption.

'FLOW-ON' OF THE DECISION

In order to 'flow-on' the decision, unions have to apply to have it inserted into other Federal awards, and Trades and Labour Councils need to run cases in the State industrial tribunals. Alternatively, State Governments can legislate to provide parental leave.

In February 1991 the Australian Council of Trade Unions (ACTU) issued their affiliated unions and State branches with a document titled *Parental Leave - Information Re Flow-on* for their assistance. The decision has since flowed on to a considerable number of awards.

The Department has supported development, with the ACTU, of an information leaflet on the provisions of the parental leave decision suitable for distribution to unions and employees. This leaflet, together with a booklet explaining the application of the new provisions, was launched by the Minister for Industrial Relations, Senator Peter Cook, and the President of the ACTU, Martin Ferguson, at the close of the ACTU Congress in September 1991.

DEVELOPMENTS IN THE STATES AND GENERAL 'FLOW-ON'

Federal awards – flow-on:

- there has been considerable flow-on of the decision to Federal awards with at least 270 Federal awards now containing a parental leave clause.

Flow-on to State jurisdictions has varied:

- the Victorian and Queensland tribunals have handed down decisions on parental leave which reflect the standards established in the Federal test case decision and which are expected to flow-on into relevant State awards;
- a decision is pending from the Tasmanian tribunal; and
- parental leave provisions have been included in the recent New South Wales *Industrial Relations Act, 1991*; however, this legislation does not establish the rights of fathers to unpaid parental leave, approval of such leave being contingent on employer consent.
- in the ACT the Parental Leave (Private Sector Employees) Bill 1992 was introduced in August 1992. The Bill would cover workers with no award coverage and workers whose awards have no provision for parental leave.

COMMONWEALTH AS AN EMPLOYER

Parental leave in the Commonwealth is provided for in a determination under the Public Service Act. Commonwealth parental leave provisions are generally in advance of community standards and the provisions of the Parental Leave Test Case.

RECOMMENDATION 13

Flexible Family-related Leave

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

RESPONSE

Supported in principle.

Amendment of awards is primarily a matter for the parties to awards. However, the Department of Industrial Relations (DIR) is involved in a major research project in relation to the leave requirements of workers who need to care for sick family members. The Government is also interested in exploring the possibility of addressing the underlying issues in this recommendation through support arrangements other than leave.

To date there has been little empirical evidence available about how workers cope at the workplace with family matters. There is anecdotal information that workers take their own sick leave to care for sick family members, and this has been highlighted in media reports over the last 12 months or so. There have also been suggestions that informal flexible working arrangements between the worker and the supervisor often operate under these circumstances.

The Department, through the Work and Family Unit, has commissioned the Australian Institute of Family Studies (AIFS) to conduct a detailed research project (known as the Dependant Care Survey) to evaluate patterns of and requirements for leave to care for sick family members, and obtain information on what workplace measures would assist workers to meet those responsibilities. The study focuses on family emergencies, such as sick child, sick carer or unscheduled breaks in schooling.

A steering committee comprising representatives of the Australian Council of Trade Unions (ACTU), the Business Council of Australia and the Australian

Chamber of Commerce and Industry (ACCI) provides expert advice on the conduct of the project. A final report is expected in 1992.

Possible policy responses will be determined by the results of the study. The results will be the subject of a report to the National Labour Consultative Council (NLCC).

The Government, through the Work and Family Unit, is co-sponsoring a series of annual Corporate Work and Family Awards with the *Australian Financial Review*, the Business Council of Australia and Managing Work and Family. These awards are for Australian companies which are leading the way in developing and implementing strategies to assist their employees to balance their work and family responsibilities. The first awards were presented in November 1992.

The Government also recognises the importance of family responsibilities as an occupational health and safety issue for women particularly in relation to occupational stress. With this in mind, Worksafe Australia is currently examining the feasibility of undertaking a project in this area. The aim of the project would be to identify the sources of problems encountered by workers who need to combine work and family responsibilities, and to examine how the problems can be overcome most effectively. The project would then involve the implementation of the strategies judged most likely to be successful in reducing such problems and to evaluate their actual effectiveness.

GOVERNMENT AS AN EMPLOYER

Public Service Board Determination 10 of 1983 provides for staff to be granted special leave of 3 days per annum in certain circumstances, including the care of sick family members. In addition, staff are able to use flexitime and recreation leave in these circumstances. DIR has promulgated a policy to all Australian Public Service (APS) staff detailing the availability of special leave.

RECOMMENDATION 14

Opportunities in Award Restructuring

The Committee recommends that the parties to award restructuring incorporate measures that recognise the position of women workers and ensure equality of opportunity. This may involve access to training, career paths and skills valuation. 'Best practice' within industries should be used

as models for other enterprises. Furthermore, mechanisms should be put in place to ensure that all workers with family responsibilities are not discriminated against in the assessment of productivity or in assessments for performance pay and promotions.

RESPONSE

Supported.

Recommendation 14 is principally addressed to industry parties. However, there are a number of measures which the Government can take to facilitate award restructuring and the implementation of restructured awards at the workplace.

- Department of Industrial Relations (DIR) can promote women's access to industry training, career paths and appropriate skills valuation to the industrial parties through its research and publications programs and in appropriate industrial forums such as the National Labour Consultative Council (NLCC). In addition it can address these matters in the policy advice it provides to Government, particularly in relation to the Commonwealth's submissions to the Australian Industrial Relations Commission (AIRC).
- In relation to workplace bargaining, DIR can contribute to the development and promotion of equitable models of performance appraisal and models of productivity identification in service employment.

The Government has committed itself to both of these strategies in its Equal Pay Policy Statement. The Equal Pay Unit has responsibility for implementing the Government's Equal Pay Policy Statement.

As part of the industrial relations component of the strategy to implement ILO 156 across Commonwealth policies and programs, the Work and Family Unit intends to undertake a range of educational and promotional activities in this area.

To promote 'best practice' within industries, DIR, through the Work and Family Unit, is co-sponsoring a series of annual Work and Family Awards with the Australian Financial Review, the Business Council of Australia and Managing Work and Family (a consultancy business). These awards are for Australian

companies leading the way in developing and implementing strategies for their employees which balance their work and family responsibilities.

The Affirmative Action Agency (AAA) provides advice and assistance to larger employers (100 or more employees) and higher education institutions on how to eliminate discrimination and promote equality of opportunity for women workers. The annual AAA Awards give public recognition to best practice initiatives taken by employers covered by the Affirmative Action Act. The awards also raise workplace and community awareness of affirmative action. As a result of the Effectiveness Review of the Act, the Agency will be focusing on additional measures to assist employers such as the development of performance standards and codes of practice based on best practice benchmarks.

AUSTRALIAN BEST PRACTICE DEMONSTRATION PROGRAM

DIR administers the \$25 million Australian Best Practice Demonstration Program in association with the Australian Manufacturing Council (AMC).

The program is designed to stimulate the spread of a best practice culture in Australian enterprises and a wider understanding of international best practice.

The program has two elements:

- projects in enterprises to assist them to implement a comprehensive package of reform and become the world's best and most importantly show others how to do it; and
- an information campaign to inform industry of what is meant by best practice and the urgency of the need for its adoption.

A panel of experts drawn from industry and unions recommends projects to the Minister for Industrial Relations for funding. Funds are provided to enterprises on a competitive basis to assist them to undertake major changes to achieve international best practice. These changes will impact on women employed in these workplaces by providing improved job satisfaction and advancement opportunities through:

- changes to working arrangements which give greater emphasis to team work;

- flatter working structures;
- better occupational health and safety arrangements;
- improved job security through increases in competitiveness due to improved productivity;
- better training and development opportunities; and
- more flexible working arrangements which take into account the needs of workers with family responsibilities, such as permanent part-time work.

A specific criterion for funding under the guidelines requires that projects be consistent with promoting equal employment opportunity.

These projects are enterprise-based and involve changes to the way in which work is organised. By implication, these changes will impact on women employed in these workplaces and, more widely, through the dissemination or information component of the program.

Distinguishing features of projects which have been awarded grants include a greater emphasis on quality, and awareness of the need to focus on the customer. Other features have been full participation and commitment by management, unions and workforce to the project, greater use of a team-based approach and an emphasis on empowerment of employees, the development of effective communication systems, quality training plans, new manufacturing processes and new relationships with suppliers.

All companies funded under the program are committed to demonstrating how the benefits and lessons of their project will impact on other enterprises and the wider community. This will be incorporated into the dissemination component of the program.

The AAA will receive additional funds in 1992-93 for a new program of measures to encourage quality affirmative action outcomes. The measures will include tripartite development of performance standards and codes of practice based on best practice benchmarks and a program to encourage employers to establish models of affirmative action excellence.

THE GOVERNMENT AS AN EMPLOYER

Section 33 of the *Public Service Act 1922* (the Act) requires that promotions in the Australian Public Service (APS) shall be exercised without discrimination on a number of grounds, including marital status, pregnancy or any other unjustified discrimination. Current guidelines emphasise the fact that in the merit selection process, promotion is based solely on efficiency as defined in subsection 50A(2) of the Act.

As outlined in the response to Recommendation 8, in monitoring the Equal Employment Opportunities (EEO) programs of the APS departments and agencies, the Public Service Commission (PSC) draws their attention to the need to record and report on training opportunities. The PSC is further examining this issue through the Human Resources Development Survey which is conducted annually. Questions have been included to raise awareness of the need to tailor Human Resource Development activities to EEO groups.

The need to have career planning for staff is also a part of the EEO program monitoring, as is the necessity to have equity guidelines to ensure that recent workplace initiatives such as skills valuation and performance appraisal do not disadvantage the EEO targeted groups.

Following the ratification of ILO Convention 156 on Workers with Family Responsibilities, the PSC has drawn to the attention of departments and agencies their responsibility to ensure that these workers are not discriminated against in the workplace.

Specific strategies are now being addressed in some departments and included in their EEO Programs, include assessing the needs of staff for child care and other carer support, surveys to assess the situation regarding permanent part-time work (including views of workers and managers) and guidelines for ensuring equitable processes in appraising performance and in setting workplace bargaining agreements. The PSC will continue to monitor the inclusion of these strategies in EEO Programs and in PSC training and development initiatives.

RECOMMENDATION 15

Closing the Earnings Gap

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

RESPONSE

Supported.

The Equal Pay Unit of the Department of Industrial Relations (DIR) has responsibility for informing the industrial parties of gender earnings differentials and promoting strategies to reduce those differentials in award restructuring and workplace bargaining arrangements. The Unit publishes a research series based on commissioned research into equal pay and an occasional newsletter which contains information about pay equity issues. Issues published to date have contained information about women's earnings, developments relating to minimum rates adjustments in female dominated industries, National Wage Case decisions, and the Unit's research program. The newsletter is distributed to a wide readership comprising unions, employers, women's groups and others with an interest in pay equity.

The Unit has also published the first of its information papers, *A Guide to the Minimum Rates Adjustment Process*. The paper provides information on how to develop a minimum rates adjustment (MRA) application, and on how the MRA process can address the undervaluation of work. The MRA process provides the basis to establish award rates of pay according to the value of work performed by comparing pay rates both within and between awards. The process involves comparing work value on the basis of relative skill, responsibility and the conditions under which the work is performed, regardless of whether the actual tasks involved are similar. This means that comparisons can be and are being made between traditionally male and traditionally female occupations: the work of sewing machinists and of child care workers has been compared to the work of a fitter, for example.

The Government has announced its intention to legislate to guarantee certain key minimum employment standards to protect employees who are not within the protection of Federal and State awards, including in relation to equal pay.

COMMONWEALTH AS AN EMPLOYER

In the Australian Public Service (APS), while individual agencies will be responsible for developing changes to improve the productivity and efficiency of their operations, the Department will ensure through guidance provided to the parties that APS workplace bargaining agreements have full regard to Equal Employment Opportunity principles and the Government's equity objectives, including those reflected in its Equal Pay Policy Statement (see Recommendation 9)

Agency bargaining frameworks and monitoring of workplace bargaining will take account of Equal Employment Opportunities (EEO) policies.

RECOMMENDATION 16

Child Care

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

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

RESPONSE

Supported.

States and Territories have already started co-locating some services such as preschools and child care services in order to meet the needs of families and to maximise facilities available for services.

In bilateral negotiations on the 1990 expansion of the National Child Care Strategy (NCCS), several States and Territories have indicated that they are interested in utilising existing infrastructure and/or constructing new buildings to cater for a range of service types. These co-located services may be more appropriate for rural and remote areas which could not support a single service delivery model.

16[b] assistance to campus based child care to ensure that student needs can be met;

RESPONSE

Supported.

The Government, in an effort to ensure that all users of formal child care were able to access affordable child care, extended fee relief assistance from 1 January 1991 to eligible families of all approved services including not-for-profit, private and employer sponsored services. Eligible families using campus-based services have been assisted with child care costs through Child Care Fee Relief under the provisions of Section 12A of the Child Care Act since 1 January 1991.

The provision of on-campus child care facilities is an initiative which has the potential to encourage the fuller participation of women in higher education. The Government recognises that the child care needs of higher education students differ from those of parents who are in the paid workforce. In order not to be disadvantaged, students who are parents need child care facilities which can match the fluctuating course requirements experienced by them as students.

The Government provides general operating grants to higher education institutions, and expects these institutions to direct a share of these monies towards initiatives such as child care which promote equality of access and the greater participation of disadvantaged groups generally.

In addition, the Government provides incentive funding through the Higher Education Equity Program (HEEP), currently some \$4 million per year, to assist in the establishment of new equity programs. Women form a target group for the program which is designed to increase the successful participation of disadvantaged groups in higher education. These funds are allocated on the basis on the access and equity plans of the higher education institutions, and may be expended on any projects relating to access and equity, including child care. In 1990, the Government made \$1.1 million available for additional child care places.

Since 1989 the Commonwealth has provided funds to expand the provision of child care in Technical and Further Education (TAFE) by extending, refurbishing or constructing child care facilities. Over \$4 million was provided

in 1991 to provide assistance to 15 centres to create an additional 303 child care places. In 1992 an estimated \$3 million was allocated to enable work to be undertaken on 14 new centres to create an additional 263 places in all States and the Northern Territory. To date, a total of \$10 million has been committed to 39 centres, to create 1099 additional child care places for TAFE students.

16[c] development of a funding model which recognises the resourcing required to offer extended hour services to meet shift work needs, and services to students;

RESPONSE

Supported in principle.

Currently centres eligible for Operational Subsidy operating for more than 12 hours a day receive a higher rate of Operational Subsidy for those hours.

Family Day Care schemes are also available to offer 24 hour care, seven days a week if suitable carers are available.

Extended hours centre-based care has proven costly to operators, Government and families alike and has not been an overly popular form of care. Past attempts at developing the centre-base model for extended hours care have been largely unsuccessful and very costly, except in isolated cases.

Family Day Care is considered to be the more flexible option for most families. The availability of care is, however, dependent on suitable carers being available to the family requiring care.

16[d] further research into issues of salary sacrificing in meeting the Government's principles on justice and equity;

RESPONSE

Supported in principle

This issue has been thoroughly researched and the principles are well established. The Government will monitor the incidence of, and arrangements for, salary sacrificing and undertake further research as needed.

The incentive to salary sacrifice, that is the giving up of salary in return for a benefit, results from the Fringe Benefits Tax (FBT) exemption for prescribed employer provided child care.

The Government views the FBT exemption for employer provided child care facilities as providing an incentive for employers to provide work-based child care to help meet the growing need for child care places.

16[e] child care needs for special interest groups, children with disabilities, children from particular cultural backgrounds, should be met;

RESPONSE

Supported.

The Children's Services Program (CSP) has had a strong and ongoing commitment to providing funding to help ensure that the needs of children and parents with special needs, particularly those with disabilities and from non-English speaking and Aboriginal and Torres Strait Islander backgrounds, are addressed.

Children with special needs are generally well represented in child care services. For example, in 1991, 3 per cent of users in community-based long day care services were children with disabilities compared with a representation of 3.4 per cent in the total 0-4 population. Non-English speaking background children comprised 15 per cent of such users compared with a representation of 9.5 per cent in the total 0-4 population. The CSP currently provides access to 11 per cent of Aboriginal and Torres Strait Islander children in the 0-5 age group. This compares with 16 per cent of non-Aboriginal children with working parents. Aboriginal and Torres Strait Islander services generally target the whole population rather than focusing upon the needs of working parents.

The services provided through the CSP for Aboriginal and Torres Strait Islander children and those living in rural and remote areas include Multifunctional Aboriginal Children's Services (MACS), Aboriginal and Torres Strait Islander Child Care Agencies (AICCA's), Aboriginal children's services workers, mobile children's services, toy libraries, multifunctional services and other standard child care services.

National consultations are currently being held with funded Aboriginal and Torres Strait Islander communities to determine the appropriateness of current children's services and to identify other suitable ways of servicing Aboriginal and Torres Strait Islander communities. The outcomes of these consultations will provide the basis for future policies including funding models.

The CSP, together with Department of Social Security (DSS), has developed a model for a mobile service that will assist in the development of culturally appropriate child care for Jobs, Education and Training Program (JET) clients in remote Aboriginal and Torres Strait Islander communities while they participate in the JET program. A pilot model will be established and evaluated in 1992-93.

Supplementary Services funding is also provided to directly support special needs in mainstream child care services. Such funding is used to provide resources, specialised equipment and toys, training for staff, additional hands-on assistance and community outreach. In 1991-92, approximately \$8 million was expended on such services. Funding is also provided for a broad range of special services to specifically meet the needs of these groups outside mainstream contexts. These services include specialist resource and advisory agencies, mobile and other rural and remote services and community outreach workers. In 1991-92, expenditure on such services was nearly \$20 million.

In the 1990-91 Budget, the Government committed itself to providing an additional \$6.2 million over five years for services for children and parents with special needs.

16[f] publicising good practices as positive encouragement.

RESPONSE

Supported in principle.

A Financial Management Strategy to assist management committees of Community-based long day care services was approved by the Minister in July 1991. The Strategy has four components including training for State project officers, training for management committees, a financial management guide (*Budgets, Books and Balance Sheets*) and a set of accompanying guidelines.

The training for management committees has begun and will be undertaken on a continuing basis by program support agencies in each State. The training will

be based on *Budgets, Books and Balance Sheets*. The training for State officers has been completed, and the *Guidelines for Assisting Management Committees of Community Child Care Centres* will provide a guide for project officers working with services experiencing financial difficulties.

As part of the Government's commitment to quality child care provision, an Interim National Child Care Accreditation Council was established in December 1991 to develop an industry-based national accreditation system for funded child care centres.

Draft documentation of a possible accreditation system was produced by the Interim Council as a basis for discussion and for the public consultations held in May and June in capital and regional cities around Australia.

As a result of the consultations and written submissions, the Interim Council prepared a revised accreditation system which was piloted in 32 private and community-based child care centres across Australia. The Interim Council has evaluated the results of the pilot and the submissions made by parents and the child care industry, to further refine the proposed accreditation system.

The Interim Council has recently submitted its final report to the Government. Decisions on the accreditation system will be made by Government once the report has been considered.

16[g] Continued encouragement to business and the public sector to provide child care by:

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

RESPONSE

Supported.

The issue of duplication between the three levels of government was raised in the Functional Review of Child Care and is now being addressed in the negotiations on cost-sharing and planning arrangements for the 1990 expansion of the National Child Care Strategy.

Commonwealth and State/Territory Social Welfare Ministers have endorsed the principle of nationally consistent standards for child care and established a working group to develop and implement consistent licensing standards.

From 1991, Commonwealth Child Care Fee Relief was extended to private and employer sponsored child care centres to help reduce child care costs of families using these services. HCCS supports the supply and viability of such services. Fee relief assistance will also be extended to employer sponsored places in Commonwealth-funded Family Day Care Schemes from 1 January 1993 to further encourage employer provision of child care places.

Examples of employer sponsorship to provide child care places include:

- reservation of 10 places by ICI in Powlett Reserve Child Care Centre, East Melbourne;
- provision of land by Telecom, Victoria for a 35 place community centre at Clayton;
- a small (eight place) centre for employees of P & I Printing in Milperra, NSW;
- a Joint Venture by Ericssons, Broadmeadows Council and DILGEA to establish a 60 place child care centre at Broadmeadows.

The Work and Child Care Advisory Services (WACCAS) in Brisbane, Sydney and Melbourne, will provide a free service to employers on options for providing child care and the accompanying funding and taxation incentives. Departmental staff in other States will continue to provide information and offer advice on the same subjects, often under collaborative arrangements with State Governments and in conjunction with private consultants.

To help clarify taxation regulations surrounding the employer provision of child care, the Commonwealth has issued a revised edition of its publication *Tax Concessions for Employer Sponsored Child Care* (AGPS 1992).

RECOMMENDATION 17

Work and Child Care Advisory Services

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

RESPONSE

Supported.

Funding of the Work and Child Care Advisory Services (WACCAS) has been approved for a period of three years, subject to review of their success in increasing the number of employer-sponsored child care services.

RECOMMENDATION 18

Child Care

The Committee recommends that the Department of Health, Housing and Community Services (HHCS):

18(a) reassess the criteria for fee relief for women not studying or involved in labour market related activities; and

RESPONSE

Supported.

Following extensive consultation with parents and child care providers, the proposed two-tier fee relief system announced in the 1991 Budget, to which the recommendation refers, will not be implemented.

18(b) ensure that child care services be expanded to take specific account of the needs of women and children with disabilities.

RESPONSE

Supported.

Under the Children's Services Program (CSP), funding is provided for a range of services to assist parents and children with disabilities, including resource and advisory services which assist with assessments, training and placements, additional hands-on support, and specialised equipment and toys. Total funding for such support in 1991-92 was almost \$7 million. This figure includes Supplementary Service Grants (SUPS) funding, and also expenditure on Special Services for children with disabilities. These include central resource and advisory agencies, and in three States, LINKS schemes which assist Family Day Care (FDC) schemes to provide respite care for children with disabilities.

In FDC, a regular payment to caregivers of children with a disability, in recognition of the additional care and attention that such children require, is provided. The payment is designed to ensure that fees charged of families with children with a disability are not higher than those charged of other families.

CSP Priority of Access Guidelines also recognise and give precedence for child care places to parents and children with disabilities.

Where the need for child care may present a barrier to access to rehabilitation services, it is Commonwealth Rehabilitation Scheme policy to offer advice and under certain circumstances, financial assistance to support prospective clients.

See also the response to Recommendation 16.

RECOMMENDATION 19

Sole Parents

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

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

RESPONSE

Supported.

Recommendation 19(a) has already been addressed by the Jobs Education and Training (JET) strategy which is an interdepartmental strategy that involves the Department of Employment, Education and Training/Department of Social Security/Department of Health, Housing and Community Services. Participation in the JET program is voluntary. It is open to all sole parent pensioners and from March 1993, to all Widow B pensioners and certain sole parents receiving special benefit. From July 1993 carer pensioners will also gain access to the JET program.

The overall objective of the JET program is to improve the financial circumstances of sole parents by aiding their entry to the labour market through an integrated program of assistance providing individual advice and access to child care, education, training and, most importantly, employment opportunities.

It is anticipated that in the 1992-93 financial year there will be approximately 14 000 Department of Employment, Education and Training (DEET) labour market program places for JET clients provided which will be sufficient to meet the demand. Through the JET program, sole parent pensioners have access to a wide range of training and employment programs designed to assist their entry or re-entry to the workforce. The sole parent share of total labour market program places is higher than their representation on the Commonwealth Employment Service (CES) register.

In the 1992-93 Budget, the Government provided additional funding for the JET program of \$17.54 million over four financial years. This includes funding for additional labour market program places and AUSTUDY assistance in the DEET portfolio to support an increase in client numbers. The Budget proposals include pilot projects to develop measures to improve the participation of Aboriginal and Torres Strait Islander clients, those living in areas of high welfare dependency, and clients from a non-English speaking background in the JET program.

Labour market assistance is also available to sole parents on Job Search Allowance (JSA) or Newstart payments.

The Lavarch Committee's Report argues that the most significant problem for female single parents is the comparative economic disadvantage of women generally and the poverty traps which prevent sole parents from re-entering the work force, resulting in loss of self-esteem, anxiety, depression and 'crimes of desperation'.

It quotes one submission to the Committee by the WA Department of Community Services (DCS) which states that one of the factors that discourages women from seeking employment is the 'low level of income above which benefits and associated concessions cease'.

The argument by DCS (WA) and others emphasising poverty traps seems to lead to subsequent recommendations: monitoring poverty traps and extending eligibility for health care card from 6 months to 12 months after pension ceases.

Social security income support is not completely withdrawn until quite high levels of private income are reached. For instance, a sole parent with two children will not cease receiving basic pension (this does not include any 'add-ons' such as additional payments for children, rent assistance or Guardians Allowance) until private income exceeds \$19 349. A sole parent with two children under 13 renting privately will continue to receive some level of income support until private income exceeds \$30 987.

A measure which will assist sole parents' participation in the workforce is the extension of Guardian Allowance to working sole parents on low incomes. This is paid as part of the new Family Payment commencing January 1993.

The recommendation for additional expenditure on training and employment programs is addressed by the additional funds provided for the expansion of JET in the 1992-93 Budget. The JET program recognises that as well as addressing poverty traps for sole parents, opportunities must be provided for training and employment, since most clients need training assistance before entering the workforce. Around 26 000 JET clients had earnings in September 1992 as well as receiving part pensions. The JET program policy has been concerned with helping to break down barriers facing sole parents returning to the workforce. Changes have been made to policy as barriers became apparent, for example, the introduction of Child Care Fee Relief for Vacation Care, and an Education Entry Payment and an Employment Entry Payment for sole parent pensioners.

Since January 1990, sole parents entering employment retain their concession card for six months. Extension of the health care card for six months after payment of pension ceases is still being evaluated.

Many fringe benefits are provided by State and Local Governments who would therefore need to be consulted about any proposal to further extend the eligibility period for sole parents leaving the pension.

Further investigation would also need to be done on the issue of extension of the period of entitlement to concession cards to ensure that the move to a twelve month retention period does not simply move, rather than remove, the poverty trap.

RECOMMENDATION 20

Age Pension Level

The Committee recommends that:

- 20(a) the old age pension be maintained at an adequate level to provide for those who have not been able to financially contribute to their own retirement income through superannuation and other means.**

RESPONSE

Supported.

The Government is committed to maintaining the age pension at an adequate level. It has adopted 25 per cent of average weekly earnings (AWE) as the benchmark for the single rate. The age pension is indexed twice a year to changes in the Consumer Price Index. This ensures that its spending power is not eroded.

In the 1992-93 Budget the Government announced an increase in the single rate of pension by \$6 a fortnight and the married rate by \$5 each a fortnight from 28 January 1993. This increase will be achieved by bringing forward the March 1993 pension indexation, now projected to be \$1.60 a fortnight, with the balance of \$4.40 a fortnight being a real increase. This will also ensure that the standard rate stays above the 25 per cent of AWE benchmark. The following table illustrates how the pension has risen in real terms since 1983.

**MAXIMUM WEEKLY PAYMENTS TO AGE PENSIONERS:
Movements in Real Terms (a)
(As at June Quarter)**

	1983	1984	1985	1986	1987	1988	1989	1990	1991	1992
Single Pensioner	100.0	104.5	103.3	103.2	103.7	103.7	103.7	108.7	108.7	109.0
With Rent Assistance	100.0	103.6	106.8	105.5	104.8	104.0	103.2	110.5	116.9	117.2
Pensioner Couple	100.0	104.5	103.4	103.2	103.7	103.6	103.7	105.2	108.8	109.0
With Rent Assistance	100.0	103.9	105.5	104.7	104.4	103.9	103.4	108.5	113.9	114.2

(a) Expressed as an index of rates converted to real terms using the CPI. June 1983 = 100.0
SOURCE: Program Performance Statements 1992-93, Social Security Portfolio.

20(b) Furthermore, it is recommended that there be an immediate appraisal of the carer's pension.

RESPONSE

Supported in principle.

The carer pension was introduced in 1985 and is paid to a person caring for a severely handicapped person receiving a Social Security payment or a Service Pension. The statement in Section 5.5.25 of the Lavarch Committee Report that the carer's pension has not been indexed is incorrect, as it is paid at the same rate as age pension and is likewise indexed each six months.

The report is very critical of provisions relating to the adequacy of and restrictive eligibility requirements for what is described as 'carer's pension'. However, it seems that the Committee may have confused carer's pension with Domiciliary Nursing Care Benefit (DNCB), which is currently paid by the Department of Health, Housing and Community Services.

The Committee's criticisms of DNCB are those which have also been identified by a recent interdepartmental committee (IDC) which investigated the situation of carers.

Comments in paragraph 5.5.25 relating to DNCB have been examined by the Carer IDC. The IDC is satisfied as to the adequacy of carer pension but has put forward options about some changes to eligibility criteria and respite care provisions.

The 1992–93 Budget includes a package of increased assistance and support for carers. The DNCB will be increased by \$5 per week from January 1993 and then indexed annually. DNCB will continue to be paid for up to 42 days each year while the person being cared for is receiving respite care. Carers will be able to travel overseas during respite periods without jeopardising their access to pension. The carer pension has similar respite provisions and, in addition, is to be extended to those looking after people with disabilities who do not qualify for pension or benefit on residential grounds. Carer pensioners will be allowed up to 10 hours per week for training, education and employment and will have access to the Jobs, Education and Training Scheme.

RECOMMENDATION 21

Superannuation

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

- 21(a) the establishment of vesting, preservation and portability provisions that take into account women's broken work patterns in all schemes;**

RESPONSE

Supported.

The Government is committed to ensuring that all Australians can live securely in retirement. The Government's retirement income policy is based on the interaction of the social security system, a minimum compulsory level of superannuation (represented by the Superannuation Guarantee Charge (SGC)) and voluntary superannuation. Both forms of superannuation receive substantial taxpayer assistance.

The SGC complements award superannuation:

- prior to the introduction of award superannuation, only about 40 per cent of employees were covered by employer-provided superannuation; and,

- twice the proportion of male workers received superannuation cover as females.

The SGC will provide a further major extension of superannuation coverage to employees, many of whom are women, not currently covered by award superannuation.

The Government considers that improved standards of vesting and preservation for all employees are important to ensure that all employees benefit from superannuation. To this end, the Government has required that all employer contributions made under the SGC must vest immediately and those made after 1 July 1993 must also be fully preserved. These requirements will benefit many employees, particularly women with broken work patterns.

In the 1989-90 Budget, the Government announced proposals to require, after 1 July 1995, all employer contributions to be vested (and preserved) on a phased scale. These proposals are currently being reviewed in light of the improvements in vesting implied by the SGC.

With respect to the portability of benefits after an employee ceases employment in a particular job, most private sector employers in fact require employees to withdraw their benefits after ceasing employment. The Government's 1983 decision to allow 'roll-over' funds allows employees in this position to aggregate their benefits into a single fund. The advent of industry superannuation funds has markedly improved the effective portability available to employees who work within the one industry by allowing contributions from different employers to be paid into the one industry fund. In addition, a wide range of personal superannuation products allow portability of benefits.

ILO Convention 156 deals with ensuring that workers with family responsibilities, a large proportion of whom are women, receive fair and equitable treatment with regards to all employment matters. The impact of discontinuous working patterns on this group is being considered through the Government's development of an implementation strategy for this Convention.

- 21(b) ensuring that superannuation schemes permit parents to retain membership rights during maternity and parental leave with contributions frozen whilst on leave;

RESPONSE

Supported.

The Occupational Superannuation Standards Act (OSSA) permits an individual to remain a contributing member of a superannuation fund for up to two years after leaving the workforce. The OSSA also prohibits the reduction of a member's accrued superannuation benefits.

The actual entitlements of employees to award superannuation will depend on the specific award provision covering the employee and may vary from award to award. In general, employees covered by award superannuation schemes retain membership of the scheme with employer contribution frozen during periods of maternity leave and other forms of leave without pay.

The Trust Deeds governing the various superannuation schemes will also generally contain provisions relating to periods of leave without pay.

21(c) promotion of the use of flexible and nil employee contribution rates so that women moving between full-time, part-time and unpaid work can maintain membership of a superannuation fund with contributions tailored to their current economic circumstances;

RESPONSE

Supported in principle.

The Government supports, in principle, flexibility in arrangements governing employee contributions. Contributions to personal superannuation funds can in many cases be varied in line with the member's particular circumstances. However, recognising the significance of voluntary employer contributions (which often require an employee contribution, the terms of which are negotiated as part of the overall employer/employee relationship) to overall retirement income, the Government does not consider that conditions regarding employee contributions should be legislated at this stage. The Government is demonstrating its support for flexible contributions through one of the Commonwealth Government's own superannuation schemes, the Public Sector Superannuation Scheme, which permits members to vary the level of their own contributions, with some restrictions.

21(d) that the qualifying period for coverage by employer sponsored superannuation be reduced to that required by the Superannuation Guarantee Levy;

RESPONSE

Supported in part.

The response to this recommendation is covered in the following response to Recommendation 21(e).

21(e) that all employer contributions vest immediately and be fully preserved;

RESPONSE

Supported in part.

All superannuation contributions made as a result of either award obligations or the SGC are required to vest immediately. Award superannuation contributions must also be fully preserved, while contributions made under the SGC must be fully preserved from 1 July 1993.

However, the Government also recognises that voluntarily provided employer superannuation support is an important component of overall retirement income. A requirement that all voluntary employer contributions vest immediately would increase the cost to employers of voluntary superannuation, and therefore could lead to a decrease in the provision of voluntary superannuation by employers. For this reason, and recognising the level of minimum contributions required under the SGC, the Government does not support proposals to require vesting of voluntary employer contributions at this time.

21(f) that measures for improved portability between funds be instigated by the Insurance and Superannuation Commission; and

RESPONSE

Supported.

The Government has recognised the importance of labour mobility through ready portability of superannuation benefits. The Government has previously

expressed a preference in National Wage Cases for multi-employer funds jointly controlled by equal numbers of representatives of employer and unions, rather than union or employer controlled/based funds. Such funds offer greater portability at least within the same industry.

With respect to the portability of benefits after an employee ceases employment in a particular job, it would of course be desirable to provide an option whereby benefits from a number of different funds could be consolidated into one fund so as to reduce the impact of administrative costs and management fees as well as the likelihood of the member losing track of benefits.

However, because of the very large degree of variation in benefit design between superannuation funds it is extremely difficult to design arrangements to allow the transfer of benefits between all funds which are equitable to the member and simple and cost effective for the industry to administer. For example, a defined benefit fund which accepted the transfer of a lump sum benefit would have to calculate what amount of defined benefit (which is, in some cases, based on years of service and salary and frequently tied to the level of member contribution) could be purchased with a lump sum.

Similar efficiencies and savings to the member can be achieved by rolling over benefits on termination of employment into an approved deposit fund of the member's choice. This option allows the member to choose the type of investment they wish to pursue and to compare the level of management fees between rollover products so as to maximise their retirement savings.

It should also be noted that the advent of industry superannuation funds has markedly reduced the need to transfer benefits to another fund or rollover benefits to an approved deposit fund as they allow contributions from different employers within an industry to be paid into one fund.

21(g) the development of an education package by the Insurance and Superannuation industry to be included in school careers courses directed at young people, particularly young women, explaining what superannuation is about and why it is necessary.

RESPONSE

Supported in principle.

The Government supports greater education of the public in respect of superannuation. The Australian Taxation Office (ATO) is conducting an information campaign to improve knowledge of obligations under the SGC and the benefits it provides. This campaign is planned to continue until 1993-94 at a total cost of \$11.5 million. The Government is also encouraging the substantial efforts being made by the superannuation industry to increase community understanding of superannuation. In addition, the Insurance and Superannuation Commission (ISC) has established a Public Affairs Unit to assist in improving public awareness of superannuation.

In his statement 'Strengthening Super Security: new prudential arrangements for superannuation' of 21 October 1992 the Treasurer announced that the Government will be providing the ISC with resources to enable it to adopt an active role in informing and educating Australians as to the rights of superannuation fund members. The ISC will also respond to requests from educational institutions, industry associations or unions for information in respect of courses they may be offering on superannuation.

In addition to this initiative, the Government will continue to encourage superannuation industry associations to expand the role they play in raising public awareness of the benefits of saving for retirement.

RECOMMENDATION 22

Use of Superannuation Funds

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

RESPONSE

Under examination.

The Government is currently examining proposals to see if it is feasible to permit individuals to access their superannuation savings for housing purposes in a way that does not reduce the ability of superannuation to achieve its primary goal of providing retirement income.

RECOMMENDATION 23

Dependant Spouse Rebate

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

RESPONSE

Further analysis supported.

Some analysis of DSR recipients by age and level of income was undertaken in the context of the Family Assistance Review in the 1991-92 Budget. No change was made at that time.

Further analysis will be undertaken by relevant Commonwealth agencies on this issue.

RECOMMENDATION 24

Women War Veterans

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

RESPONSE

Not supported.

The *Veterans' Entitlements Act 1986* (VEA) has been amended to remove former discriminatory provisions. There are now no provisions in the Act which discriminate against women, either directly or indirectly. Under the VEA, the issue of women's eligibility to serve overseas is not relevant and the test of whether during their service they 'incurred danger' is applied equally to men and women who served only within Australia.

In this context it should be noted that there are several provisions which discriminate in favour of women – for example, the provision to extend full treatment entitlement benefits to all World War II returned servicewomen. This was the result of a deliberate policy to redress perceived disadvantages in the past. In particular, it was perceived that women who served overseas had less chance to form family arrangements than their peers who remained in Australia. Another example relates to the age at which Service pension can be granted – 55 years in the case of female veterans and 60 years in the case of male veterans.

Under the *Defence Service Homes Act 1918* (DSH Act), amendments have also been made to remove directly discriminatory provisions. The issue referred to by the Lavarch Committee Report relates to the ineligibility of men and women whose enlistment was not for overseas service.

The background to this is that men were able to enlist in the Australian Imperial Forces (AIF) or the Citizens' Military Forces (CMF). All AIF members were required to enlist for service outside Australia and hence became eligible for War Service (now Defence Service) Home Loans. CMF members were recruited for service within Australia and are specifically excluded from the DSH Act.

The Women's Auxiliary Services (WAS) were also raised for service within Australia, although those who joined early were under the impression they would be sent overseas. No choice was offered; the only women enlisted for overseas duty were members of the nursing services.

RECOMMENDATION 25

Physical Education in Schools

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

- (a) develop common curriculum principles for physical education which recognise the need for physical education to be an integral part of every schools' educational program;

- (b) appoint appropriately qualified physical education specialists in primary and secondary schools;**
- (c) appoint equitable numbers of male and female physical education teachers; and**
- (d) implement strategies and programs, similar to those described by the Northern Territory Department of Education, to ensure that all schools recognise and act upon the need to provide specific and appropriate opportunities for girls to participate in sport.**

RESPONSE

Supported in principle.

This recommendation complements work currently being undertaken at the national level (see below). Curriculum content and teaching practice, however, are the direct responsibility of the States and Territories and the Commonwealth's role is to provide national leadership without exercising centralised control.

Since 1988, the Commonwealth has been working collaboratively with the States and Territories through the Australian Education Council (AEC), which comprises Commonwealth, State and Territory Ministers of Education, to develop a national perspective and to facilitate the development of a common curriculum framework. In April 1989, the AEC approved eight areas of learning upon which national collaborative activity will be based. Health (incorporating Physical Education and Personal Development) is one of the eight learning areas agreed to by the AEC for which curriculum statements and assessment profiles will be developed. It is envisaged that these will be completed by June 1993.

The Commonwealth has provided funding of \$3 million for a project, the Gender Equity in Curriculum Reform Project, aimed at ensuring the development of gender-inclusive curricula. As part of this project, Gender Equity consultants have been appointed to work with each of the writing teams for the eight national collaborative curricula areas, to ensure that the principles and objectives of the National Policy for the Education of Girls are incorporated into all aspects of the resulting documents.

The Australian Sports Commission (ASC) is funding a project by the Confederation of Australian Sport to develop a national plan for junior sport. The Plan will provide a national framework for sport in schools and take account of the needs of girls and physical activity.

RECOMMENDATION 26

Women's Sport

It is recommended that the Australian Sports Commission (ASC):

26(a) continue its 'Active Girls Campaign'; and

RESPONSE

Supported.

The Australian Sports Commission (ASC) will continue to service and resource the Active Girls Campaign – an awareness raising promotional and educational initiative aimed at all levels of the community to improve the sporting experiences of girls and young women.

26(b) ensure that the National Women in Sport Strategy currently being developed by the Women in Sport and Recreation Sub-committee on the Sport and Recreation Minister's Council:

- (i) recognises the key role of school level activities;**
- (ii) puts into place an agreed timetable for action and mechanism for monitoring progress.**

RESPONSE

Supported.

The ASC launched the Australian Women in Sport and Recreation Strategy in July 1992. The Strategy provides a framework for coordinated action by the Commonwealth, State and Territory governments, sporting organisations and individuals, to achieve gender equity in all areas of sport and recreation. The Strategy sets out performance information and a three year implementation timeframe. An annual update and evaluation will be conducted by the ASC.

RECOMMENDATION 27

Media Coverage of Women's Sports

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

RESPONSE

Supported in principle.

The Government supports the concept of 'adequate and comprehensive coverage' of women in sport in the media. The Government will pass this recommendation on to the new Australian Broadcasting Authority (ABA) for its consideration when it registers codes of practice and monitors their operation.

With the commencement of the Broadcasting Services Act in October 1992, the provision of programming in accordance with audience needs is now principally the responsibility of the radio and television industries. It is envisaged that, in the first instance, the industry will develop codes of practice in relation to program standards (other than for minimum levels of Australian content of programs and for children's programs) in accordance with guidelines set out in the Act, and taking into account relevant research conducted by the ABA. These codes are to be registered with and monitored by the ABA which has the power to determine standards in circumstances where no code has been developed or a code has failed.

The ABT has already addressed a number of issues raised in relation to televising women's sport in its series of research monographs. In the latest report of *What We Want From Our TVs* the Tribunal stated that almost 7 in 10 Australians considered television should show more women's sport.

RECOMMENDATION 28

Affirmative Action Agency and the Media

It is recommended that:

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

RESPONSE

Supported in principle.

The Agency will consider undertaking a project focusing on media companies' reports. The AAA has undertaken a number of industry-based evaluations of employers' affirmative action reports (eg. finance and investment, building and construction). If, after investigation, a specific focus on media companies appears to be justified, the Agency will undertake a similar project for media companies.

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

RESPONSE

Supported in principle.

The Director of Affirmative Action could request information about affirmative action policies in the sports departments of media companies, although under the Act they would not be obliged to provide it. Employers have considerable flexibility under the Affirmative Action Act as to how they report on their organisation's affirmative action program. Media companies are therefore not required to provide information on affirmative action policies and practices adopted within particular areas, such as sports departments.

RECOMMENDATION 29

Media Coverage of Womens' Sports

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

RESPONSE

Supported in principle.

This recommendation falls within the scope of the first term of reference of the second National Working Party on the Portrayal of Women in the Media (National Working Party II) which states that the working party is:

to continue the development of mutual understanding of sex role stereotyping and women's concerns about the portrayal of women in the media, with a view to achieving a more positive and realistic portrayal of women in the media.

Members of the National Working Party agreed that Recommendation 29 would be addressed in its Position Paper on Portrayal of Women in the Media, due for release in late 1992. The Working Party will also liaise with the Australian Sports Commission's Women and Sport Unit to ensure the recommendation is addressed in the Women and Sport Unit's work schedule.

Such a charter of principles and best practices may facilitate the development of an appropriate code of practice within relevant areas of the broadcasting industry (as discussed at Recommendation 27).

RECOMMENDATION 30

Women's Sport and Child Care

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

RESPONSE

Supported in principle.

The primary aim of the Children's Services Program (CSP) is to assist workforce participation as specified in the Program's Priority of Access Guidelines. The need for child care for sporting and other activities must be balanced against the Government's priorities and taken into account when developing guidelines.

The Commonwealth funds the establishment and operation of Occasional Child Care Centres which offers parents relief from child care responsibilities during normal work hours. Currently, 27 per cent of occasional care centres' usage is related to leisure/recreational activities.

Experience indicates that the demand for Occasional Care services after hours and on weekends is insufficient to warrant services opening for such hours or to make opening for such hours economical. However, sporting bodies will be encouraged, as far as possible, to make special provisions for child care in appropriate instances. See also Recommendation 31.

RECOMMENDATION 31

Women's Sport and Child Care

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

RESPONSE

Supported in principle.

Department of Arts Sport, the Environment and Territories (DASET) supports the principle of the provision of child care facilities to enable parents to pursue sport and recreation opportunities and encourages national sporting agencies to develop child care guidelines.

The ASC is encouraging sporting organisations to provide child care facilities as an integral part of sport and recreation services provision, at the national, state and local level and as part of the Gender Equity in Sport campaign. The Australian Sport and Recreation Facilities Advisory Committee and the ASC are investigating the occasional use of existing child care facilities by sporting bodies and promoting the provision of child care in sport and recreation facilities as a means of increasing their use and commercial viability.

It should be noted that State and principally local governments are the major providers of sporting facilities in Australia and the major responsibility for the promotion of child care facilities at sporting venues rests at this level.

RECOMMENDATION 32

Women's Sport Funding and Child Care

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

32(a) the fair and equitable provision of funding for women's sporting facilities; and

RESPONSE

Supported in principle.

Existing policy meets the objectives of this recommendation. The Community Cultural, Recreation and Sporting Facilities Program (CCRSFP) already promotes increased opportunities for participation in sporting and recreation activities through programs and use of facilities for all Australians, including groups with special needs such as women. The Government will monitor outcomes in the provision of funding under this program to ensure that the results are equitable.

32(b) that provision for child care be made in all new sporting and recreation centres funded through the Program.

RESPONSE

Supported in principle.

The current selection criteria for the CCRSFP include: 'a demonstrated consideration of access for people with disabilities, and the provision of child care facilities where applicable, is considered desirable'. This will be maintained.

RECOMMENDATION 33

Sporting Venues/Child Care

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

RESPONSE

Supported.

The Government will pursue this recommendation through the Sport and Recreation Ministers' Council which is the appropriate forum for the discussion of uniform State and Commonwealth approaches to women's sport.

RECOMMENDATION 34

Australian Sports Commission – Gender Equity

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

RESPONSE

Supported.

Some funding has been made available in 1992–93 by the ASC to assist eight nominated sporting organisations develop and implement gender equity action plans. Further assistance will be progressively extended to other sports during the next three years. In consultations with National Sporting Organisations, the

ASC is emphasising the link between continued funding and the development and implementation of gender equity plans.

The Australian Sports Commission published the 'Towards Gender Equity in Sport' guidelines on gender equity planning in March 1992. The Commission requires all national sporting organisations to develop and implement a clear plan of action to further gender equity as an integral part of the sport development planning process. The effectiveness of sports in achieving gender equity goals will be an ongoing criterion for Commission funding.

RECOMMENDATION 35

Australian Sports Commission – Gender Equity

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

RESPONSE

Supported.

The Government agrees that gender equity in sport should be promoted.

The ASC has actively promoted its equity policy, which requires national sporting organisations, as part of their overall sport development planning process, to develop and implement gender equity action plans. These include special measures to enhance the representation of women in all levels of sport and sports administration.

RECOMMENDATION 36

Gender Equity in Sport

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

RESPONSE

Supported.

The recommendation will be pursued through the Sport and Recreation Ministers' Council.

RECOMMENDATION 37

Women and History

The Committee recommends that:

- 37(a) public museums and institutions should be encouraged by the Department of the Arts, Sport, the Environment and Territories (DASET) to include adequate depictions of women's history; and

RESPONSE

Supported in principle.

As part of the ongoing implementation of Department of Arts, Sport, the Environment and Territories' Access and Equity Plan, the national museums and collecting institutions are encouraged to collect, document and exhibit the contribution of women to Australian society, including the contributions of Aboriginal and Torres Strait Islander women and women from non-English speaking backgrounds.

The National Museum of Australia as part of its documentation of Australian history, has embarked on a program to ensure that the national historical collection reflects the lives and work of women in Australia and to specifically document groups of women who have previously been neglected by historical researchers and who are currently under-represented in the Museum's collections. The National Library of Australia gives particular emphasis to expanding its holdings of material on women and on women's issues. The Australian National Gallery has developed exhibitions on individual women artists and tours and lectures featuring the works of women artists are frequently conducted. The Australian Maritime Museum's exhibitions depict the role and range of women's involvement in Australia's maritime history. The National Film and Sound Archive acquires, preserves and presents material relating to women in its extensive moving image and recorded sound

collection. The collection of material on women and by women is a significant collection priority of the Archive.

The Heritage Collections Working Group, under direction from the Cultural Ministers' Council, has commissioned a national and regional survey of heritage collections, noting the issue of the under-representation of material on women and by women in museums.

The Minister for the Arts and Territories has written to State Arts Ministers and to the Chairs of the national collecting institutions drawing the recommendations of the Lavarch Committee's Report to their attention.

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

RESPONSE

Supported in principle.

The Government strongly supports the recognition of women's role in society, considering that acknowledgment of their contribution to Australia's culture should be integrated into the nation's cultural collections. The issue of recognising the role of women in Australia's cultural heritage, for example through a National Women's Place, will be addressed in the Government's current review of cultural policy.

RECOMMENDATION 38

Australian Honours System

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

38(a) be resourced to undertake a public awareness campaign to raise awareness of the Australian Honours system, the criteria under which they are granted and encourage nominations; and

RESPONSE

Supported in principle.

The Government recognises the need for information to be better disseminated to the community to raise awareness of the Australian System of Honours and Awards, and has already initiated such a campaign. However, it does not accept the need for additional resources to achieve this.

The Department of Administrative Services (DAS), in consultation with the Office of the Official Secretary to the Governor-General and the Department of Defence, has already produced a booklet and a poster describing the elements of the Australian System of Honours and Awards. These two publications will serve to make members of the public more aware of how meritorious service and achievement in the community can be formally recognised.

They are being widely distributed within the Commonwealth bureaucracy and are available to the public through the Australian Government Publishing Service (AGPS). DAS is discussing with Government House and AGPS ways and means of promoting these products.

Further promotion of the honours system is provided through the honours poster being made available to members of the public by Members of Parliament under the Constituents' Request Program administered by DAS. This program currently has an annual allocation of approximately \$300 000.

The Office of the Official Secretary to the Governor-General and the Department of Defence have also produced material to publicise the Australian honours system, in particular the more recent additions to the system. It should be kept in mind that the media give wide coverage to the honours lists when they are announced.

38(b) investigate making the process more accessible to the public to ensure that the contribution of women, particularly in the voluntary sector, is recognised and nominations are made.

RESPONSE

Supported in principle.

The initiatives outlined in response to Recommendation 38(a) will go some way towards achieving the outcome sought by this recommendation. The process involved in nominating for awards within the Order is completely open

to the public and always has been. Any person can nominate any Australian citizen at any time for an award in the Order of Australia.

However, a number of components of the honours system, including the Public Service Medal, the Australian Police Medal, the Australian Fire Service Medal, the Antarctic Medal, and the numerous Defence Force awards are awarded on the basis of recommendations made to the Governor-General by responsible Ministers. The Prime Minister will write to those Ministers, asking them to remind Federal and State colleagues and administrators of the importance of observing principles of equity when making or calling for recommendations for meritorious service awards.

RECOMMENDATION 39

Australian Honours System

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

RESPONSE

Supported in principle.

The Government's view, based on established honours practice, is that awards for merit should take precedence over long service awards. The only long service awards in the Australian System of Honours and Awards are the National Medal, awarded to members of police, fire, ambulance, correctional and emergency services and the Australian Protective Service, and the Defence Force Service Awards, comprising the Defence Force Service Medal, the Reserve Force Decoration and the Reserve Force Medal. In the Order of Precedence, these awards are ranked below the Public Service Medal, the Australian Police Medal, the Australian Fire Service Medal and the Antarctic Medal, which are awarded for merit, as well as being below the Medal of the Order of Australia.

The Government receives many requests from individuals and organisations to rectify perceived imbalances in the Order of Precedence of Honours and Awards. The Minister for Administrative Services, who has portfolio

responsibility for this matter, will continue to review the operation of all aspects of the Australian honours system, including the Order of Precedence.

The Government concurs with the sentiments expressed in the report concerning the validity of unpaid as well as paid service to the community and will, through appropriate channels, urge the Council for the Order of Australia to continue to accord appropriate recognition to persons from this category. The criteria established in the Constitution of the Order stress achievement, merit and the performance of service to the Australian community or to humanity at large. They do not suggest that awards should be made on an *ex officio* basis or simply by virtue of long service.

RECOMMENDATION 40

Sexual Harassment

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

RESPONSE

Supported. (See Part Two for full response).

RECOMMENDATION 41

Women in the Political Process

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

RESPONSE

Supported.

This is a matter for action by political parties themselves, but more equal participation by women in all areas of public life and politics is strongly supported by the Government.

RECOMMENDATION 42

Appointment of Women to Government Boards and Committees

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

RESPONSE

Supported.

The Government is committed to achieving, wherever possible, equal representation of men and women on the boards of Government authorities and advisory bodies.

In future years, Annual Reports of all Departments and authorities will be required to contain information on the gender balance on portfolio boards and committees. The Appoint system can be used to easily generate the required data. Such information is not currently included in the Women's Budget Statement, although the Office of the Status of Women is planning to introduce it into the Women's Budget Statement and/or the National Agenda Implementation Report from 1993.

The Commonwealth Register of Women, maintained by the Office of the Status of Women (OSW), is one mechanism for implementing this policy. The Register is a database of women from the private, public and community sectors with particular expertise in specific areas. The Register is continually updated. It is used by Commonwealth Ministers and Departments as a source of names for possible appointment to committees, boards and authorities.

APPOINT, a computer software tool, was designed and produced by OSW in 1991, as a simple, flexible and accurate method of storing and retrieving information about membership of committees or other groups. Appoint has been provided to all Commonwealth departments to enable them to monitor progress in appointment rates in all equal opportunity categories. The system was designed to facilitate effective monitoring and to assist in implementing the Government's policy on promoting the appointment of women.

RECOMMENDATION 43

National Women's Consultative Council

The Committee recommends that:

- 43(a) the National Women's Consultative Council (NWCC) be separated from the Office of the Status of Women (OSW) by it being given an independent Secretariat; and**

RESPONSE

Not supported.

The Government considers that the NWCC is best served in fulfilling its role by having a Secretariat located within the Office of the Status for Women (OSW) and that this arrangement, which efficiently serves the roles of both the NWCC and OSW, should continue. The Government also notes that the NWCC considered part (a) of this recommendation at a meeting on 30 May 1992, and resolved not to support it.

- 43(b) membership of the Council must be representative of all women including those in the home and voluntary sectors.**

RESPONSE

Supported.

The selection and appointment process for members of the Council is designed to ensure that its membership is representative of the diversity of women and their interests in Australia, including those in the home and voluntary sectors.

Many organisations with nominees on the NWCC encompass the needs of women with specific needs in the home and voluntary sectors, and organisations such as the Playgroup Council of Australia and the Country Women's Association particularly address these sectors. Council members also 'shadow' additional organisations to ensure that the NWCC reflects as far as is possible, the diverse range of interests of women in Australia.

RECOMMENDATION 44

Surveys of Use of Time

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

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

RESPONSE

Supported.

The ABS will conduct a Time Use Survey every five years from within current resources.

44(b) Australian Bureau of Statistics (ABS) collect and publish statistics on the extent and value of unpaid domestic and voluntary labour to be included as a supplementary report in the monthly labour force statistics;

RESPONSE

Supported in principle.

The Government strongly supports the collection of data on unpaid domestic and voluntary work. However, this data is best collected as part of a Time Use Survey, where accurate information can be collected directly from each person. The methodology of the monthly labour force survey depends on an interview with one adult household member for information relating to all members and therefore is not suitable for collection of complex information on time use.

44(c) the Australian Bureau of Statistics (ABS) approach the International Conference of Labour Statisticians with a proposal to review international standards of data collection which would enable unpaid work to be counted on a regular basis.

RESPONSE

Supported

The ABS will approach the forums convened by the United Nations Statistical Commission, the Organisation of Economic Cooperation and Development (OECD) and the ILO, which consider international data collection standards for measuring and valuing unpaid domestic and voluntary work. The Government notes, however, that the extension of the current labour force concepts to include measurement of unpaid work on a regular basis raises many difficult conceptual and practical issues.

RECOMMENDATION 45

Adult Education Programs

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

RESPONSE

Supported in principle.

The Commonwealth acknowledges the value of community education programs as access points for women. The Employment Skills Formation Council (ESFC) report on the Australian Vocational Certificate Training System (the Carmichael Report) has recommended that there be more extensive use of community learning centres to provide re-entry programs for early school leavers, homeless and jobless youth; while the National Plan of Action for Women in TAFE has established, as a target, the examination of the role adult education courses play in women's skill formation and the establishment of appropriate accreditation and articulation, by 1993.

Adequate resources will remain available for these programs, recognising, however, that they are in the main self-funded. The Government would not support any major diversion of public funds to subsidise these courses where they are not oriented to vocational outcomes; but consideration is being given to the extent to which guidelines for Commonwealth grants could be modified to accommodate personal development activities relevant to employment.

State Ministers with relevant portfolio responsibility will be asked to consider the development of a national policy on adult and community education, in the context of the recommendations of the report 'Come in Cinderella' by the Senate Standing Committee on Employment, Education and Training. Issues relating to resourcing of this sector should be considered in the light of these discussions.

RECOMMENDATION 46

Countering Sexism in Schools

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

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

RESPONSE

Supported.

Curriculum content and teaching practice is the direct responsibility of the States and Territories. However, as outlined in the response to Recommendation 25, the development of non-sexist curriculum is currently being undertaken at a national level. The Commonwealth is also providing funding to national curriculum associations to contribute to the in-service training of teachers on the implementation of national curriculum development.

There are also other projects being funded by the Commonwealth:

- As part of the Gender Equity in Curriculum Reform Project, innovative projects are being funded to research such issues as girls' learning in English, the construction of gender, and work education. Funding is

also being provided for professional development materials in these areas.

- The Girls Element of Projects of National Significance has provided funding for projects on key issues including 'A Supportive School Environment' and 'Broadening Girls Post-School Options'. Funding will be provided to most States and Territories in 1992-93 to disseminate the results of these projects to teachers.
- The Commonwealth funds the GEN newsletter. The GEN has a readership of over 23 000, increasing at over 500 per month, and which includes teachers, school administrators and parents. It covers a wide range of gender equity issues relating to schools and is issued monthly, free of charge;
- The National Policy for the Education of Girls in Australian Schools, endorsed in 1987 by the Commonwealth, all States and Territories and major non-government bodies, and reviewed in 1991-92, has the following four objectives:
 1. Raising awareness of the educational needs of girls;
 2. Equal access to and participation in appropriate curriculum;
 3. Supportive school environment;
 4. Equitable resource allocation.

RECOMMENDATION 47

Training Guarantee – Women's Access

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

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

- (d) the provision of appropriate child care arrangements for workers undertaking training.**

RESPONSE

Supported.

Improved access to training for women is an important goal of the Government's training reform strategy. The need within the training reform agenda for specific programs with an equity focus will be investigated as part of the evaluation of the Training Guarantee which is currently in progress. As part of the evaluation and monitoring program for the scheme the Department of Employment, Education and Training (DEET) has commissioned the Australian Bureau of Statistics (ABS) to undertake a survey of households ('the Survey of Training and Education') in 1993 and a survey of employers ('the Survey of Employer Training Expenditure') also in 1993. Both these surveys, previously titled 'How Workers Get Their Training' and 'Training Expenditure Survey' (TES) respectively, were undertaken although in a more limited form in 1989 (the TES was also conducted in 1990) before the Training Guarantee legislation was enacted, thus enabling a comparison of the situation before and after the Training Guarantee.

The Household survey will seek information from individuals about the amount and type of training received and factors which may have hindered access to training. All of the issues raised in parts (a), (c) and (d) of this recommendation are covered in the survey. An attempt was also made in the pilot for the survey to obtain information on whether the training was accredited (issue raised in part (b) of this recommendation). However, respondents had difficulty in answering this question, principally, it seems, because accreditation arrangements are still relatively new and not widespread.

The survey should provide a good basis for assessing how women have fared in terms of access to training. In addition, a set of case studies of employers will be undertaken under the Women's Research Evaluation and Investigation Program (WREIP) which will try to assess if and how employers have facilitated women's access to training and the type of training provided, including the extent to which it is accredited and articulated.

This recommendation will be taken into account in framing strategies to refine the operation of the Training Guarantee, following the completion of the evaluation.

RECOMMENDATION 48

Teacher Training

The Committee recommends that the Commonwealth through the Australian Education Council (AEC) encourages the development of national strategies to address the need to provide adequate teacher training and professional development for teachers to give them appropriate skills to develop more positive learning environments for girls. Strategies must be developed in consultation with State education instrumentalities.

RESPONSE

Supported.

The National Policy for the Education of Girls in Australian Schools was reviewed by an AEC working party in 1991-92. The report of the working party has not yet been finalised; however, a draft Action Plan has been developed for the period 1992-1997 which is based on the objectives of the National Policy, and includes among its priority areas for implementation, the need for change in teaching practice and school organisation and management, reform in the curriculum, and broadening work education.

While the Commonwealth acknowledges that teacher training and professional development for teachers essentially is the responsibility of employers, universities, and of the teachers themselves, it is important that there is a national framework within which to operate. Work is already underway to achieve this.

RECOMMENDATION 49

Recognition of Training/National System

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

RESPONSE

Supported.

On 1 August 1992, State, Territory and Commonwealth Government Ministers with responsibility for vocational education and training agreed on the establishment of a national standards and accreditation system, known as the National Framework for the Recognition of Training (NFROT).

The Framework will give national recognition to training gained in industry and through both State and private training providers, including commercially-run colleges, community organisations, enterprises, industry, licensing authorities, professional associations, Technical and Further Education (TAFE) and schools.

The Framework not only recognises formal training, but also competencies learned outside the boundaries of the formal training/education systems, such as those learned at work, social activities, or informal training. The basis of NFROT is the competency-based training system, which focuses on what an individual can do as a result of training, rather than how, when or where that ability was acquired.

Significantly for women, the Framework incorporates the principle of recognition of prior learning, which ensures that individuals can gain entry to, or credit in, recognised courses, based on competencies gained. These competencies may have been acquired, for example, in unpaid work at home or in voluntary work. The Framework also provides in some cases for bridging courses, to overcome barriers such as limited education or a non-English speaking background.

RECOMMENDATION 50

Needs of Aboriginal and Torres Strait Islander Women

The Committee recommends that the Aboriginal and Torres Strait Islander Commission (ATSIC):

- 50(a) ensure adequate consultation with Aboriginal women so that their training and employment needs are understood and incorporated into ATSIC's own programs;**

RESPONSE

Supported.

ATSIC is currently developing strategies to assist in the implementation of training measures which will increase the participation of women in all aspects of development, management and operation of communities.

Under the present Community Training Program, there are two main principles, self-management and planning. Within the bounds of the two principles, Regional Councils make decisions on the nature of the training programs within their regions and allocate funds to individual training projects. Currently women comprise 25 per cent of the membership of Regional Councils. Aboriginal organisations and communities have the responsibility of deciding the nature of training they require and are required to provide training plans together with annual training budgets and programs.

Employment opportunities are provided to women through the Community Development Employment Program (CDEP). Under this Program, a community development plan is drawn up by the community or organisation and it is their primary responsibility to recognise and prioritise employment opportunities for women.

Specific measures, including consultation, have been incorporated into the above processes to redress the inequity that presently exists with regard to women's participation.

50(b) provides advice on the needs of Aboriginal women to other relevant Government service providers, particularly those associated with vocational training and child care.

RESPONSE

Supported.

The primary role of the Office of Indigenous Women (OIW) is to provide a gender specific perspective on behalf of Aboriginal and Torres Strait Islander women to policy and program development within ATSIC and other relevant agencies. In addition to consultation with OIW, many service agencies have their own mechanisms for seeking input from Aboriginal and Torres Strait Islander women, as indicated below.

The Department of Social Security employs fourteen (25 from December 1992) Support Network for Aboriginal Parents (SNAP) officers located in various Regional and Area Offices, whose role is to assist Aboriginal and Torres Strait Islander parents gain access to Department of Social Security (DSS) family payments and other government agencies' family/child related services and programs. The majority of SNAP officers are women. A majority of their time is spent consulting with Aboriginal and Torres Strait Islander women groups and organisations focusing on child care, health, nutrition and education and training needs.

In consultation with Aboriginal and Torres Strait Islander Women and ATSIC, the Jobs, Education and Training (JET) program next financial year will give priority to increasing the participation rate of Aboriginal and Torres Strait Islander women. The program already includes an extensive range of activities directed specifically at encouraging access of Aboriginal and Torres Strait Islander women to the program. There is also an identified JET Adviser position at Alice Springs which has, as a primary focus, working with Aboriginal women in remote communities.

The Children's Services Program (CSP) funds over 200 services targeted specifically to Aboriginal and Torres Strait Islander children. These families prefer their children to attend services that are predominantly staffed by Aboriginal and Torres Strait Islander people. Therefore, wherever possible, Aboriginal and Torres Strait Islander people are recruited in these services as staff and management committee members. The 1991 Child Care Census indicates that 73 per cent of staff employed in Multifunctional Aboriginal Children's Services are from Aboriginal backgrounds.

RECOMMENDATION 51

Rural Women

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

- **the census;**
- **better disaggregated data collection;**
- **a stronger focus on women's issues by the Department of Primary Industries and Energy (DPIE); and**

- **revision of the agricultural census to take account of women's contribution to agriculture.**

RESPONSE

Supported in principle.

The five-yearly Census of Population and Housing conducted by the Australian Bureau of Statistics (ABS) already provides a considerable amount of information about women in rural areas. Some information is contained in Census 86 – Rural Australia (ABS Catalogue No 2507.0). Other more detailed information from this source can be obtained on request through the ABS's information consultancy service.

There are several options available to expand the collection of data on rural women, and the ABS will continue, in consultation with interested parties, to seek ways of improving the amount and accessibility of relevant data on women in rural areas. For example, the ABS conducts household surveys on a regular basis and it would be possible to include topics of importance to women in rural areas.

Among collections specifically related to agriculture, the Agricultural Finance Survey, a sample survey conducted by field interviewers, would be a better vehicle for the purpose than the Agricultural Census because additional questions can be more readily accommodated. The Agricultural Census collects information about production and does not presently cover employment or other information about the people engaged in rural activities.

Other options include a supplementary survey attached to the Agricultural Census, or a completely new survey specifically for collection of data on rural women.

RECOMMENDATION 52

Rural Women's Section in OSW

To further improve recognition for rural women, the Committee recommends that a rural women's section be established within the Office of the Status of Women (OSW) to monitor government policy and legislation to ascertain if it adequately reflects the needs of rural women. The rural women's section should undertake to liaise directly with rural

women's organisations and networks and to ensure greater feedback on government policy, research and development to the rural women.

RESPONSE

Supported in principle, but alternative approach taken.

The functions of OSW include briefing the Prime Minister and the Minister Assisting the Prime Minister on the Status of Women on rural women's issues. In fulfilling this function, OSW liaises with other departments concerned with rural women's issues. The Office was also restructured in 1992 to ensure that rural women's needs are considered by all its sections.

The Government recognises the issues facing rural women and has taken steps to address them as part of mainstream rural policy development.

Following the Government's 1989 Rural and Regional Statement, the Rural and Community Policy Section in the Department of Primary Industries and Energy (DPIE) was established to assist the Government in the development, integration and delivery of services for rural and provincial Australia. This unit provides a specialised advisory service to Government and promotes awareness in rural and provincial Australia of existing Commonwealth Government policies and programs.

The National Women's Consultative Council (NWCC) has a representative from the Country Women's Association.

Within the Department of Health, Housing and Community Services (HHCS) there are several programs which address the concerns of rural women. These include the Women's Health Unit, and the Rural Health, Support, Education and Training Program which is aimed at achieving optimal health for all people in rural and remote Australia.

The Government considers that it is more appropriate and effective to address the needs and concerns of rural women through ensuring that relevant departments do this routinely as part of effective implementation of their programs.

RECOMMENDATION 53

Rural Women/Transport Subsidies

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

RESPONSE

Not supported.

There is no compelling reason why pensioners in rural areas should receive subsidies on private vehicle registration and petrol without the same subsidies being paid to pensioners in urban areas who may also suffer from being distant from services they need to access or from not being able to use public transport. Rural areas are not necessarily remote. A pensioner in a rural town may have easier, more affordable, access to suitable services than a pensioner in an outer suburb of a city.

If restricted to pensioners, the proposal would do nothing to help women in remote areas who are not on a pension overcome problems of distance and lack of public transport.

RECOMMENDATION 54

Rural Grants Program Expansion

The committee recommends that community support grants such as the Rural Access Program, through the Department of Primary Industries and Energy (DPIE), be expanded.

RESPONSE

Supported.

The Government has already recognised the needs of people in rural and remote areas by increasing funding for the Rural Access Program (RAP) by \$5.4 million over four years in the 1992-93 Budget. These funds are to support

community-driven projects aimed at improving access to information about Government services (the Australian Country Information Service), together with the benefits and development potential of telecommunications technology (Telecentres). RAP funding for 1992-93 will now comprise \$2.85 million (increased from \$1.5 million in 1991-92), and includes components for women's projects (\$500 000), telecentres (\$700 000) and the Australian Country Information Service (\$650 000).

RECOMMENDATION 55

Rural Women – Services

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

55 (a) expansion of child care, including increased flexibility and funding guidelines to enable a greater range of providers; and

RESPONSE

Supported.

States and Territories have already started co-locating some services such as preschools and child care services in order to meet the needs of families and to maximise facilities available for services.

In bilateral negotiations on the 1990 expansion of the National Child Care Strategy (NCCS), several States and Territories have indicated that they are interested in utilising existing infrastructure and/or constructing new buildings to cater for a range of service types. These co-located services may be more appropriate for rural and remote areas which could not support a single service delivery model.

Rural and remote families are a priority target group under the Children's Services Program. Support for mobile services has increased in recent times by, for example, the funding of 'Mobile Musters'. These conference/workshops resulted in a number of recommendations which impact on other Program areas and Departments. Expansion of the network of mobile services could be considered as a way of improving services to women in rural areas.

Funds are provided under the Children's Services Program (CSP) for services for children with special needs, including Aboriginal and Torres Strait Islanders and other children living in rural and remote areas of Australia.

As part of its 1990 child care initiatives, the Government approved additional funding for special services of \$6.2 million between 1990-91 and 1994-95 with an on-going full year effect of \$2 million.

Flexible funding models are being developed to suit the needs of rural, remote and Aboriginal and Torres Strait Islander communities. Services currently being funded in rural areas include Multifunctional Aboriginal Children's Services (MACS) and other Multifunctional Children's Services, mobile children's services, occasional care, vacation care, program enrichment measures, playgroups and toy libraries.

55(b) further investigations into community health needs and education support services.

RESPONSE

Supported in principle.

The Government is investigating innovative and flexible approaches in a number of recent programs. People who live in rural and remote areas are identified as a special needs group under the Home and Community Care Program (HACC). The 1992-93 budget includes a package of initiatives which will substantially benefit the carers of frail older people and younger people with disabilities. A large proportion of the carers who receive services funded by the HACC Program are women.

Needs-based planning models are being investigated at the program level to determine the appropriate level and mix of HACC services within rural and remote communities.

The Aged Care Program Support (ACPS) program targets funds towards short term strategic intervention and training and development with an overall aim of ensuring the long term development and viability of services for special needs groups.

While ACPS funds are not directly targeted towards women in rural and remote areas, funds are directed towards the elderly in locationally disadvantaged areas. Older women residing in rural and remote areas therefore benefit from ACPS funding.

Women will benefit from a new strategy, Multipurpose Services (MPS), announced in the 1992–93 Budget, designed to improve general access to health and aged care services in rural and remote areas.

The MPS funding approach has been developed to meet the particular health and aged care service needs of small rural and remote communities. These communities are frequently unable to access funding through mainstream programs due to factors such as small population, infrastructure costs and a lack of skilled staff.

MPS involves combining the existing resources going into a community for health and aged care programs to provide local health managers with a single, flexible pool of resources. The combined funds would be used to provide the level and mix of services appropriate to individual needs without having to meet rigid program criteria. In particular, women will be the primary recipients of services aimed at the needs of the elderly in the community and will also benefit from services designed to meet their needs such as ante-natal and baby health clinics.

The MPS strategy is a joint Commonwealth–State initiative endorsed by all Health Ministers in September 1991. The approach is to be piloted and evaluated in a number of locations commencing in 1992–93.

Under the National Women's Health Program, services are being introduced throughout Australia to address the problems faced by women who suffer inequality of access to health services due to geographic isolation.

Examples of services funded include:

- mobile women's health services involving the employment of nurses specialising in women's health matters and operating in rural and isolated areas in Queensland;
- appointment of regional women's health coordinators in country areas of Western Australia; and

- a project addressing mental health issues for rural and isolated women in Tasmania.

The Women's Health Services (Rural) Program, which ran for three years to 1991-92, was designed specifically to improve access to health services for women in three remote areas. Its impact is now being evaluated.

The Government also funds Family Planning Program Organisations to provide training in clinical services and counselling related to sexual and reproductive health for General Practitioners and nurse practitioners from rural and remote areas.

The Organised Approach to the Prevention and Management of Cervical Cancer and the National Program for the Early Detection of Breast Cancer particularly target Aboriginal and Torres Strait Islander women and women living in rural and remote communities.

- Aboriginal and Torres Strait Islander communities are being consulted about appropriate ways of delivering breast and cervical cancer information and services.
- Strategies to inform doctors and women in rural and remote areas of the need for regular pap smears are being developed with the Rural Doctors' Association and the Country Women's Association.
- Funds will be available for additional cervical screening services where there are insufficient existing services.
- During 1991-92, four mobile screening units became operational under the National Program for the Early Detection of Breast Cancer: two in Western Australia, one in South Australia and one in Queensland.
- The Department of Health, Housing and Community Services, with the Territory health authority, is considering ways of integrating the provision of breast and cervical cancer screening services in remote areas of the Northern Territory. The possibility of coordinating services across Northern Australia, with the added assistance of the Queensland Government, will also be investigated.

There are 80 Jobs, Education and Training (JET) advisers located in Department of Social Security (DSS) regional offices around Australia and 30

of these (or 38 per cent) are located in rural or regional centres (such as Wagga, Shepparton, Burnie, Whyalla). JET Advisers do not limit their services to the office in which they are based. Visiting services are provided to around 150 locations and, for remote areas, telephone interviews are also available.

The 1991 evaluation of the JET program recommended that sole parent pensioners in rural and remote areas be further supported in their return to the paid labour force.

The JET Evaluation Package in the 1992-93 Budget process improves the access to JET for clients living in rural and remote areas. A modest expansion in the number of JET Advisers will extend JET program servicing to most rural and remote areas.

This Budget initiative will also allow greater flexibility and differentiation in the program's delivery. For instance, joint JET/Support Network for Aboriginal Parents (SNAP) positions could be established in some remote localities of high Aboriginal and Torres Strait Islander populations.

RECOMMENDATION 56

Needs of Women of Non-English Speaking Backgrounds

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

56(a) more resources for existing English language training, particularly community literacy programs;

RESPONSE

Supported.

The Commonwealth's English language programs are administered by the Department of Immigration, Local Government and Ethnic Affairs (DILGEA) and the Department of Employment, Education and Training (DEET). In 1992-93 an additional \$30 million will be available for Commonwealth adult English tuition, making a total of about \$142 million.

The Government is providing funds to address the English language needs of all incoming migrants without functional English, regardless of gender. The additional resources provided to DEET will be used to address the needs of unemployed migrants whose major obstacle to obtaining a job or further training has been assessed as a lack of English language skills.

Some groups may not be captured by these two streams, including women of non-English speaking background already resident in Australia who are not in the labour force. Responses to the needs of these groups will be addressed cooperatively by Commonwealth and State agencies through the national English as a second language (ESL) strategy being developed by the Australian Education Council (AEC) and the Ministers of Vocational Education and Training. A high priority is the development of a more detailed profile of such groups, and particularly non-English speaking background women, including their language needs, their location, and the context in which they require ESL training.

A program which specifically targets women from non-English speaking backgrounds is the Workplace English Language and Literacy Program (WELL). Program contractors receiving funding under the WELL Program are required 'to encourage participation in activities to reflect the gender and ethnic balance of workers who need assistance'. Two of the priority industries nominated under the WELL Program - food processing and textiles, clothing and footwear - are major employers of women workers from non-English speaking background.

The WELL Program also stipulates that as far as possible ESL and literacy training should be held during normal working hours.

Workplace language and literacy concerns are seen as central to all aspects of the workplace reform process, including workplace bargaining, and it is recognised that women workers from non-English speaking backgrounds tend to be under-represented in workplace English language training activities. The reasons for this include industry and occupation location, cultural barriers; gender discrimination; and training being held at inappropriate hours (eg. after work).

It is regarded as essential that migrant women workers have equal access to English language and literacy training to assist them to participate in the workplace reform initiatives and, particularly, in training for new vocational competencies.

56(b) culturally sensitive child care

RESPONSE

Supported.

See also the response to Recommendation 16.

Under Children's Services Program (CSP), funding is provided for a range of services to assist children from non-English speaking backgrounds including resource and advisory services, community outreach workers, multicultural training for child care staff and additional hands-on support to help children settle into child care. Total funding for such support in 1991-92 was approximately \$5 million.

Children with special needs are generally well represented in child care services. For example, in 1991, children of non-English speaking background comprised 15 per cent of users in community based long day care services compared with a representation of 9.5 per cent in the total 0-4 population.

The Government will focus in particular on this issue as part of its Access and Equity Strategy Implementation.

56(c) for employment of occupational health and safety officers who have appropriate cross-cultural training;

RESPONSE

Supported.

The Review of Occupational Health and Safety in Australia (November 1990) recommended, among other things, that the National Occupational Health and Safety Commission, in consultation with States and Territories, the Australian Council of Trade Unions (ACTU) and the CAI:

- build an umbrella community awareness campaign, develop and coordinate targeted campaigns to raise awareness and change attitudes to Occupation Health and Safety (OHS) in groups such as managers, supervisors and workers.

This recommendation was made within the context of an appreciation of the special communication needs of target groups such as women, workers of non-English speaking background and youth.

Comcare Australia seeks to actively promote equity of access of particular groups, including women and the EEO designated groups, to occupational health and safety forums through workplace arrangements which ensure that there is appropriate representation of women and the EEO designated groups in occupational health and safety through the requirement that supervisors and health and safety representatives receive training to identify and address issues of specific concern to the health and safety of these groups.

56(d) culturally sensitive aged care.

RESPONSE

Supported.

People from a non-English speaking background are identified as a special needs group within the Home and Community Care (HACC) target population. National service standards for the HACC program have recently been developed which require all services to be delivered in a sensitive and culturally appropriate manner. Where it is considered necessary, funding can be sought for the provision of ethno-specific services.

People from non-English speaking backgrounds may be admitted to either general purpose residential facilities or, where available, facilities catering specifically for one or more ethnic groups. For planning purposes, non-English speaking background groups have been granted special needs status, thereby enabling facilities to be constructed, as a priority, in areas where there are large numbers of a particular ethnic group.

Aged Care Program Support (ACPS) funds are targeted towards older persons from non-English speaking backgrounds. Funding has been provided in respect of a number of projects which aim to provide culturally appropriate care of the ethnic elderly. Approximately one-third of ACPS funds were directed towards older ethnic persons in 1991-92. For example, funding has been provided in respect of the clustering pilot project which aims to provide culturally appropriate care to elderly members of smaller ethnic groups residing in 'clusters' in mainstream nursing homes. Women from non-English speaking backgrounds benefit directly from this funding.

The Government will focus in particular on this issue as part of its Access and Equity Strategy Implementation.

RECOMMENDATION 57

Non-English Speaking Background Women – Workplace Training

The Committee recommends that the Department of Industrial Relations (DIR) and the Office of Multicultural Affairs (OMA) work with employer and union bodies to encourage the expansion of workplace induction and training programs, covering occupational health and safety, staff services and language proficiency. Particular efforts must be made to ensure that these courses are made available to women.

RESPONSE

Supported.

The Government is promoting activities in this area through its administration of the Migrant Workers' Participation Scheme (MWPS) and the Workplace English Language and Literacy Program (WELL).

Under the MWPS, funding is provided to unions for initiatives to promote improved workplace and union participation by migrant workers, with women being a target group. The MWPS's objectives include enhancing the efficiency of Occupational Health and Safety (OHS) programs to migrant workers, encouraging the availability of English language training and other appropriate training, and promoting policy and program developments within the union movement which will bring about more effective workplace participation of migrants.

The WELL Program funds the provision of workplace English language and workplace English literacy training for people of non-English speaking and English speaking background. One of the principles of the Program is that worker participation on courses should reflect the ethnic and gender balance of the workplace concerned.

OMA has engaged a consultant to provide an intellectual framework for cross-cultural training and to identify the core elements of what may constitute good training to help manage cultural diversity in Australia. OMA hopes to

encourage employers in all sectors of the economy to adopt such training and to better understand its benefits.

In the area of occupational health and safety, Worksafe Australia has:

- targeted projects in industries and occupations with a high concentration of women workers of non-English speaking background;
- encouraged the use of pictograms and translations as part of the 'National Strategy for the Management of Chemicals Used at Work';
- pilot tested multilingual information material developed as part of the 'National Strategy for the Prevention of Occupational Noise-induced Hearing Loss'; and
- made provision for employees with special needs, such as literacy training, in program initiatives in the 'National Training and Education Strategy for Occupational Health and Safety'.

Worksafe has also developed a national approach to occupational health and safety for women workers to ensure that specific concerns are addressed within broad strategies and that areas of work where many women are concentrated are targeted for specific programs.

RECOMMENDATION 58

Needs of Women with Disabilities

The Committee recommends that:

- 58(a) an affirmative action policy for women with disability be developed and implemented by the Department of Health, Housing and Community Services (HHCS), Department of Employment, Education and Training (DEET), and Department of Social Security (DSS) in relation to the Disability Services Program (DSP), the Commonwealth Rehabilitation Service (CRS) and the Disability Reform Package (DRP);
- 58(b) the Department of Health, Housing and Community Services work together with existing and potential competitive employment, training and placement services funded under the Disability

Services Program to increase the numbers of women receiving those services, and in doing so, encourage and support women to obtain training and employment particularly in non-traditional occupations;

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

RESPONSE

(a), (b) and (d)

Supported in principle.

The Government is committed to ensuring that women participate adequately in programs of the type covered by this recommendation.

In HHCS, an affirmative action policy is already in place to the extent that targets are set and monitored for the participation of women and disadvantaged groups in disability programs and the Commonwealth Rehabilitation Service.

The department is developing a needs-based planning approach to new service provision in the DSP (for initial implementation in November 1992) which will operate in accordance with social justice principles.

The process of identifying priority funding areas of greatest unmet need will take into account the double disadvantage experienced by people with disabilities who also fall into one of the following groups, and who may thereby warrant a higher priority for access to services:

- women;
- Aboriginal and Torres Strait Islanders;
- people from non-English speaking backgrounds;
- people living in rural and remote areas; and
- people with difficult or challenging behaviours.

To complement this, the National Disability Services Standards, currently being developed, provide for priority of access to services to be determined on the basis of unmet need.

DEET is also committed to reviewing programs for women with disabilities with the view to ensuring positive outcomes for them as a disadvantaged group. The participation rates of both men and women in DEET labour market programs are monitored regularly and people with disabilities are afforded priority access to the programs. Outcomes of the monitoring will be examined as part of the DRP.

DEET also has an ongoing evaluation process for all programs. Monitoring related to disadvantaged groups is incorporated as a standard practice in all evaluation processes including access to labour market programs.

Monitoring to date has shown that women with disabilities are not significantly under-represented in labour market programs, therefore, currently women with disabilities are not a specific target group for DEET or for the elements of the DRP which DEET implements.

Ongoing monitoring of programs as outlined above, will identify aspects of the DRP requiring consideration for further development.

58(c) the Department of Health, Housing and Community Services (HHCS) fund a comprehensive study into the specific needs of women with disabilities to assist them with independent living. Further, that this study take account of the additional disadvantages experienced by women with disabilities who are aged, or of Aboriginal, Torres Strait Islander or non-English speaking background. The Committee believes that there would be advantages for this study to be conducted by a research team of women with disabilities; and

RESPONSE

Supported in principle.

The evaluation of the Disability Reform Package (DRP) of measures is also relevant to the Committee's recommendations in this area. The evaluation plan indicates that a key issue to be addressed will be the effectiveness of the reforms in meeting the particular needs of women.

The evaluation of the DRP will also include the position of youth, including by gender.

PART TWO: PARTIAL RESPONSE TABLED BY THE PRIME MINISTER ON 7 OCTOBER 1992

RECOMMENDATIONS 40, 59 TO 79 WERE DEALT WITH IN AN ANNOUNCEMENT BY THE PRIME MINISTER ON 19 SEPTEMBER 1992 AND TABLED IN THE HOUSE OF REPRESENTATIVES ON 7 OCTOBER 1992.

RECOMMENDATION 40

Sexual Harassment

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

RESPONSE

The Government supports this recommendation. At present a Commission training package and video entitled *Eliminating Sexual Harassment in the Workplace - A Guide for Managers* is nearing completion. Aimed at private sector middle management, it has been developed in conjunction with unions and employer groups and should be available for purchase by the end of the year.

RECOMMENDATION 59

Human Rights and Equal Opportunity Commission Complaints Data

The Committee recommends that without breaching the rights of privacy of parties to a complaint, the Human Rights and Equal Opportunity Commission (HREOC) publish more comprehensive statistics on the nature of concluded complaints, including those:

- 59(a) which did not proceed to conciliation;
- 59(b) those resolved through conciliation; and

59(c) those requiring formal determination by the Commission or the Court.

RESPONSE

The Human Rights and Equal Opportunity Commission has developed a comprehensive database on complaints and matters proceeding to formal inquiry. It has sought legal advice on the boundaries and requirements of confidentiality, and could make the statistics described here available subject to that advice. In addition, the Sex Discrimination Commissioner intends to produce a quarterly information sheet on developments in sex discrimination issues, with particular focus on legal decisions and conciliated complaints.

RECOMMENDATION 60

Sex Discrimination Act Reform

The Committee recommends that:

60(a) a general provision stating that discrimination on the basis of sex, marital status, potential pregnancy and family responsibilities is unlawful and should be included in the Sex Discrimination Act (SDA);

RESPONSE

This recommendation will be considered over the next six months. The Government understands the recommendation to mean the addition of potential pregnancy and family responsibilities as prohibited grounds of discrimination. It needs to be considered in conjunction with Recommendations 61, 62 and 63, which also deal with potential pregnancy and family responsibilities.

The issue of adding family responsibilities to the Act is currently under consideration (see Recommendation 63). Adding potential pregnancy explicitly might strengthen the Act, particularly in regard to occupational health and safety issues. It is discussed further under Recommendation 61. Consultations with the States, and with business and employer groups, will be necessary before any action is taken.

60(b) a provision allowing for 'equal protection before the law' similar to the provision in the Racial Discrimination Act be adopted in the Sex Discrimination Act (SDA).

RESPONSE

The Government will investigate this recommendation further over the next six months. If, as a result of the investigation, it appears that the new provision would strengthen the Act, it will be implemented. The proposal for equal protection before the law, in conjunction with extension of the Act to cover new 'prohibited grounds', could involve a detailed process of searching for inconsistent legislation. It could cause difficulties with State legislation and will be discussed with the States.

RECOMMENDATION 61

Sex Discrimination Act Reform

The Committee recommends that Section 7 of the Sex Discrimination Act (SDA) be amended by:

61(a) the inclusion of 'potential pregnancy' as a ground of prohibited discrimination;

61(b) by the repeal of 7 (1)(b).

RESPONSE

The Government will investigate these recommendations further over the next six months. If, as a result of the investigation, it appears that the amendments would strengthen the Act, they will be implemented.

It is not entirely clear where there could be discrimination on the grounds of potential pregnancy which would not be caught by the definition of sex discrimination already in the Act. However, it could strengthen the Act, in particular with regard to occupational health and safety issues. Consultation with States and business and employer groups would be necessary.

Section 7(1)(b) provides a defence of reasonableness for discrimination on the grounds of pregnancy. Even if it were repealed, temporary exemptions could continue to be made under Section 44, similar to those which have been made in the past for the lead industry.

RECOMMENDATION 62

Sex Discrimination Act and Workers with Family Responsibilities

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

See Recommendation 63.

RECOMMENDATION 63

Sex Discrimination Act Reform

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

RESPONSE

Australia's ratification of the International Labour Organisation's Convention No. 156 on Workers with Family Responsibilities in 1991 commits the Government to work towards enabling workers with family responsibilities to be employed without discrimination and, as far as possible, without conflict with their family responsibilities.

The Government is in the process of amending the Sex Discrimination Act to prohibit dismissal on the grounds of family responsibilities. The other recommendations are being addressed in the context of the Government's plan for implementation of ILO 156. Further consultation and investigations will be undertaken as to whether family responsibilities will be incorporated fully as a prohibited ground of discrimination, including consideration of the definition of 'family'. Several States have already incorporated family responsibilities in their anti-discrimination legislation. The Attorney-General's Department has been given resources in this Budget to complete this examination.

RECOMMENDATION 64

Sex Discrimination Act Reform

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

RESPONSE

The Government will implement this recommendation, and is examining the best means to do so. It may be necessary to allow for exceptions to the new provision, for example if an employer wished not to employ someone whose spouse worked for a rival firm. This might be dealt with by a 'reasonableness' criterion, but further consideration and consultation are warranted.

RECOMMENDATION 65

Sex Discrimination Act Reform

The Committee recommends that Division 3 of the Sex Discrimination Act (SDA) be amended to:

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

RESPONSE

Legislation has been passed in this session of Parliament to strengthen the sexual harassment provisions of the Sex Discrimination Act.

Since the Act was passed, the level of general understanding of the harmful effects of sexual harassment has increased and sexual harassment is no longer

regarded as a trivial matter. It need no longer be linked to an individual suffering some detriment in employment or education to be unacceptable.

A new definition is used in the Act so that a complainant need no longer demonstrate disadvantage; it will be sufficient that she or he was offended, humiliated or intimidated by the behaviour in question and that it was reasonable to feel that way. It brings the prohibition closer to the now common understanding of the term.

The operation of the sexual harassment provisions will be extended to the provision of goods and services, and to other areas where discrimination is unlawful under the Act, including contract, commission and partnership relationships, bodies deciding employment qualifications, unions, employment agencies, clubs, land agents, and the administration of Commonwealth laws and programs. Sexual harassment of students by adult students and staff by adult students in educational institutions will be made unlawful.

RECOMMENDATION 66

Sex Discrimination Act – Complaints Handling Procedure

The Committee recommends that:

- 66(a) the Sex Discrimination Commissioner seek, through arrangements with the Australian Council of Trade Unions (ACTU), to ensure that the union movement is familiar with the complaint handling processes of the Sex Discrimination Act (SDA) and of the potential for union involvement in complaints under the SDA;**

RESPONSE

The Sex Discrimination Commissioner is developing a range of strategies including meetings, seminars and workshops targeted at unions, in order to inform them and their members about rights and procedures under the Sex Discrimination Act. The project is planned to cover two years.

- 66(b) the Attorney-General's Department examine Section 70 of the Sex Discrimination Act in light of the recent *Federal Courts Amendment Act 1991* to ascertain whether amendment is needed to provide for a less cumbersome procedure for initiating a group complaint and to clarify the right to damages by way of representative action.**

RESPONSE

Legislation has been passed in this session of Parliament to bring the provisions for representative complaints into line with the model used in the Federal Court.

The Human Rights and Equal Opportunity Commission has power to inquire into representative complaints. However, the Commission must first determine whether the complaint meets seven criteria for a representative complaint. The cumbersome nature of these provisions means that they have been rarely used.

Under the new procedure a person may bring proceedings on behalf of a group of seven or more persons where the claims on those persons arise from similar or related events and a common question of law or fact arises with respect to all of their claims. The consent of a person to be a group member is not required and a member of the class does not have to take a positive step to be included in the proceedings, although he or she has the right to opt out within a period specified by the Court.

RECOMMENDATION 67

HREOC – Determinations/Federal Court

The Committee recommends that the Human Rights and Equal Opportunity Commission (HREOC) determinations be registrable in the Federal Court and that in the absence of an appeal they automatically become an enforceable order of the Court.

RESPONSE

Legislation has been passed in this session of Parliament to simplify the procedure for enforcing determinations of the Human Rights and Equal Opportunity Commission. Determinations under the Sex Discrimination Act will be registrable in the Federal Court when they are made. A respondent will be allowed a period to challenge the determination in the Federal Court. If a challenge is brought, the matter will be heard again by the Court. If there is no challenge, the determination becomes enforceable as if it were an order of the Court.

This will increase the effectiveness of the Human Rights and Equal Opportunity Commission's decisions, which at present are not binding. To

enforce its decisions it currently must have recourse to the Federal Court, which has to go through for itself the process of establishing that unlawful conduct has occurred.

RECOMMENDATION 68

Sex Discrimination Commissioner – Resources

The Committee recommends that:

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

RESPONSE

The Commission, an independent statutory body, has indicated support for these recommendations. The Sex Discrimination Commissioner has a separate allocation within the Human Rights and Equal Opportunity Commission's budget, but further discussion will continue within the Commission on distribution of resources.

RECOMMENDATION 69

Sex Discrimination Cases – Legal Aid

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

RESPONSE

Legal Aid is provided through State agencies, and the criteria are decided at State level. Over the next six months the Government will consider the issues, in the light of the scarce resources available.

RECOMMENDATION 70

Sex Discrimination Act Reform

The Committee recommends that:

70(a) sub-sections 5(2), 6(2) and 7(2) paragraph (b) be deleted;

70(b) a new sub-section be added to Sections 5, 6 and 7 in the following terms:

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

RESPONSE

The Government accepts the principle behind this recommendation, but implementation warrants further consideration of legal precedent and consultations with the States and Territories and business and employer groups. This will be done over the next six months.

These provisions deal with the test for indirect discrimination. If the recommendation were implemented, it might be necessary to amend the test in paragraph (b) to refer not only to the least discriminatory option but also to allow for a test of economic viability.

RECOMMENDATION 71

Sex Discrimination Act – Women and Combat Duties

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

RESPONSE

The Minister for Defence Science and Personnel will re-examine the exclusion of women from combat duties and the legislative basis of that exclusion after

the Chief of the Defence Force presents the results of a comprehensive review of the employment of women in combat and combat-related duties later this year.

Women are at present excluded from serving in combat positions. The Sex Discrimination Act also allows their exclusion from combat-related duties although the latter exclusion has not been applied since May 1990 when the Chiefs of Staff recommended against its continued application and the Minister for Defence announced a new policy based on this advice.

A progress review of the policy of employing women in combat-related positions was considered by the Chiefs of Staff Committee in June 1991. The Chiefs of Staff found that the implementation of the new policy was progressing well and without any major impediment. A further review of policies relating to the employment of women in combat and combat-related positions, prompted by the Lavarch Report, has since been conducted and a report is currently with the Chief of the Defence Force.

RECOMMENDATION 72

Sex Discrimination Act Reform

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

RESPONSE

The Government will investigate this recommendation fully over the next six months. If, as a result of the investigation, it appears that a new provision would strengthen the Act, the Act will be amended.

The Lavarch Report refers to evidence of a very strongly expressed view in the community that the section of the Act which allows for measures to promote equality needs to be reinforced. This concern has been expressed in the context of extending the Act to cover federal industrial awards, a small number of which contain provisions which discriminate in favour of women. The Government recognises that recent cases have caused concern. It has been argued that these cases have demonstrated that the clause is adequate, but many

women's organisations would disagree with this view. On the other hand, drafting a more satisfactory clause may be extremely difficult, and there is a danger that a change would obviate the usefulness of previous cases as precedents. Further consideration is warranted.

RECOMMENDATION 73

Sex Discrimination Act Reform

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

RESPONSE

The Government will consult widely on this issue, and on the full implications for religious schools of adding any reasonableness criterion to the Act. It recognises the need to balance people's right to equal treatment with the right to freedom of religious practice. It will reconsider its response to the recommendation in twelve months' time.

Implementation of the recommendation to add a criterion of reasonableness to the exemption of employment by educational institutions established for religious purposes would mean that a religious body could be called on to show that discrimination in employment of staff was reasonable having regard to the objectives of the organisation. The Lavarch Report expresses the view that it is unacceptable to have a double standard between men and women employed in schools established for religious purposes.

RECOMMENDATION 74

Sex Discrimination Act Reform – Federal Industrial Awards

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

RESPONSE

Legislation has been passed in this session of Parliament to extend the Sex Discrimination Act to cover federal industrial awards, and variations to federal awards, made after the date of the legislation.

At present, the Sex Discrimination Act does not apply to an act done by a person in direct compliance with an industrial award. Further, the Australian Industrial Relations Commission is not bound by the Sex Discrimination Act, although it is required to take account of the principles embodied in the Act.

When the Act was passed in 1984 there were many discriminatory provisions in awards and anomalies in the rates paid for work traditionally done by women. Since then, employers, unions, industrial tribunals, and governments have worked towards eliminating discrimination, and most of the overt discrimination has been removed. Under the Structural Efficiency Principle established by the Australian Industrial Relations Commission in 1988, minimum wage rates have been reviewed on the basis of work value, and this minimum rates adjustment process has resulted in re-evaluation of many 'women's' jobs. The Government's intention in extending the Sex Discrimination Act to awards is to guard against the introduction of discrimination in new awards, especially in the changed climate of decentralised bargaining arrangements. This is consistent with the Government's commitment to protecting the interests of low paid and vulnerable workers.

The mechanism proposed will enable individuals to complain to the Sex Discrimination Commissioner about federal awards. The Sex Discrimination Commissioner, if she is satisfied that the complaint is not frivolous, will refer it to the Australian Industrial Relations Commission. If it finds that the award is discriminatory, the Commission will be required to vary the award unless there are compelling public interest reasons not to do so. The Sex Discrimination Commissioner will have a right to appear before the Industrial Relations Commission in relation to matters she has referred. The exemption in the Sex Discrimination Act will be modified to take account of the extension of the Act.

RECOMMENDATION 75

Sex Discrimination Act Reform – Victimisation

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

RESPONSE

The Government intends to amend the Act in this session of Parliament to allow complaints of victimisation to be dealt with by the Sex Discrimination Commissioner by conciliation. Section 94 of the Sex Discrimination Act provides that victimisation of a complainant is a criminal offence and, as such, can only be prosecuted in a court. The Government is concerned that such a procedure, which may be expensive and daunting, could discourage people from complaining of victimisation. The amendment will not remove the right to court proceedings.

RECOMMENDATION 76

Affirmative Action Agency

The Committee recommends that:

76(a) the Affirmative Action Agency (AAA) be resourced to undertake qualitative assessments of reports received;

RESPONSE

The Government supports this recommendation. In the 1992–93 Budget the Government has provided an additional \$400 000 in 1992 (and \$250 000 in 1993–94) to the Affirmative Action Agency for a new program of measures to encourage quality affirmative action outcomes.

Submissions and consultations of the Effectiveness Review of the Affirmative Action Act revealed wide ranging and strong support for maintaining the existing general structure of the legislation. There was concern, however, about the uneven quality of employers' affirmative action programs and strong support for focusing on improving quality in the next phase of the legislation.

The new measures will include development of performance standards based on best practice benchmarks; and cooperative research projects and training initiatives with employer bodies and unions. Evaluation of reports and feedback to employers will be integral to these measures.

76(b) the Agency encourages companies to focus more carefully on identifying and addressing the particular needs of groups of women with special needs in the workforce.

RESPONSE

The issue of how to encourage employers to focus on the needs of particular groups of women workers was considered as part of the Effectiveness Review of the Act. The Government accepts the Director's conclusion that the most fruitful approach would be for the Agency to develop models of good practice cooperatively with interested companies (including for example, language and literacy training for women, and workplace design facilitating employment of women with disabilities), rather than provide legislative coverage by category for women with multiple disadvantage. This will be taken up by the Agency in the next stage of the legislation.

RECOMMENDATION 77

Affirmative Action Reforms

The Committee recommends that:

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

77(b) the resources of the Affirmative Action Agency (AAA) would need to be increased commensurate with the increased work load;

RESPONSE

In the Effectiveness Review of the Act, the Director estimated that reducing the threshold to 50 would double the number of reports to be handled by the Agency yet increase coverage by only 8 per cent of private sector employees. Accordingly the Government has decided that the objectives of the Act would be better advanced through focusing on the quality of employers' programs rather than reducing the threshold.

The Government intends, however, to legislate in this session of Parliament to extend the Act to ensure the coverage of elected union officials as employees and of trainees employed through Group Training Schemes.

The Effectiveness Review highlighted considerable community concern about discrimination against women in smaller companies. This issue is to be kept under review by the Agency. As part of its program of new measures arising from the Effectiveness Review, the Agency will also develop a strategy for raising awareness of issues surrounding discrimination against women in smaller companies. This could include cooperative training with employer organisations and unions, preparation of appropriate policies and guidelines, and pilot programs in industries reporting particular difficulties.

77(c) those organisations consistently recording good progress should have the obligation of reporting reduced accordingly, reducing the work load of the organisation itself and the Affirmative Action Agency (AAA); and

RESPONSE

The Government has implemented this recommendation, which was also raised in the Effectiveness Review, by legislating in this session of Parliament to give the Director the power to vary reporting requirements.

This amendment will enable the Director to alter the report format to permit, for example, detailed reporting in one year and progress and exceptions reporting the next. It will also allow the development of a scheme for exempting the exceptional performers from reporting requirements for a number of years, similar to the 'exceptional trainer' status under the *Training Guarantee (Administration) Act 1990*.

77(d) the Affirmative Action Agency (AAA) be charged with responsibility to distribute reports to relevant interest groups, principally trade unions.

RESPONSE

Submissions, consultations and research for the Effectiveness Review suggest that the requirements of the Act for employers to consult with trade unions and with employees about their affirmative action programs are not well met. The

Government has decided that a tripartite advisory committee will be established to address this issue as well as how to improve the quality of affirmative action reports. A priority for the committee would be to develop general principles for compliance with the eight steps of an affirmative action program and codes to interpret them. Early emphasis will be given to steps Three and Four on consultation. Effective consultation by employers with their employees and with unions would include providing them with copies of their affirmative action reports.

Employers' affirmative action reports are available to any individual or organisation upon request to the Agency. To improve availability, from 1992-93 a full set of the most recent reports will be made available on microfiche in each capital city.

RECOMMENDATION 78

Affirmative Action Programs

The Committee recommends that:

78(a) evaluative analysis be undertaken by the Department of Industrial Relations (DIR) to ensure that statutory authorities are adopting effective affirmative action programs; and

RESPONSE

The Government supports this recommendation. The Department of Industrial Relations, in administering the Government's industrial relations coordination arrangements, will analyse the extent to which statutory authorities are adopting effective affirmative action and equal employment opportunity programs, and report to the Minister for Industrial Relations. The evaluative criteria developed by the Agency will form the basis of the assessments.

The Minister for Industrial Relations will negotiate with his counterparts in State and Territory Governments to ensure coverage of all government employees by EEO provisions.

78(b) work needs to be undertaken by Department of Industrial Relations (DIR) in consultation with AAA to establish how employers in the voluntary sector can be encouraged to adopt affirmative action programs.

RESPONSE

The Government intends to legislate in this session of Parliament to extend the operation of the Act to voluntary bodies employing one hundred or more employees. This will bring an estimated 60 000 additional paid employees under the Act when the amendment comes into operation and will mainly affect the largest charities, independent schools and the Catholic school system.

RECOMMENDATION 79

Commonwealth Contracts/EEO

The Committee recommends that:

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

RESPONSE

The Government accepts this recommendation, which is also a recommendation in the Effectiveness Review, as a means of signalling the Government's support for affirmative action through an additional incentive to employers to comply with the Act. From 1 January 1993, those employers who fail to comply with the requirements of the Act will not be eligible for consideration for government contracts for goods and services and specified industry assistance. This will encompass purchasing by all government departments. The Department of Administrative Services implemented a policy of contract compliance on 1 October 1992 for purchasing which occurs through that Department.

The Minister for Industrial Relations will raise with his State and Territory counterparts the importance of the adoption of similar contract compliance

policies by State and Territory governments. The Victorian Government has put contract compliance in place and the policy is operating effectively with minimal administrative costs.

TERMS OF REFERENCE OF THE COMMITTEE

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

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

MEMBERSHIP OF THE COMMITTEE

35TH PARLIAMENT

Mr A Griffiths, MP (Chair)

Mr W Smith, MP (Deputy Chair)

Hon E Adermann, MP (to 15/8/89)

Mr J Anderson, MP (from 16/8/89)

Mr A Cadman, MP (from 15/6/89)

Mr D Charles, MP

Mr P Cleeland, MP

Mr D Kerr, MP

Mr P McGauran, MP

Hon J Moore, MP (to 29/5/89)

Mr P Ruddock, MP

(Deputy Chair to 1/7/89)

Hon G Scholes, MP

Mr J Spender, QC, MP

(from 17/8/89)

Mrs K Sullivan, MP

Mr R Tickner, MP

Mr K Wright, MP

Secretary:

Mr J Stanhope

36TH PARLIAMENT

Mr M Lavarch, MP (Chair)
Mr A Cadman, MP (Deputy Chair)

Mr K Andrews, MP (from 19/12/91)
Hon N Brown, MP (to 7/3/91)
Dr R Charlesworth, MP (to 6/3/91)
Mr P Costello, MP
Mrs J Crosio, MP (from 3/3/92)
Hon C Holding, MP (from 6/3/91)
Mr D Kerr, MP
Mr S Martin, MP (to 3/3/92)

Mr D Melham, MP
Mr M Ronaldson, MP (from 7/3/91)
Hon G Scholes, MP
Rt Hon I Sinclair, MP
Mr W Smith, MP
(Deputy Chair to 19/12/91)
Mr K Wright, MP

Secretary: Mr J Stanhope (to 13/12/91)
Mr G Harrison (from 31/1/92)

Status of Women Sub-committee

Mr M Lavarch, MP (Chair)
Mrs F Bailey, MP*
Mr A Cadman, MP
Ms M Crawford, MP*
Mr S Martin (to 3/3/92)
Ms J McHugh, MP*
Hon G Scholes, MP

Inquiry Secretary: Mr K Townsend

Inquiry Staff: Ms L Ball
Ms L Carney
Ms D Christophers

* Members of the Committee for the purposes of the Status of Women Inquiry

ACRONYMS

AAA	Affirmative Action Agency
ABA	Australian Broadcasting Authority
ABS	Australian Bureau of Statistics
ABT	Australian Broadcasting Tribunal
ACCI	Australian Chamber of Commerce and Industry
ACPS	Aged Care Program Support
ACTU	Australian Council of Trade Unions
ADF	Australian Defence Force
ADI	Australian Defence Industries Ltd
AEC	Australian Education Council
AGPS	Australian Government Publishing Service
AICCA	Aboriginal & Torres Strait Islander Child Care Agencies
AIDS	Acquired Immune Deficiency Syndrome
AIF	Australian Imperial Forces
AIFS	Australian Institute of Family Studies
AIRC	Australian Industrial Relations Commission
AMC	Australian Manufacturing Council
AMEP	Australian Migrant English Program
ANTA	Australian National Training Authority
APS	Australian Public Service
ASC	Australian Sports Commission
ASL	Average staffing levels
ATO	Australian Taxation Office
ATS	Australian Traineeship Scheme
ATSIC	Aboriginal and Torres Strait Islander Commission
AUSTUDY	Education income support
AWE	Average weekly earnings
BIR	Bureau of Immigration Research
CCRSFP	Community Cultural, Recreation and Sporting Facilities Program
CDEP	Community Development Employment Program

CEDAW	Convention on the Elimination of All Forms of Discrimination Against Women
CES	Commonwealth Employment Service
CMF	Citizens' Military Forces
COSP	Community Organisations' Support Program
CROSRMD	Committee for Review of the System for Review of Migration Decisions
CRS	Commonwealth Rehabilitation Service
CSP	Children's Services Program
DAS	Department of Administrative Services
DCS	Department of Community Services
DASET	Department of the Arts, Sport, the Environment and Territories
DEET	Department of Employment, Education and Training
DILGEA	Department of Immigration, Local Government and Ethnic Affairs
DIR	Department of Industrial Relations
DNCB	Domiciliary Nursing Care Benefit
DoF	Department of Finance
DOLAC	Departments of Labour Advisory Committee
DORS	Determination of Refugee Status
DPIE	Department of Primary Industries & Energy
DRP	Disability Reform Package
DSH	Defence Service Homes
DSP	Disability Services Program
DSR	Dependent Spouse Rebate
DSS	Department of Social Security
EEO	Equal Employment Opportunity
EPU	Equal Pay Unit
ESFC	Employment Skills Formation Council
ESL	English as a second language
FBT	Fringe Benefits Tax
FDC	Family Day Care

FECCA	Federation of Ethnic Communities' Councils of Australia
GBE	Government Business Enterprise
GEIs	Gender Equity Indicators
HACC	Home and Community Care
HEEP	Higher Education Equity Program
HHCS	Department of Health, Housing and Community Services
HIV	Human Immunodeficiency Virus
HREOC	Human Rights and Equal Opportunity Commission
IDC	Interdepartmental Committee
ILO	International Labour Organisation
INAC	Interim National Child Care Accreditation Council
IRT	Immigration Review Tribunal
ISC	Insurance and Superannuation Commission
IWD	International Women's Day
JET	Jobs, Education and Training Program
JSA	Job Search Allowance
MACS	Multifunctional Aboriginal Children's Services
MIS	Management Information System
MOVEET	Ministers of Vocational Education, Employment and Training
MPS	Multipurpose Services
MRA	Minimum Rates Adjustment
MWPS	Migrant Workers' Participation Scheme
NCCS	National Child Care Strategy
NDS	National Data Set
NFROT	National Framework for the Recognition of Training
NHMRC	National Health and Medical Research Council
NISS	National Integrated Settlement Strategy
NLCC	National Labour Consultative Council
NWAC	National Women's Advisory Committee
NWCC	National Women's Consultative Council

OECD	Overseas Economic Cooperation and Development
OHS	Occupational Health and Safety
OIW	Office of Indigenous Women
OMA	Office of Multicultural Affairs
OSI	Office Structures Implementation
OSSA	Occupational Superannuation Standards Act
OSW	Office of the Status of Women
PHRDC	Public Health Research and Development Committee
PND	Post Natal Depression
PSC	Public Service Commission
PSU	Public Sector Union
RADGAC	Research and Development Grants Advisory Committee
RAP	Rural Access Program
SDA	Sex Discrimination Act
SES	Senior Executive Service
SGC	Superannuation Guarantee Charge
SMA	Statutory Marketing Authorities
SNA	System of National Accounts
SNAP	Support Network for Aboriginal Parents
SUPS	Supplementary Service Grants
SWIM	Senior Women in Management Program
TAFE	Technical and Further Education
VEA	Veterans' Entitlements Act
VEETAC	Vocational Education, Employment and Training Advisory Committee
WACCAS	Work and Child Care Advisory Services
WAS	Women's Auxiliary Services
WELL	Workplace English Language and Literacy Program
WREIP	Women's Research Employment Initiatives Program
WSU	Women's Sports Unit