

3 March 2022

Women's Economic Opportunities Review
NSW Treasury

By email

Dear Chair,

Women's Economic Opportunities Review

1. Women's Legal Service NSW (**WLS NSW**) thanks NSW Treasury for the opportunity to comment on the Women's Economic Opportunities Review. We welcome this Review which is considering how to improve women's economic security over the next 5 to 10 years, including through increased participation in the workforce, reducing salary and superannuation discrepancy and improving access to and affordability of childcare.
2. WLS NSW is a specialist accredited women-led community legal centre that aims to achieve access to justice and a just legal system for women in NSW. We seek to promote women's human rights, redress inequalities experienced by women and to foster legal and social change through strategic legal services, community development, community legal education and law and policy reform work. We prioritise women who are disadvantaged by their cultural, social and economic circumstances. We provide specialist legal services relating to domestic and family violence, sexual assault, family law, discrimination, victims support, care and protection, human rights and access to justice.
3. Since 1995 WLS NSW has provided a state-wide First Nations Women's Legal Program (**FNWLP**). This program delivers a culturally safe legal service to First Nations women, including regular engagement with communities across NSW. We provide a First Nations legal advice line, casework services including a specialised family law service to assist First Nations women access the family law courts, participate in law reform and policy work, and provide community legal education programs and conferences that are topical and relevant for First Nations women.
4. An Aboriginal Women's Consultation Network supports and enhances the work of the FNWLP. It meets quarterly to ensure that we deliver a culturally safe service. The members include regional community representatives and the FNWLP staff. There is a representative from the Aboriginal Women's Consultation Network on the WLS NSW Board.

Introductory comments

5. We welcome attention to the important issue of improving women's security. Central to this discussion is a recognition of the drivers of gendered violence and the continuum of violence against women and children as well as the many structural and non-structural barriers to women's economic security and participation.
6. We call on funding through the upcoming NSW Budget for short-term strategies as well as long-term strategies.



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Gender equality strategy

7. We call on the NSW Government to implement gender-responsive budgeting as part of a gender equality strategy.
8. The Equality Rights Alliance is the National Women's Alliance focused on women's economic security, gender equality and women's leadership. We refer to their work on gender responsive budgeting which is also relevant to state and territory governments.¹
9. We note the recommendation in the *Respect@Work* report that all Australian governments have gender equality strategies and gender-based violence prevention strategies.²
10. We note following the Royal Commission into Family Violence the Victorian Government undertook extensive consultation to develop a Gender Equality Strategy based on evidence of what works to achieve gender equality which also includes specific targets and an outcomes framework.³ Building on this work, the Victorian Government is currently developing the next Gender Equality Strategy.⁴
11. We note the NSW *Women's Strategy 2018-2022* with accompanying annual action plans. While acknowledging positive developments, it is imperative that actions and funding address the underlying structures which support the continuation of gender inequality.

Addressing gender inequality

12. In 2018 the Australian Human Rights Commission (**AHRC**) concluded that despite some progress, women continue to experience inequality and discrimination and these limit the choices and opportunities available to them. The report identified the following complex and systemic factors as barriers to achieving gender equality:
 - 12.1 *A workforce which is segregated and which continues to undervalue female-dominated industries such as aged care, childcare and health and community services – have been historically undervalued.*
 - 12.2 *The over-representation of women as part-time workers in low-paid industries and in insecure work and underrepresentation of women in leadership roles in the private and public sectors.*
 - 12.3 *More than half of women aged 18 or older have experienced sexual harassment in their lifetime.*
 - 12.4 *On average, women spend 64 per cent of their working week performing unpaid care work. They spend almost twice as many hours performing such work each week compared to men.*
 - 12.5 *In 2015-2016 the average Australian woman was reaching retirement with an average of \$113,660 less superannuation than the average male. As a result, women are more likely to experience poverty in their retirement years and be far more reliant on the Age Pension.*

¹ Equality Rights Alliance (2021) [Gender Budgeting in Australia Position Summary](#)

² Australian Human Rights Commission (2020), *Respect@Work: National Inquiry into Sexual Harassment in Australian Workplaces*, Recommendations 6-7.

³ Victorian Government (2016) [Safe and Strong Victorian Gender Equality Strategy](#)

⁴ For further information see <https://engage.vic.gov.au/safe-and-strong-gender-equality-strategy-renewal>

12.6 *More than one in three Australian women have experienced physical or sexual violence in her lifetime.*

12.7 *It is estimated that violence against women and their children costs the Australian economy \$22 billion in 2015-16.*⁵

13. We also note the high rates of poverty experienced by women across the lifespan as a result of gender inequality, particularly single mothers and older women.

14. Inadequate recognition of family violence in property matters in family law combined with the power imbalance resulting from family violence affecting women's ability to negotiate and achieve fair property settlements must also be addressed.⁶

15. NCOSS in *A New Year for Women* outlines the cause of homelessness for many older women⁷:

Women experiencing homelessness in later life have overwhelmingly led 'conventional' lives wherein they worked, raised a family, and rented privately. Routinely, these women become homeless because they experience a crisis such as losing their job, becoming unwell, or facing unaffordable rents.⁴⁷ Crucially, older women experiencing homelessness don't own their own home, and it is frequently at the point of retirement when women with inadequate superannuation funds are forced to rely on the Age Pension and are subsequently unable to afford private rental that they become homeless. The severe lack of affordable housing in many parts of Australia directly contributes to older women experiencing homelessness. But it is the entrenched social and economic disadvantages that women experience throughout their lives that is the fundamental cause of older women being at increased risk of homelessness.⁴⁸

16. In our [response to the Draft National Plan to End Violence against Women and Children 2022-2032](#), we echoed the concerns of Women with Disability Australia that addressing violence in the workplace must extend beyond sexual harassment to include exploitation in the workplace, noting that marginalised women, including First Nations women, refugee and migrant women and women with disability are often over-represented in insecure and low paid work.

17. Ensuring safe, secure and flexible work which is free from violence and exploitation, addressing the gender pay gap and resulting lower superannuation for women, increasing women in leadership roles, better valuing of and a more equal distribution of unpaid care work, accessible and affordable access to childcare and safe and affordable housing are key to achieving women's economic security.

18. We refer to the Equality Rights Alliance recent federal pre-Budget submission 2022-23 which recommended a

*Federal-State Partnership to begin the process to lead the States and Territories to deliver universal three-year-old preschool across Australia by 2030 to match the partnership agreement in place for four-year-olds as well as better pay and conditions in early childhood as social infrastructure.*⁸

⁵ Australian Human Rights Commission (2018) *Face the Facts: Gender Inequality* p 2

⁶ For further information see Women's Legal Service NSW (2021) [Response to Consultation Paper – A New Decision-Making Framework for Property Matters in Family Law](#)

⁷ NCOSS (2017) *A New Year for Women*

⁸ Equality Rights Alliance (2022) [Pre-Budget Submission of the Equality Rights Alliance](#) p 13-14

Opportunities to enter and re-enter the workforce

19. Free, or at a minimum, affordable training opportunities must be available for women, including for women who may have spent time outside the workforce due to sexual, domestic and family violence and/or carer responsibilities.
20. We also note the recommendations in *Wiyi Yani U Thangani (Women's Voices)* for all governments within Australia to increase scholarship and financial assistance for First Nations women to access higher education and training.⁹ This report was developed following extensive consultation that Aboriginal and Torres Strait Islander Social Justice Commissioner, June Oscar AO, led with Aboriginal and Torres Strait Islander women and girls across Australia.
21. There must also be supported pathways to obtaining safe and secure paid work following such training, with wages reflecting the value of the work.
22. *Wiyi Yani U Thangani (Women's Voices)* also discusses the importance of recruiting and retaining First Nations women in positions of leadership where they have decision-making powers, including within police services across Australia.¹⁰ First Nations women should be supported through training opportunities to access such positions.
23. We note actions and recommendations to increase diversity in the workforce to ensure that systems are accessible. For example, in relation to refugee and migrant employees, the Victoria Police framework recognises that the entry requirements into the police force have been difficult to meet for some members of these communities because of “*differences in education, upbringing and early life opportunities*”.¹¹ To address this, the Victoria Police has developed refugee and migrant focused “*School Base Traineeship Programs, Cadetships, and Youth Employment Schemes*” as well as exploring the provision of funding assistance to prospective police candidates of refugee and migrant background, including for preparatory programs.¹²
24. Similarly, noting the importance of First Nations people being employed in a variety of roles across the family law system, the Family Law Council recommended:

*scholarships, cadetships and support for education and training opportunities for Aboriginal and Torres Strait Islander professionals to work in the family law system.*¹³
25. A similar recommendation was made in relation to refugee and migrant professionals working within the family law system.¹⁴
26. Such recommendations are relevant for other occupations and systems and could particularly focus on increasing participation of diverse women in the workforce.

⁹ Australian Human Rights Commission (2020) *Wiyi Yani U Thangani (Women's Voices): Securing Our Rights, Securing Our Future Report*, p 563 (565)

¹⁰ Ibid, p 103 (105)

¹¹ Victoria Police Force, *CALD Inclusion Strategy and Action Plan 2018 – 2021*, p 7 (9)

¹² Ibid, p 13 (15)

¹³ Family Law Council (2012) *Improving the Family Law System for Aboriginal and Torres Strait Islander Clients*, Recommendation 5, p 100 (106)

¹⁴ Family Law Council (2012) *Improving the Family Law System for Clients from Culturally and Linguistically Diverse Backgrounds*, Recommendation 4, p 96 (103)

Addressing and responding to sexual, domestic and family violence

27. Central to a discussion about achieving women's economic security is a recognition of the drivers of gendered violence and the continuum of violence against women against women and children.
28. All systems and services interacting with survivors of sexual, domestic and family violence and abuse must be able to effectively identify, assess and manage family violence risk and be supported to do so through frameworks such as a Family Violence Multi-Agency Risk Assessment and Management Framework. This requires substantial funding, including for workforce development and capacity building.
29. Training, of itself, will not change attitudes and culture. It must be part of a broader strategy for cultural reform which, in addition to proper resourcing, requires strong leadership.
30. While training has an important role to play in cultural reform, close attention needs to be paid to what training is provided, to whom, by whom, how often, in what form, how is it informed by the lived experience of victim-survivors, how it addresses victim-blaming attitudes and conscious and unconscious bias, how it encourages participants to reflect on their own practice and whether the training is independently evaluated to measure changes in attitudes and changes in practice as a result of the training.
31. Training about sexual, domestic and family violence and abuse needs to be developed and delivered with significant input from sexual, domestic and family violence and abuse experts including survivors, cultural safety experts, disability experts, non-binary, trans and gender diverse experts and specialist legal services.
32. Responding to gendered violence must better recognise the importance of specialisation, including specialist women's services and properly resource the specialist sexual, domestic and family violence sector, including funding for specialist women's legal services, women's services and other specialist community organisations with non-competitive long-term funding, such as 5-year contracts.

If you would like to discuss any aspect of this submission, please contact Liz Snell, Law Reform and Policy Coordinator on 02 8745 6900.

Yours faithfully,

Women's Legal Service NSW

Philippa Davis
Principal Solicitor