

Submission to the Victorian Government on a Victorian Gender Equality Strategy

As the peak body representing organisations that work with vulnerable children and families in Victoria, the Centre for Excellence in Child and Family Welfare (the Centre) welcomes the opportunity to contribute to the development of a Victorian Gender Equality Strategy. This is an important strategic document that will enable a more consistent and integrated approach to whole-of-government policies and programs aimed at achieving gender equality.

The Centre recognises the range of initiatives the Victorian Government has already put in place to achieve gender equality in Victoria. The creation of a Gender and Sexuality Commissioner is a significant step. We welcome the establishment of a dedicated equality portfolio with its own Minister, reforms to remove discrimination in laws and services, the LGBTI Taskforce, and ongoing commitment to the Safe Schools program. We recognise the significance of a gender equality strategy that highlights the link between violence and attitudes towards women, and guides Victoria's approach to achieving equal social, civic and economic participation for women in Victoria.

Introduction

The Centre recognises that regardless of gender, all people have the right to the same opportunities, resources, feeling of safety, variety of choice, and outcomes as men. Yet structural and systemic barriers continue to disadvantage and discriminate against women in all areas of economic, political and social life.

Research shows the clear link between gender equality and better organisational performance, improving national productivity and competitiveness and greater use of educational resources.¹ Gender equality has been associated with tangible benefits for women in relation to education, career, financial independence and new roles, while intangible benefits include freedom, choice and happiness.² Gender issues are also related strongly to family policy issues.³ For the Centre's members, the benefits of gender equality are particularly associated with the ability to access education and training, financial security, legal aid, and bring up their children in safe and nurturing environments.

The Centre recognises women are not a homogenous group and represent a diverse range of backgrounds and experiences. In this submission, the term 'women' is inclusive of all women and girls, including cis-women, trans-women and intersex women.

In responding to the consultation paper released by the Victorian Government, the Centre has chosen to focus on three areas:

1. Development of a gender equality framework
2. Ensuring economic security for women
3. Ensuring equal access to justice for women.

¹ Work Gender Equality Agency (WGEA), <https://www.wgea.gov.au/learn/about-workplace-gender-equality>

² European Institute for Gender Equality (2014) Benefits of gender equality: Online discussion report. http://eige.europa.eu/sites/default/files/documents/MH0413192ENC_PDF.Web_.pdf

³ Adema, W. (2012) 'Greater gender equality: What role for family policy?' *Family Matters* no. 93. Australian Institute of Family Studies. <https://aifs.gov.au/publications/family-matters/issue-93/greater-gender-equality> (accessed 20 March 2016).

1. Development of a gender equality framework

The Work Gender Equality Agency (WGEA) has identified the following key focus areas as being essential components of a comprehensive gender equality strategy:

- leadership accountability
- communicating a diversity strategy
- measurement and reporting
- policies and processes
- supply chain
- gender composition
- gender pay equity
- flexibility
- talent pipeline
- leader and manager capability
- gender inclusive culture.⁴

WGEA advises that in developing their strategies, organisations should:

- place ultimate responsibility and accountability for gender equality on organisational leaders
- recognise the need to address gender equality as a strategic whole-of-organisation issue
- acknowledge the developmental nature of an organisation's progress towards gender equality and
- be sophisticated enough to allow identification and diagnosis of various problem areas, while simultaneously lending itself to practical and intuitive solutions.

A high level and measurable gender equality strategy should:

- *Recognise and be inclusive of the non-binary nature of gender.*

The United Nations (UN) defines gender equality as being a state in which 'women and men, girls and boys have equal conditions, treatment and opportunities for realizing their full potential, human rights and dignity, and for contributing to (and benefitting from) economic, social, cultural and political development'.⁵ In its 2015 report *Resilient individuals: sexual orientation, gender identity & intersex rights*, the Australian Human Rights Commission (AHRC) defines gender as 'the way in which a person identifies or expresses their masculine or feminine characteristics. A person's gender identity or gender expression is not always exclusively male or female and may or may not correspond to their sex'.⁶

Gender identity is more nuanced and complex than the traditional binary concept of gender division into men and women. The *Private Lives 2* study, for example, uses five categories of gender identity: females, males, trans females, trans male and 'other preferred'.⁷ A state-wide Gender Equality

⁴ WGEA. Gender Equality Strategy Toolkit.

⁵ UN Gender equality: Coherence and you, p.3. <http://www.unicef.org/gender/training/content/resources/Glossary.pdf>

⁶ Australian Human Rights Commission (2015) *Resilient Individuals: Sexual Orientation, Gender Identity & Intersex Rights*. National Consultation Report.

⁷ Leonard, W., Pitts, M., Mitchell, A., Lyons, A., Smith, A., Patel, S., Couch, M., & Barret, A. *Private Lives 2: The second national survey of the health and wellbeing of gay, lesbian bisexual and transgender (GLBT) Australians*. (2012) Monograph Series Number 86. Melb: The Australian Research Centre in Sex, Health & Society, La Trobe University, p4.

Strategy needs to be inclusive of *all* gender identities and designed to eliminate all forms of discrimination on the basis of gender identity.

- *Recognise and understand that women and gender diverse people are not a homogenous group and experience different levels of inequality, discrimination and disadvantage.*

Gender inequalities are not experienced in a vacuum but intersect with other forms of disadvantage. A Victorian Gender Equality Strategy needs to consider gender experiences and how they can be shaped by ethnicity and cultural background, sexual orientation, disability, age and class, and the ways in which these factors interrelate to produce opportunities and/or barriers for particular groups of women. Gender assessment frameworks have been successfully embedded in New Zealand's policy processes, with particular emphasis on the experience of Maori women.⁸ Here, there has been a commitment to the positive engagement with women's organisations such that policies and programs are able to capture the diverse range of women's experiences.

The AHRC promotes 'a roadmap for inclusion'. Amongst other evidence of systemic and social discrimination experienced by lesbian, gay, bisexual, transgender and intersex (LGBTI) Australians, its 2015 study also found 'unacceptably high rates of marginalisation, bullying, harassment and violence, experienced by LGBTI people'. Recognition of the multifaceted experience of women's disadvantage in Australia is helpful to the implementation of more nuanced and tailored gender equality policies.

Women's Health Victoria asserts in the Women's Health Atlas that:

Gender equity is the process of being fair to women and men by recognising diversity and disadvantage and directing resources accordingly to create equal outcomes. Equity denotes the series of actions needed to be taken before equality can be achieved. Gender equality, the absence of discrimination based on one's gender, is attained through gender equity. By acknowledging the cultural, social and economic factors that disadvantage women, gender equitable policies can be supported by allocating extra resources and targeted policies to bridge the gap in order to achieve equality.⁹

The Victorian Gender Equality Strategy needs to recognise the overlapping and intersectional experience of gender inequality and how they can be addressed through gender equitable policies.

- *Consider the particular impact of policies on women across all government departments*

The United Nations has cited 'gender mainstreaming' as a critical strategy in the promotion of gender equality. This requires the systematic consideration of gender perspectives in all areas and levels of policy-making – including legislation, policies and programs – to increase awareness of the differentiated outcomes of policy decisions on men and women.¹⁰ Research shows consideration of gender issues in policy development is occurring at the later stages, rather than guiding the formation of appropriate policy in all areas.¹¹ Both international and Australian literature highlights

⁸ New Zealand. Ministry of Women's Affairs (1996) *The Full Picture: Guidelines for gender analysis*. Wellington.

⁹ Women's Health Victoria (2015) *Women's Health Atlas, Gendered Demographics*. Accessed at: <http://victorianwomenshealthatlas.net.au/>

¹⁰ United Nations. (2002). *Gender mainstreaming: An overview*. NY.

¹¹ Department of Families, Housing, Community Services and Indigenous Affairs (n.d.) *Gender Assessment Project Literature Review*. p22.

the importance of applying the gendered lens from the outset, rather than after policy directions have already been articulated and mapped out.

In addition to the strategy of gender equity, inequality and discrimination can be addressed through gender-specific measures involving women and men, either separately, together or through measures designed explicitly to overcome inequalities.¹² The AHRC has recommended minimum gender equality targets to the Commonwealth Government to strengthen the representation of women at decision-making levels.¹³ These include setting a timeframe for the achievement of publicly announced targets that are reported annually. WGEA has provided a guide for developing and implementing gender diversity targets.¹⁴

- *Be practical, measurable and accountable*

Reliable data and evaluative mechanisms that document the situations of women, children and families are needed to inform the policies and programs aimed at combatting gender inequality. Assessment needs to be linked to clear gender equality objectives. There has been a distinct lack of implementation, accountability and monitoring mechanisms for gender issues in Australia. More robust monitoring and evaluation of gender equality outcomes can improve the effectiveness and efficiency of current initiatives.

The New Zealand Ministry of Women’s Affairs has developed a comprehensive set of indicators to track the progress of women.¹⁵ These indicators are linked to the government’s high-level goals for women and designed to give an overall snapshot of how women, and particular groups of women, are faring.

Goal	Indicators relating to:
Women have the opportunity to develop and use their skills and talents	<ul style="list-style-type: none"> - Educational attainment - Participation in tertiary education - Participation in Modern Apprenticeships - Median hourly earnings - Weekly incomes - Representation of women in leadership and governance positions - Joblessness
Women are healthy, empowered, resilient and safe	<ul style="list-style-type: none"> - Criminal victimisation - Concern about crime - Health expectancy - Self-reported health status - Access to health services
Society recognises caring as integral to economic and social success	<ul style="list-style-type: none"> - Satisfaction with work-life balance - Total work time - Access to early childhood education

¹² European Institute for Gender Equality. op cit.

¹³ AHRC. (2010) Gender Equality Blueprint.

¹⁴ WGEA (2013) How to set gender diversity targets. Australian Government: Sydney.

¹⁵ New Zealand Ministry of Women’s Affairs. (2010) *Indicators for change: Tracking the progress of New Zealand women.*

Formal reporting and compliance responsibilities are key elements in an accountability framework. The 2014 Victorian Auditor General's report on Victoria's whole-of-government multicultural strategy highlighted a lack of oversight and accountability and the poor quality of the indicators used to measure effectiveness.¹⁶ Any whole-of-government strategy needs to set out clear accountability and reporting requirements. The Centre believes that compliance responsibilities are best situated in an external agency, such as a Gender and Sexuality Commission.

- *Take a whole-of-government approach*

Addressing gender equality requires commitment from all departments and public agencies. An effective whole-of-government approach enables: gaps in services to women to be identified; inefficiencies arising from duplication to be addressed; comparative assessment of departmental implementation of gender policies and programs; monitoring of departmental compliance with legislative and policy requirements; monitoring of and reporting on whole-of-government expenditure on gender equality programs and initiatives, including on the most vulnerable cohorts of women, and assessment of the effectiveness of service delivery in meeting the needs of women.¹⁷

Recommendations:

- Explicitly recognise gender diversity in the Gender Equality Strategy and acknowledge the different experiences of women to commit to creating safe, non-discriminatory environments and advancing the rights of all women
- Implement gender equitable policies that include allocating extra resources and developing targeted policies to bridge the gaps between men and women
- Remove the structural and cultural barriers preventing women from obtaining formal leadership positions, and introduce employment targets or quotas for women, inclusive of all women and women who are under-represented in the workforce, particularly in management positions across the government
- Apply a gendered lens to all policy-making and government funding decisions, using a structured risk and audit approach to assess the potential consequences for and impact on women
- Develop and implement the Gender Equality Strategy as a whole-of-government strategy based on good practice whole-of-government models
- Develop a set of practical and measurable outcomes indicators to assess government department and agency performance on gender equality and require government departments and agencies to report annually on these outcomes to an external agency
- Expand and resource the existing role of the Gender and Sexuality Commissioner to monitor implementation and outcomes of the Gender Equality Strategy across all government departments and agencies.

¹⁶ Victorian Auditor General's Office (VAGO). (2014) Access to Services for Migrants, Refugees and Asylum Seekers. Victoria.

¹⁷ Adapted from VAGO, p34.

2. Ensuring economic security for women

Economic security provides women with options and the capacity to make their own choices, live independently, access education and employment supports and provide safe and nurturing environments for their children. Ensuring the economic security of women requires addressing the gender pay gap, valuing caring work, and ensuring women are safe from violence. It should be a fundamental tenant of the gender equality strategy in Victoria.

- *Equal pay for equal work of equal value*

Australia's labour market and economic system has functioned in such a way that unequal pay, gender segregation and economic uncertainty for women have become typical. Economic inequalities and insecurities for women have occurred because of an array of norms and societal structures, caring responsibilities and fewer women in senior/management positions. Greater attention to the role of labour markets and embedded gender stereotypes in contributing to gendered patterns of pay is needed.

Challenging gender stereotypes is important in undercutting labour force segregation that sees women concentrated in lower paid sectors and positions. The child and family services sector, comprised predominantly of women, is highly casualised and low-paid. Despite the critical role of social and youth workers in providing supports and services to children experiencing vulnerability and disadvantage, the caring and responsive nature of the roles and responsibilities involved renders the sector undervalued¹⁸ and underpaid compared to male dominated industries such as engineering, banking and finance.¹⁹

A report by the OECD has shown that guidance and counselling in schools can be an effective tool in upending career stereotypes.²⁰ One such program, Women Into Science and Engineering (WISE), was successfully implemented in the UK and saw the number of female engineering graduates double.²¹ Also important was an increase in the number of women in leadership and decision-making positions. Improvement in these areas would not only work to challenge and dispel many gender norms but would also contribute to closing the pay gap between men and women.

- *Balancing work and caring responsibilities*

Australian society continues to expect women to withdraw from full time employment and take on care work or unpaid work, without reimbursing them financially for assuming these roles. Current government policies that aim to support families often inadvertently reinforce the role of women as care providers and men as breadwinners. 'Family friendly' policies that enable men and women to equally participate in caring and employment responsibilities are critical to achieving gender

¹⁸ For example, in 2009, Queensland's Industrial Relations Commission found community service work to be undervalued and subsequently awarded pay increases to be phased in over three years. See Cortis, N. & Eastman, C. (2011) 'Employment arrangements in social and community services receiving Commonwealth direct funding'. Social Policy Research Centre Report 4/12. UNSW.
https://www.sprc.unsw.edu.au/media/SPRCFile/2012_4_Employment_arrangements_in_social_and_community_services_receiving_Commonwealth_direct_funding_Final_Report_.pdf

¹⁹ AHRC (2009) Accumulating poverty? Women's experiences of inequality over the lifecycle.
<https://www.humanrights.gov.au/our-work/sex-discrimination/publications/accumulating-poverty-women-s-experiences-inequality-over>

²⁰ Organisation for Economic Co-operation and Development [OECD]. (2012) *Closing the Gender Gap: Act Now*. OECD.

²¹ OECD. 2012.

equality. Family friendly policies ‘facilitate the reconciliation of work and family life by ensuring the adequacy of family resources, enhance child development, facilitate parental choice about work and care and promote gender equality in employment opportunities’.²²

The financial security of older women is becoming increasingly important in Australia’s ageing environment. The current superannuation system is based on lifetime earnings and, as primary caregivers, women are more likely to have a disrupted career and work history and receive significantly less financial support in their retirement. On average, Australian women retire with half the superannuation of men.²³ The large gap between the financial security of men and women in their retirement years renders women more vulnerable to poverty in older age.²⁴

Additionally, women in formal caring roles face significant barriers to financial security and many have not been able to sustain employment. Female primary carers aged 30-64 have considerably lower workforce participation rates than other women in the same age group.²⁵

In 2012, close to half of the carers in Australia were not in paid employment.²⁶ This is particularly concerning for Australia’s grandparent kinship carers, many of whom are older women on a low income. Reimbursement rates for kinship carers remain inadequate, demonstrating the continued devaluing of caring responsibilities and volunteerism, which is how the role of kinships carers is often perceived. Grandparents who are full time carers face increased financial burdens at a time when their capacity to earn is diminishing, with some kinship carer workers giving up full time work to care fulltime and others returning to work to increase their income.²⁷ It is important for the gender equality strategy to consider how fair income support can be provided to carers so that financial outcomes are improved for women and children.

Policies that change the labour market behaviour of men and women have the potential to improve women’s participation rate in the workforce and reduce economic inequality. A review of 21 parental leave policies of high income economies has identified five markers of best practice that encourage gender equality.²⁸ These include non-transferable quotas of leave for each parent, modest eligibility restrictions and scheduling for flexibility. Norway has been particularly successful in this policy area. The introduction of paid leave specifically for fathers resulted in the number of men using their leave to increase from 4.1 percent in 1993 to around 70 percent in 1995.²⁹ Flexible, family friendly policies may be equally effective in changing cultural attitudes to caregiving in Australia.

²² OECD. (2005) *Babies and Bosses: Reconciling Work and Family Life*, Volume 1, Canada, Finland, Sweden and the United Kingdom, Paris, OECD, p11.

²³ COTA. (2015) *COTA Welcomes Inquiry into Superannuation Gap for Older Women*.

<http://www.cota.org.au/australia/News/NewsList/2015/cota-welcomes-inquiry-into-gender-gap.aspx>

²⁴ Spratlin, J. & Holden, K. (2000) ‘Women and Economic Security in Retirement: Implications for Social Security’. *Journal of Family and Economic Issues*. 21:1.

²⁵ Nepal, B., Brown, L., Ranmuthugala, G., & Percival, R. (2009) *Women Carers in Financial Stress – Lifetime Health and Economic Consequences of Caring: Modelling Health and Economic Prospects of Female Carers in Australia*. pp 1-2. <http://www.carersaustralia.com.au/?/national/article/view/623>.

²⁶ ABS. (2013) *Disability, Ageing and Carers, Australia: Summary of Findings*.

²⁷ Patton, N. (2003) ‘The effects of parental drug use – Children in kinship care: A review of the literature’. The Mirabel Foundation. p12.

²⁸ Centre for Economic and Policy Research (CEPR), (2009) ‘Parental leave policies in 21 countries: Assessing generosity and gender equality’.

²⁹ Bittman, M., Hoffmann S. & Thompson, D. (2004) ‘Policy Research paper No. 22: Men’s uptake of family-friendly employment provisions, Social Policy Research Centre, UNSW.

Effective family and child care policies can improve labour force participation, financial security of parents, and influence child development. Literature shows that children from vulnerable or disadvantaged families benefit most from policy initiatives in childhood care.³⁰ A Gender Equality Strategy should promote family friendly policies aimed at improving outcomes for these groups.

- *Ensuring women and children are safe and free from violence*

It is a basic human right for women to feel safe at work, in the home and in public spaces. Violence against women is not only harmful to their health and wellbeing but also affects their capacity to participate in the workforce. Women in violent relationships are at risk of unemployment and poverty.³¹ If they are in the workforce they may need to take time away from their work to recover. The interlinking health, social and economic consequences of violence against women need to be recognised in state efforts to achieve gender equality.

While Victoria has made significant strides in domestic violence legislation and the support mechanisms available to women and children exposed to violence, there are many different reasons why women do not leave, or delay leaving, violent relationships. Supporting women to gain economic independence is a critical means of enabling them to leave abusive relationships. Providing greater access to housing, education, training and employment opportunities is another pathway, providing there is also financial support. Government policies need to recognise the importance of supporting women's economic capacity to live independently and support themselves and their children. One important means to improve support of women experiencing family violence is by ensuring access to paid domestic violence leave, counselling and therapy supports and job security.

International and Australian literature shows that prevention of gender-based violence requires long term strategies, such as public awareness raising and education.³² The Scottish Zero Tolerance campaign has been identified as good practice for the public awareness-raising on a broad range of gender issues.³³ The success of the program owed much to its long-term nature, and its commitment to tackling the root causes of violence against women.

³⁰ Adema, M. (2014) 'Greater Gender Equality: What Role for Family Policy?' Australian Institute of Family Affairs, *Family Matters* No. 93.

³¹ Amnesty International Australia. (2008) *Setting the standard*. Amnesty International: NSW.

³² Fergus, L. & Lappin, K. (2008) 'Setting the Standard: International Good Practice to Inform an Australian National Plan of Action to Eliminate Violence against Women' Amnesty International Australia.

³³ Fergus & Lappin.

Recommendations:

- Develop and promote family friendly policies, including improving access to high quality and accessible early childhood education and care
- Increase investment in ChildFIRST and Integrated Family Services as key early intervention initiatives supporting women and children to live in safe environments
- Actively encourage Victorian workplaces to adopt flexible work practices that recognise the caring responsibilities of men and women and advocate to increase the amount of quality paid parental leave available to both mothers and fathers
- Improve financial and other support for carers, particularly those in kinship care and older women, to enable them to provide safe and nurturing environments for the children in their care
- Encourage and support employers across all sectors to use and adapt the national Workplace Gender Equality Agency's Gender Equality Strategy Toolkit as a means of driving cultural change in workplaces.

3. Ensuring access to justice and the legal system

The Centre recognises that, regardless of gender, all people should have equal access to pursue the defence and promotion of their rights. Women's Legal Service Victoria highlights that 'access to justice is fundamental to the rule of law' and defines accessibility to justice as being 'fair, simple, affordable and easy to understand and navigate'.³⁴ However, gender continues to be a significant discriminatory factor in terms of access to justice and the legal system. Women face continuing disadvantage in seeking to use the legal system, including 'financial barriers, lack of access to information about their rights, difficulty accessing legal services due to child minding responsibilities and difficulty navigating a court system that was made by and dominated by men'.³⁵

Women are disproportionately affected in several key areas of justice. These include family violence law, family law, child protection, civil laws relating to protection and compensation from domestic violence and sexual assault, and other areas of law involving women's safety and their children's wellbeing.³⁶ Moreover, women may often need to deal simultaneously with multiple legal issues such as family violence, family law, and child protection matters.

A 2014 Productivity Commission report into access to justice arrangements emphasised that women are less likely to have their legal needs met compared to men, and the selective and rationed nature of legal aid means that many vulnerable women do not qualify for assistance, despite lacking the

³⁴ Women's Legal Service Submission to the Australian Productivity Commission on Access to Justice Arrangements 2013, p7. Accessed at: <http://www.womenslegal.org.au/files/file/FINAL.PRODUCTIVITY%20COMM%20SUBMISSION.pdf>

³⁵ Ibid. p5.

³⁶ Women's Legal Services Australia, Submission to the Australian Productivity Commission Draft Report on Access to Justice Arrangements. Accessed at: <http://www.pc.gov.au/inquiries/completed/access-justice/submissions/submissions-test2/submission-counter/subdr207-access-justice.pdf>

capacity to pay for a private lawyer.³⁷ Legal aid prioritises criminal matters, which disadvantages women who most likely are engaged in civil and family matters. Many kinship carers, notably women, have difficulty accessing legal aid or support in Court contests with their kin who may not be able to provide a safe and nurturing environment for their children, because both groups cannot use legal aid simultaneously. This is a critical issue for carers, whose economic resources may be drained in legal contests they cannot afford.

A report by the Victorian Human Rights and Equal Opportunity Commission³⁸ highlights the lack of pre-prison prevention and diversion programs and post-prison support for Koori women, particularly when compared with Koori men. The report also asserts the negative implications for Koori women in the justice system in terms of ability to access employment or education opportunities or find safe and affordable housing for themselves and their children. As many Koori women play a crucial caregiver role, their imprisonment can have devastating implications for their children, families and communities. Around 80 percent of Koori women in the criminal justice system are mothers, which heightens the likelihood of their children being removed into out-of-home care, which in turn makes those children vulnerable to subsequent contact with the justice system. Given the unacceptable and increasing over-representation of Aboriginal children in out-of-home care and the youth justice system, it is critical that Koori women are supported to care for their families. Breaking this cycle requires gender-informed and culturally specific policies and programs that acknowledge and eliminate discrimination against Koori women in the justice system.

Research shows that the capacity of women to access justice is hindered in the following ways:

- Not enough information: women may be uninformed about their rights, justice processes, services and supports.
- Systemic malfunction: there is a lack of understanding and awareness by police or justice officials of the experiences of women and violations of their rights. Court processes are often intimidating and not conducive to the needs of women, lacking childcare facilities and separate waiting rooms for victims and offenders.
- Financial and economic barriers: women are more likely to be financially dependent on men, presenting them with significant barriers to accessing justice, particularly in family violence and family law cases. Women are also more likely to be in unpaid domestic work than men and can therefore be impacted by barriers to childcare.³⁹

Debate persists regarding 'equality under the law' of men and women. Equal treatment under the law may not be fair treatment, given that the social and economic experiences of women differ from that of men; they may have been victimised, homeless due to a violent household, or experiencing other situations that should inform the response of the justice system.⁴⁰ Research by the Law and Justice Foundation⁴¹ highlights that the law was developed at a time when women could not

³⁷ Australian Productivity Commission (2014) Access to Justice Arrangements. No 72.

<http://www.pc.gov.au/inquiries/completed/access-justice/report/access-justice-volume1.pdf>

³⁸ Victorian Equal Opportunity and Human Rights Commission (2013) Unfinished business: Koori women and the justice system. Pp3-4. Victorian Equal Opportunity and Human Rights Commission: Victoria.

³⁹ Schetzer, L., Mullins, J., Buonamano, R. (2002) Access to Justice & Legal Needs: A project to identify legal needs, pathways and barriers for disadvantaged people in NSW. Law and Justice Foundation of NSW.

⁴⁰ Covington, S. & Bloom, B. (2003) Gendered Justice: Women in the Criminal Justice System. Gendered Justice: Addressing Female Offenders. Carolina Academic Press.

⁴¹ Schetzer, Mullins, & Buonamano.

participate in it, or be involved in the decision making processes. Thus the 'legal rules and principles were developed around a set of ideas and experiences that were pertinent to men, but had no necessary relevance for women'. The law consequently reflects the unequal status of women and can perpetuate inequality.

Recommendations:

- Amend the judicial and legislative system to be gender sensitive and remove inequality, including improving dissemination of information to women about their rights and available services, providing safe and private spaces for women in Courts, and providing affordable childcare opportunities for women using the legal system
- Ensure Legal Aid is granted based on need, not based on the type of law being addressed (ie, criminal, civil, family law)
- Invest in gender-informed and culturally sensitive prevention, early intervention and diversion initiatives to address the underlying causes of crime and reduce the over-representation of marginalised women in the justice system.