

## Senator Michaelia Cash's Responses to Questions asked of her:

Questions from: Eva Cox

**Will your Coalition support the changes to the Sex Discrimination Act that are being put forward that will extend its powers?**

The Coalition has a history of supporting equality in the workplace.

In relation to the proposed changes to the Sex Discrimination Act, on 30 September 2010, the Senate referred the *Sex and Age Discrimination Legislation Amendment Bill 2010* for inquiry and report.

The Coalition has reserved its position on the sex discrimination amendments pending the report of the Senate Committee.

**Will you support the establishment of a new Joint Parliamentary Committee on Human Rights, which implements some aspects of the Brennan human rights review?**

*The Human Rights (Parliamentary Scrutiny) Bill 2010 and Human Rights (Parliamentary Scrutiny) (Consequential Provisions) Bill 2010* arise from the Government's response to the report of the National Human Rights Consultation (**NHRC**) and provides for the establishment of a Joint Parliamentary Committee on Human Rights.

It was the Coalition's submission to the NHRC that recommended the establishment of such a Parliamentary Committee to consider legislation from a human rights point of view.

The following is the relevant section of the Coalition's submission:

"... the Opposition recommends that expanded Parliamentary scrutiny of legislation from a human rights point of view.... The option we propose has the advantage of locating greater emphasis on human rights at the heart of the political system itself, while it is free of the potentially undemocratic consequences of placing unprecedented power to resolve essentially political questions in the hands of the judiciary. ..."

"Specifically, the Opposition invites the NHRC to consider recommending the establishment of a new Parliamentary Committee (either a Joint Standing Committee or a Standing Committee of the Senate), which will be given the specific task of considering legislation from a human rights point of view."

The Coalition therefore supports in principle the establishment of the Joint Committee on Human Rights Committee.

**Will you oppose the cut in the Child Care Tax Rebate that was part of your policy during the election campaign?**

The Coalition recognises the importance of affordable child care to help Australian families meet increased costs. It was the former Howard Government that introduced the Child Care Tax Rebate as it was previously known in 2005.

As part of the Coalition's 2010 election policy we committed to reintroduce indexation of the Child Care Rebate to help ease cost-of-living pressures on families struggling to meet child care costs if we were elected to Government.

The legislation that will affect the Gillard Government's commitment to cap the annual child care rebate at \$7500 for four income years starting from 1 July 2010 has been the subject of a Senate Inquiry. Coalition Senators provided a Minority Report to the Inquiry which can be accessed at:

In summary, Coalition Senators found that the fundamental reason for the Government having to adopt such harsh budget savings is in part, due to then Rudd Labor Government's inability to properly manage the Australian economy. This financial mismanagement has caused a massive blow out in Australia's net debt which will cause a significant blow out in the interest payments required to service this debt. The Coalition considers that the actions of the Government are unfortunate as they will impose unnecessary financial hardship on many families using childcare services.

The Coalition continues to be committed to addressing the affordability of childcare in Australia and alleviate the financial burden being imposed on families by this budget related measure. It will seek to do this when elected to Government.

**Will you support the quota of 40% for government boards?**

The Coalition is committed to achieving higher rates of women in management positions. We recognise that this is necessary to harness all of the skills in the Australian workforce, to reduce discrimination and improve Australian productivity.

The Coalition is committed to increasing leadership opportunities for women in all parts of Australian life. The Coalition does not however, support mandated gender quotas for Government boards.

It should be noted that neither does the Labor Government. In the recent Community Affairs Senate Estimates Hearing, representatives from the Office of Women confirmed that the Government has set what is an aspirational "target" (of 40% women, 40% men for Government Boards) which it hopes to achieve by 2015. The Government was unable to say

how they planned to do this and in fact admitted that it had not undertaken any transition planning to date. The Estimates Transcript can be found at:

The Coalition supports using legitimate and fair merit based appointments to increase the number of women on Government Boards: the best person for the job, regardless of their gender, should be the person who is hired.

The Coalition recommends that the AppointWomen register (FACSIA) be utilised more effectively by Government Departments as an aid to identifying women who have the requisite skills and capacity to serve on Government boards.

**Will you support the principles of equal pay in the community service award case, currently in front of the Fair Work tribunal?**

The Coalition supports gender equality in the workplace and the principle of equal remuneration for work of equal or comparable value. It values men and women as co-contributors to the economic and social well-being of Australia.

Despite the Gillard Government's continued rhetoric on the issue of pay equity, recent figures from the Australian Bureau of Statistics show that under a Labor Government there continues to be a widening pay gap between men and women. Twelve months ago under Rudd Labor the weekly gap between men and women was \$345.00. Under Gillard Labor it is now \$368.00.

Another example of Labor's disingenuousness regarding pay equity is its failure to include superannuation in its Paid Parental Leave (**PPL**) Scheme.

The Coalition's PPL Scheme is a prime example of its commitment to pay equity.

A fundamental difference between Labor's PPL Scheme and the Coalition's, is that Labor's scheme does not offer women any superannuation. The Coalition's proposed PPL Scheme does. It includes superannuation at the mandatory rate of 9%. Including superannuation in a PPL Scheme is an important step to address the chronic disparity between male and female retirement incomes. Labor's PPL Scheme fails on this account.

The Coalition believes that superannuation contributions must be paid while women are receiving PPL so that women are not further disadvantaged when it comes to their retirement savings. That is why the Coalition's PPL scheme also includes superannuation contributions at the mandatory 9%.

I note that the Australian Human Rights Commission 2010 Gender Equality Blue print also states that there are significant gaps in Labor's PPL Scheme which must be addressed including that the scheme does not include superannuation.

In terms of the Equal Remuneration Case currently before the Fair Work Commission, the Coalition believes that this case will be a test of the effectiveness of the Fair Work Act.

The Coalition awaits the outcome of the case.

I note recent press articles stating "*The Union movement's attempts to bridge the pay gap between men and women has received a setback*" [The Australian, 19, November 2010] and "*Gillard backtracks on support for equal pay for women*" [Sydney Morning Herald, 19 November 2010].

These articles follow the Gillard Government's submission to the Equal Remuneration Case in which it has warned of the financial consequences of awarding big pay rises to tens of thousands of female employees.

The Government's submission to the Equal Remuneration Case confirms that Labor's inability to manage the economy will have a detrimental impact on bridging the gender pay gap. Women in the community sector are entitled to feel betrayed following the release of the Government's submission.

Ensuring a strong economy is the best way of providing financial security and prosperity to women. The Coalition has a proud record of strong economic management. Under Labor a strong economy is a distant memory. If the former Labor Rudd Government and the current Gillard Government had not destroyed the strong, robust Australian economy that they inherited from the previous Coalition Government their current position on the Equal Pay Case would not be necessary.

**An emerging issue for women is the restrictions that courts place on their location of residence when there are issues of the father's access to children after separation. This can cause women in rural areas great disadvantage because of lower employment prospects and access for their older children to tertiary education. One woman is restricted from moving more than 30km from her current town. Another could not move 110 km away despite having housing and employment there, and agreeing to drive her children to her ex-partner for his access visits. Both men were violent towards their partners. Women have told us they feel trapped. What can the Federal Government do to address this situation where women are paying the penalty for their ex-partner's violence?**

**From Susie Reid, Executive Office, Women's Health Goulburn North East**

The Coalition has a zero tolerance approach to violence against women. It has not enacted and will not enact legislation that would increase women's or children's exposure to violence. We believe that keeping women and their families safe from violence is central to ensuring their security and prosperity. Violence undermines our social fabric and prevents women from achieving social and economic equality.

The Coalition continues to be committed to continuing to improve the safety of women and children through initiatives designed to improve community safety, raise community awareness, deter violence and ensure support and assistance for the victims of violence.

The safety of women was a top priority for the former Howard Government. Through the Women's Safety Agenda, the then Howard Government committed \$75.7 million over four years (from July 2005) to prevent, reduce and respond to domestic and family violence and sexual assault. The 'Women's Safety Agenda' addressed four broad themes of prevention, health, justice and services. The initiatives included the national 'Violence Against Women, Australia Says No' campaign and the national 24 hour Helpline on 1800 200 526.

There has been some misplaced criticism of the shared parenting laws introduced by the Howard Government in 2006. It is vital to understand that the concept of shared parenting refers to shared parental responsibility, which seeks to ensure that, where appropriate, a child is able to maintain a relationship with both its parents following a family breakdown. Where one of the parents is violent, the *Family Law Act* provides that there is no presumption in favour of shared parenting. The Act specifically provides that the best interest of the child will always be the paramount consideration.

The 2006 reforms do not contain a requirement that children spend equal time with each parent. In the last couple of years, there have been reports that women have been forced to remain in remote locations because of the shared parenting laws. The Coalition's view was that this was a misinterpretation of the reforms. This view was vindicated by a decision of the High Court in March this year, which held that court orders for shared time must be in the best interests of the child and reasonably practicable. The Court held that restricting a mother to a certain location which denied her employment opportunities and caused her distress was neither in the best interests of the child nor reasonably practicable.

The link to the Court's decision is at:

<http://www.austlii.edu.au/au/cases/cth/HCA/2010/4.html>

If you or someone you know is the subject of court orders that expose women or children to violence or otherwise cause distress, you should ensure that you get urgent legal assistance.

My question is about childcare and is a huge concern to many carers in this industry.

Regarding 3 – 5 year old ratio in childcare: I am aware of the ratio changes in this age group being implemented in 2016 (6 years away..) but my concern is that the staff in the 3 – 5 year old room are always alone with any amount of children regardless of ratio. I feel that this is a huge responsibility and is causing a lot of stress.

Eg. if there is a serious incidence in the room concerning a child or staff member, you have no second witness to what happened. If a staff member is falsely accused of something e.g. smacking a child, this can lead to unfair dismissal, court case, etc. These are just a couple of examples of what could happen. All other age groups have 2 or more staff members in the room.

From Pia Pedersen

**Answer:**

The changes referred to above are being phased in as a result of Labor's National Quality Agenda.

The Coalition supports quality in childcare. However, the Coalition believes that the changes proposed by Labor's National Quality Agenda will see a significant increase in the cost of child care service delivery that will ultimately be detrimental to the industry. We have raised a number of concerns about this.

It is the Coalition's position that we require an agenda that will result in high quality childcare for our children but without the massive cost imposition and disruption to the industry. This can only be achieved if Government initiates real consultation with the child care industry. To date this has not been undertaken.

If the Minister does not undertake this consultation she will continue to lack an understanding of the implications of Labor's policy decisions on the child care sector.

The Government needs to take a step back and properly engage with the industry. Providers are justifiably concerned by the looming changes and regrettably parents will have to bear the cost burden.

The quality of child care in Australia will be compromised if the Government does not rethink its agenda. I urge them to do this.

**Do you plan to be a strong, feminist voice who speaks out on issues affecting women, including:**

- **the sexual objectification of women in media and advertising**
- **The prevalence of violence against women in Australia**
- **The pervasiveness of violence supportive attitudes and behaviours?**

The Coalition does not support the sexual objectification of women in media and advertising.

The Coalition has a zero tolerance approach to violence against women including the pervasiveness of violence supportive attitudes and behaviours.

**Health is determined by a range of factors.**

**The Office of the Status of Women is in the unique position of sitting across a number of departments that impact on the health of women in Australia, such as housing, education, transport etc. How do you plan to address the social determinants of health?**

**Are you committed to implementing meaningful joined-up action across government departments to improve women's health?**

**Will you consider adopting a gender equity approach to legislation and policy to ensure the impact on women is taken into account? This would require tools such as a gender responsiveness framework, like the Victorian DHS Gender and Diversity Lens, and legislating gender equity requirements. For example, in the UK in 2007, the Sex Discrimination Act was amended to introduce a gender equality scheme which included a statutory duty on public authorities to 'promote equality' (see**

From Women's Health Victoria

**Answer:**

The Coalition has a strong record of supporting practical programmes to improve women's health. We continue to support initiatives that will increase access to preventative health measures for women across all walks of life. We also support action to ensure the current and future health and wellbeing needs of women are met.

For example, the Howard Government implemented many initiatives to improve women's health while Tony Abbott was the Minister for Health and Aged Care (2003 - 2007.)

In 2007, Tony Abbott announced that the Howard Government would commit \$82 million over two years to ensure that the drug Herceptin, for women with advanced breast cancer continued to be available. This commitment was in addition to listing Herceptin on the PBS for treating early stage breast cancer in October 2006.

In 2006, Tony Abbott and the Howard Government introduced a national Bowel Cancer Screening Program, with funding of \$43.4 million over four years. Bowel cancer is the second most common cancer in Australian women.

Recognising that women in rural and remote areas can have difficulties accessing medical services, in 2005, Tony Abbott and the Coalition gave nurses in rural and regional communities the ability to take pap smears on behalf of GPs. They also launched the Smoking and Pregnancy Lifescript in June 2007 to help women, especially indigenous women, to stop smoking during and after pregnancy.

Tony Abbott and the Coalition also assisted pregnant mothers in 2007, through commencing the National Pregnancy Support Telephone Helpline. This Helpline gave non-directive counselling advice 24 hours a day, seven days a week, to women who experienced an unplanned pregnancy or who were uncertain about continuing with their pregnancy.

Tony Abbott continues to champion women's health as Opposition Leader and will implement additional policies to improve women's health when the Coalition is in Government.

**The next year is 100 years of women's organised global protest of misogyny i.e.. International Women's Day is 100 in March 2011 – when will Australian employers be held accountable for women being paid unequally for equal work or does this require a class action by women for back-pay?**

**Australian women demand legal safe free on demand abortion – when can we expect the decriminalisation of abortion nationwide and inclusion of the service on Medicare?**

**Australia is a secular nation – when will law supersede lore – e.g. when will opening a session of parliament with a Christian rite be stopped?**

Susanne Martain - Australian Women's Intra Network

**Answers:**

**Equal Pay:**

The Coalition supports gender equality in the workplace and the principle of equal remuneration for work of equal or comparable value. The Coalition values men and women as co-contributors to the economic and social well-being of Australia.

In terms of the Equal Remuneration Case currently before the Fair Work Commission, the Coalition believes this will be a test of the effectiveness of the Fair Work Act. The Coalition awaits the outcome of the case.

**Abortion:**

Australia has some of the freest abortion laws in the world, particularly in Western Australia and Victoria.

The Medicare service already provides a rebate for abortions and with abortion procedures being included in two items on the Medicare Benefits Schedule - Items 35643 and 16525. The majority of abortions are undertaken in major public hospitals, in a safe environment.

The Coalition is also supportive of a range of financial payments and counselling services for women that make the choice to keep their child.

**Christian Prayer:**

The Christian prayer said at the opening of each day of Parliament is a long held tradition of the Australian Parliament. It is practiced in all of the State Parliaments. It is recognition of our Judeo-Christian traditions and foundations and it is also a moment for personal reflection.

The prayer does not interfere with any secular judgements of the legislative process.



Australian women are not truly equal before after under in or at law. For example – when a survivor of sexual assault:

1. has the courage to report it to police
2. it is recorded by the police
3. it is investigated by the police
4. if charges are laid and stick
5. if a court date is met and set

Then on the survivor's day in court the survivor is defined as a 'witness' and hence is by default legally represented by the DPP. i.e. the state which says it must not be biased – whereas the usually male alleged perpetrator's legal representation is working in their client's best interests – therefore the survivor – usually a female – is not equally represented before after under in or at law.

If men think they have much less than half a chance of sexual assault being reported and much less than half a chance of it ending up in court – but much more than half a chance of getting off it does go to court – perhaps this goes some way to explaining the ongoing extremely low conviction rate and unacceptably high incident rate of men's sexual violence in our country today.

It is grim indeed that statistically the place where our women and children are most at risk of men's sexual and diverse forms of violence is in their own home and amongst their family and friends. What will you do about this?

Reclaim the Night Australia, National Plan to Reduce Violence Against Women

### **Answer**

The Coalition has a zero tolerance approach to violence against women. We must be vigilant about sending this message to young people and continuing public education campaigns that clearly state that violence against women is unacceptable. In addition, we need to ensure that there are appropriate, well funded support services for women escaping violent relationships.

The safety of women was a priority for the former Howard Government, with \$75.7 million over four years dedicated to the 'Women's Safety Agenda' which addresses four broad themes of prevention, health, justice and services. The initiatives included the national 'Violence Against Women, Australia Says No' campaign and the national 24 hour Helpline on 1800 200 526.

The Labor government's commitment to the National Action Plan to Reduce Violence Against Women and Children has been token at best. The Coalition will continue to hold Labor to account on all of its promises to women regarding the elimination of violence against them.

**Question:** International women's day Australia has been taken over by Unifem supported and generously funded by the government all without a word to the grassroots women who have provided the IWD national function for 15 years now -the international gear campaign for a new UN women's body called UNWomen is supposed to work with civil society organisations not take them over -is this a trend coming or will you review the situation and correct this outrage?

International Women's Day Australia

**Answer:**

The Coalition supports International Women's Day. This is an opportunity to celebrate the achievements of women, in particular at a grass roots level.

Women's organisations should, where possible, work together to promote the status of women both in Australia and internationally.