

Women's Health West Policy and Law Reform Snapshot November 2018



Women's Health West's (WHW) snapshot outlines key policy documents and legislative reforms that relate to women's health, safety and wellbeing. This is not a comprehensive list but draws on some of the key changes in policy and law reform over the last quarter.

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INTERNATIONAL CONTEXT

Midterm elections in the United States (November 2018)

The 2018 US midterm elections saw record numbers of women candidates standing for office (more than 270). As a result, the US has seen an increase in Governor, Senate and House seats held by women from 19 per cent to 22 per cent. Many of these women have

also made history, such as the first two Muslim American women elected to Congress, the first Native American woman elected to Congress and the youngest woman elected to Congress. These midterm elections have demonstrated that women can overcome factors that can typically disadvantage candidates, such as having little or no experience in elected office and promoting policy positions that are outside the mainstream. The vast majority of women elected are Democrats; Donald Trump's victory over Hillary Clinton in 2016 despite numerous allegations of sexual harassment is likely to have motivated more Democrat women than Republican women to run for office.

Ethiopian leader's new cabinet; half the ministers are women (October 2018)

Ethiopian prime minister Abiy Ahmed has announced a new cabinet that is half female, in an unprecedented push for gender parity in Africa's second-most-populous nation. The country now has its first female defense minister, a woman leading the new Ministry of Peace, a woman overseeing the powerful National Intelligence and Security Service and a woman leading the Federal Police Commission. Just days after this, Ethiopia also announced its first female president, Sahle-Work Zewde.

Brett Kavanaugh confirmed as Supreme Court Justice (October 2018)

In October Judge Brett Kavanaugh was confirmed as a Supreme Court Justice despite evidence of a history of sexual violence against women. This was one of the most fractious Supreme Court nominations in American history. Three women, including Dr Christine Blasey Ford, publicly accused Kavanaugh of sexual assault or misconduct in high school. A subsequent FBI investigation, which many argued was incomplete, found no corroboration of sexual misconduct allegations, and therefore resulted in two undecided Republican senators voting in favour of Kavanaugh leading to his successful confirmation.

His appointment despite the sexual assault allegations against him has divided the nation, and angered activists on the anniversary of the #MeToo movement. It is yet another example of the credibility of victims/survivors being denied when they do not meet the criteria of 'the perfect victim', and places power about women's bodily autonomy in the hands of another white, privileged male. Kavanaugh replaces Anthony Kennedy, a Republican appointee who provided a crucial vote in upholding the Roe v Wade decision that secured legal access to abortion across the country. As a conservative Judge, pro-choice advocates fear Kavanaugh may attempt to reverse Roe v Wade, meaning abortion would become illegal in 22 states.

Abortion law reform rejected by Argentine Senate (August 2018)

In August Argentine senators rejected a bill to legalise abortion in the first 14 weeks of pregnancy, despite a national surging abortion rights movement and over 2 million activists gathering in protest outside the Senate. This bill arose from a grassroots effort to highlight that criminalising the procedure has pushed abortion dangerously underground. Up to 450,000 illegal abortions happen in Argentina each year, and kill between 50 and 94 women each year. The Senate voted 38-31 against the proposed legislation, and as such abortion is only allowed in cases of rape or incest, or if the life of the mother or foetus is in danger. As a result, Argentine abortion legislation remain consistent with its conservative Catholic neighbours.

NATIONAL CONTEXT

Our Watch has launched the 'Doing nothing does harm' awareness campaign

Our Watch has launched an awareness campaign that consists of five interactive ads showing five different forms of men's disrespectful behaviour towards women. The campaign promotes the '3 S's when thinking about what people can do to show their support to women,

and specifically Show: You can show your disapproval with body language, you don't always need to say something; Support: You can support the woman/women in the situation; Speak up: You can speak up and talk to the disrespectful person about their behaviour. Learn more and watch the interactive ads [here](#).

National Women's Health Strategy 2020-2030: consultation draft (November 2018)

The Department of Health is in the process of developing the National Women's Health Strategy 2020-2030, which will build on the National Women's Health Policy developed in 2010. The Strategy was developed in partnership with Jean Hailes for Women's Health and aims to improve the health and wellbeing of all women in Australia over the next decade, and especially those at the greatest risk of poor health. The Strategy identifies what is required to improve health outcomes for women and girls and provides a framework for action. WHW congratulated the Australian government on the development of this important strategy and welcomed the opportunity to provide feedback ([available here](#)).

'Outside systems control my life': The experiences of single mothers on Welfare to Work

Good Shepherd has released a report highlighting that the Welfare to Work policy is failing to help single mothers find employment, and it also increases their financial insecurity and can erode their attempts to find work and become self-reliant. The full report, findings at a glance summary and case studies are available [here](#).

Tampons to be exempt from GST (October 2018)

In October Australia's treasurers unanimously agreed to remove feminine hygiene products, and specifically tampons and pads, from the GST. The move follows an almost two-decade campaign to remove the items from the GST, after they were controversially included in the 1999 Howard government decision to introduce a goods and service tax to Australia.

New Our Watch resource: Changing the picture: preventing violence against Aboriginal and Torres Strait Islander women (September 2018)

Our Watch has produced a new national resource to support prevention of violence against Aboriginal and Torres Strait Islander women and their children. *Changing the picture* shows how as a society we can work together to change the underlying drivers of this violence. Aboriginal and Torres Strait Islander women continue to experience disproportionate rates of violence, and violence that is often more severe. This resource explains why this is, what is needed to change this, and how as a society we can all work together to stop this violence from occurring in the first place. The resource is available [here](#).

Unpaid domestic violence leave comes into effect across Australia (August 2018)

Millions of workers across Australia will now have access to unpaid domestic violence leave following a ruling by the Fair Work Commission. Employees on modern awards can now take up to five days of unpaid leave to deal with family and domestic violence. For more information [click here](#).

WHW calls for the federal government to legislate that this be paid leave, in recognition that the intention of this leave is to support and empower women to leave abusive relationships but to do so requires financial resources in excess of \$18,000.¹

Modern Slavery Bill 2018 (July 2018)

A bill requiring Australia's biggest companies to respond to and prevent modern slavery in their supply chains has been welcomed by anti-slavery and civil society groups. The Turnbull government introduced a *Modern Slavery Bill* to parliament that will require Australia's largest businesses, with annual consolidated revenue of more than \$100 million, to publish annual statements on how they are responding to modern slavery in their supply chains and operations. This will affect approximately 3,000 companies, and their annual slavery statements will have to be signed off at board level, to be published within six months of the publication of their annual reports.

This bill is before the Senate and can be tracked [here](#).

My Health Record system under scrutiny (July 2018)

The national My Health Record system² has come under scrutiny from family law experts who have warned that the system could risk the safety of women fleeing abusive former partners. An abusive ex-partner can gain access to personal medical details including the location of medical practitioners and pharmacies attended by the child with their primary caregiver, threatening the safety of women and children. The Labor Party is calling for the My Health Record legislation to be revised to protect family violence victims/survivors. The Minister for Health, the Hon. Greg Hunt MP has promised to change the legislation to ensure that police may not access a person's medical record without a court order, and enabling patients to permanently delete their records, but the government is yet to announce these specific changes.

National Action Plan for Endometriosis (July 2018)

In July the Minister for Health, the Hon. Greg Hunt MP launched the National Action Plan for Endometriosis. This is the first plan that seeks to improve the treatment, understanding and awareness of an often misunderstood and crippling condition. Endometriosis affects one in every ten Australian women, with the average diagnosis taking between seven to ten years. The plan was developed with medical specialists, endometriosis advocacy groups, women with endometriosis and their families, clinicians, researchers and parliamentarians. The plan is available [here](#).

STATE CONTEXT

¹ The Australian Council of Trade Unions 2017 'The Australian Council of Trade Unions has released daunting new figures showing how costly and difficult it is for victims of abusive relationships to leave' accessed on 12 October 2018 at: <https://www.sbs.com.au/yourlanguage/korean/en/article/2017/11/05/cost-fleeing-violent-relationship-18000-and-141-hours-actu>

² The My Health Record system is the Australian government's new digital health record system. It contains My Health Records which are online summaries of an individual's health information, such as medicines they are taking, any allergies they may have and treatments they have received. It was previously known as a Personally Controlled Electronic Health Record (PCEHR) or eHealth record. A My Health Record allows an individual's doctors, hospitals and other healthcare providers (such as physiotherapists) to view the individual's health information. Individuals are also able to access their record online.

Expanding mandatory reporting to better protect children (October 2018)

The Andrews government has announced that from 1 March 2019, the list of mandatory reporters to child protection will be expanded to include those who work in out of home care (excluding voluntary foster and kinship carers), early childhood and youth justice, as well as registered psychologists. School counsellors will also become mandatory reporters starting 31 January 2020. Mandatory reporting refers to the legal requirement for particular professionals to report a reasonable belief of child physical or sexual abuse to child protection authorities.

Draft Gender Equality Bill released for community feedback (September 2018)

In September the Andrews government called for input from the Victorian community to inform Victoria's first *Gender Equality Act*. This legislation is a key reform within the *Safe and Strong: A Victorian Gender Equality Strategy*. According to the government, the *Gender Equality Bill* has the intent to:

- Ensure that the structural and systemic causes of gender inequality are addressed
- Prevent gender inequality from arising in the first place
- Create shared responsibility amongst the Victorian Government, local government, private sector, not-for-profits and local communities to promote and improve gender equality
- Contribute towards achieving a Victoria that is free from all forms of violence against women and children, through gender equality
- Sustain critical governance and accountability structures
- Ultimately, deliver economic and social benefit for the state of Victoria.

WHW congratulated the Andrews government on the development of this important legislation and its commitment to gender equality. We welcomed the opportunity to provide feedback and sixteen recommendations. Our submission (available [here](#)) highlighted that the success of this legislation depends on the strength and quality of gender equality action plans developed by the public sector as well as strong and robust reporting and accountability mechanisms. We also encouraged the Victorian government to fund an effective social marketing campaign to garner public support for this legislation.

The Andrews government will release a formal response to the consultation recommendations in early 2019 via Engage Victoria.

Citizens' Jury votes in favour of quotas as part of Gender Equality Bill (September 2018)

In September a Citizens' Jury recommended a 40:40:20 gender equality quota be implemented across the Victorian public sector. The diverse group of Victorians were randomly selected to deliberate on quotas as a critical part of the government's proposed *Gender Equality Bill*. WHW was pleased to see that the Citizens' Jury has recommended 40:40:20 gender equality quotas across the Victorian public sector as a critical part of this bill. Gender quotas are proven to be a more effective method than targets to increase women's participation in leadership and decision-making positions. We strongly encourage the government to take this opportunity to lead affirmative action across the community by legislating these gender equality quotas at all levels among all eligible entities in this legislation.

Long Service Leave Portability Bill 2018 (September 2018)

The Andrews government has passed the *Long Service Leave Portability Bill 2018*. This legislation extends long service benefits to workers in specified industries, including the

community sector, provided that the worker remains in that industry, regardless of whether their employer changes over the relevant period of service. After seven years' service, an eligible employee will now be able to apply to the Portable Long Service Benefits Authority for a cash payment of a long service benefit equal to 1/60th of their total period of recognised service.

The Orange Door Keeping Women and Children Safe (August 2018)

The first of Victoria's new Support and Safety Hubs have been launched in Geelong as part of the Andrews government's work to protect women and children from violence and make it easier for families to access support. *The Orange Door* provides a new approach for supporting women and children affected by family violence by establishing one site for victims/survivors to access justice, housing and social services as well as ChildFIRST services to better connect families needing support with the care, wellbeing and development of children to the services they need. By 2021, *The Orange Door* will be operating across all 17 Victorian Department of Health and Human Services (DHHS) areas, with the locations of the next tranche of hubs set to be announced in coming months.

Victorian Labor Party releases their policy platform in lead up to state election

The Labor Party has released its policy platform for the upcoming state election. While there is little mention of preventing violence against women, they do mention sexual and reproductive health and the prevention of female genital cutting. The platform can be found [here](#).

Respect Victoria (August 2018)

In August the Minister for the Prevention of Family Violence, The Hon. Natalie Hutchins MP, officially opened the doors of Respect Victoria. Respect Victoria is an organisation dedicated to preventing all forms of family violence. It was established following recommendations from the Royal Commission into Family Violence, and is a critical action of *Free from violence: Victoria's strategy to prevent family violence and all forms of violence against women*. Respect Victoria will lead the delivery of research and evaluation, and community engagement in relation to *Free from violence*.

The Office for Women (August 2018)

In August the Office of Prevention and Women's Equality was renamed the Office for Women to reflect the transition of some of the primary prevention work to Respect Victoria. Emily Lee-Ack was also announced as their CEO on 20 August. This office will continue to lead on key reforms under *Safe and Strong: A Victorian Gender Equality Strategy* and *Free from violence: Victoria's strategy to prevent family violence and all forms of violence against women*. Specifically, they intend to continue to work closely with stakeholders in the development, implementation and evaluation of policy and programs. They will also continue to support both the Ministerial Council on Women's Equality and the Ministerial Taskforce for the Prevention of Family Violence and other forms of Violence Against Women. The Office remains within the Department of Health and Human Services, reporting to the Minister for Women and Minister for the Prevention of Family Violence.

Upcoming collaborative work between Respect Victoria and the Office for Women under *Free from violence* includes:

- Build evidence on what works to prevent family violence: Respect Victoria will lead research to build evidence on what works to prevent family violence. The Office for Women will continue to work with our stakeholders to put research and evidence into practice.
- Drive communication and engagement on primary prevention: Respect Victoria will lead state-wide campaigns and engagement, working with all Victorians to change

the behaviours and attitudes that drive family violence. The Office for Women will continue to support the sector to engage with their stakeholders and communities.

- Sustain focus and attention on family violence primary prevention: Respect Victoria will have a mandate to ensure all settings – both government and non-government – are accountable for the prevention of family violence. The Office for Women will ensure accountability of funded agencies and contribute to state-wide reporting on family violence prevention.

Our Right to Safety and Respect guidelines

Women with Disabilities Victoria have led the Safeguards Project which aims to increase women with a disability access to safe, useful and good practice information about their right to safety and respect that builds their confidence, knowledge and actions to identify and seek support if they experience violence and abuse. As part of this project they have developed six good practice guidelines for organisations to follow when creating resources to ensure they are inclusive of women with a disability. These guidelines are for Australian organisations that:

- support women with a disability
- are developing a resource on violence and abuse for women with a disability
- wish to enhance existing resources on violence and abuse to make sure they are relevant to women with a disability.

These guidelines are available [here](#).

LOCAL GOVERNMENT AND COMMUNITY CONTEXT

The Municipal Association of Victoria Call to Parties in the lead up to the state election (September 2018)

The Municipal Association of Victoria Calls to Parties document has been released and is available [here](#). Victorian councils have identified 42 priority areas to build the economy and improve Victoria's liveability in the lead up to the state election in November. Importantly, all Victorian councils are seeking support for the 10-year state reform agenda through local initiatives to help prevent family violence by resourcing Gender Equality Development Officers in councils.

Ground-breaking Aboriginal family violence agreement launched (September 2018)

A community-led Aboriginal agreement to redress family violence was formally launched in Mildura in October. *Dhelk Dja: Safe Our Way: Strong Culture, Strong Peoples, Strong Families* is the new Aboriginal 10-year family violence agreement for 2018-2028. More information and the agreement is available [here](#).

The Grace Benny Award introduced (September 2018)

A new national award, the Grace Benny Award, has been announced to encourage more women into local government. The Grace Benny Award will be added to the national local government awards next year, coinciding with the centenary of the first woman - Grace Benny - elected to any level of government in Australia and will be open to all councils that encourage more female councillors and more female staff in all areas of council services and operations. Grace Benny was elected to the Brighton Council in South Australia in 1919. View the press release [here](#).