



ACCESS TO JUSTICE AND EQUALITY BEFORE THE LAW

equalityfamilies**justice**education**violence**work**safety**power**leadership**training**communities**health

Introduction

Much has been achieved in recent years in addressing discrimination against women.¹ The NSW Anti-Discrimination Act and the Commonwealth Sex Discrimination Act, for example, are important legislative measures that provide protection against discrimination for women in certain areas, including employment, housing and access to goods and services.

Inevitably, though, complaints-based mechanisms have their limitations,² since they operate after the fact and rely on the individual discriminated against to take action. And while an individual complaint may be successfully resolved, it does not automatically follow that this will result in systemic or sector-wide change: a complaint of sex discrimination in one workplace is unlikely to immediately result in similar practices being discontinued in other workplaces.

Women's continuing disadvantage with respect to the operation of a number of areas of law was examined by the Law Reform Commission in its report, *Equality Before the Law*.³ In particular, the Commission was concerned with systemic discrimination and how it operates to affect equal opportunity and status for women,⁴ notably in the areas of gender-based violence, including domestic violence and sexual assault, and family law.

The Government has implemented a number of measures to address these systemic disadvantages over the years, through the provision of community legal information sessions by the Legal Aid Commission and funding of specialist community legal centres such as the Women's Legal Resources Centre, the Domestic Violence Advisory Service and Warringa Baiya Aboriginal Women's Legal Service, all of which provide

statewide legal advice and information services to women and play an advocacy role to improve women's legal situations.

Women have also traditionally been disadvantaged in the area of consumer law, notably in regard to relationship debt, and much work has been undertaken to address women's disadvantage in this area in recent years. The Consumer Credit Legal Centre provides specialist legal advice in relation to consumer issues.

Women also, of course, come into contact with the criminal justice system as offenders. Although they represent less than seven per cent of the inmate population of the State's prisons, there has been much concern at the steep rise in numbers over recent years,⁵ reflecting trends internationally. The Government recognises its responsibilities towards women offenders by seeking to find ways to address this problem and by ensuring that the specific needs of women inmates are catered for through appropriate programs and services and a range of placement options.

What we are doing

ACHIEVING LEGAL LITERACY

Women's access to the law is inhibited by a general lack of knowledge about the legal system, laws and available remedies, and by the cost of legal advice and the limited availability of legal aid. These factors impact particularly strongly on Aboriginal women, refugee women and migrant women from non-English speaking countries and women from other disadvantaged communities.

Various reports including *Multiculturalism and the Law*⁶ and *Quarter Way to Equal*⁷ have identified a general lack of

knowledge of the law among migrants and particular barriers to access to legal services for migrant women. Domestic violence and family law were identified as two major areas of legal need for migrant women.

The Legal Aid Commission has developed a community outreach program targeting disadvantaged women in the Newcastle/Hunter region providing legal education to women from a range of population groups, including indigenous women, young women, women from culturally diverse backgrounds, older women and women with a disability. The Commission provides \$15,000 to address the lack of access to legal education, information and training to women in the region and a lack of awareness of legal aid services. A program specifically directed to indigenous women is offered in the Taree area. http://www.lawlink.nsw.gov.au/lac/lac.nsf/pages/outreach_programs

The Legal Aid Commission also provides a community legal education program on domestic violence and family law for women from Spanish, Vietnamese, Arabic and Chinese backgrounds and community workers in the Fairfield and Canterbury areas of Sydney. To date, six sessions have been conducted with a total of 140 participants.

Legal Aid Commission Regional Offices conduct fortnightly information sessions for local women who have separated from their spouses on how to fill out divorce applications, Apprehended Violence Order procedures and family law matters. The Commission has provided \$65,000 for this initiative to date, with more than 300 information sessions having reached more than 7000 women. <http://www.lawlink.nsw.gov.au/lac/lac.nsf/pages/divorceclass>

The Wagga Wagga Legal Aid Office also provides advice sessions on family law for local women, with particular emphasis on women living in refuges. More than 1800 women have benefited from this initiative since it commenced in 1998. <http://www.lawlink.nsw.gov.au/lac/lac.nsf/pages/offices>

The Department for Women, through its *Women's Grants Program*, has provided \$31,418 to the Coffs Harbour Neighbourhood Centre to conduct a *Women's Legal and Consumer Rights Education Project*. The Centre will conduct 20 workshops for women covering civil and criminal law and consumer rights in relation to sexual abuse, violence in the family, child protection, the criminal justice system, illicit drug use, family law, sex work and discrimination. The workshops will be presented to women referred from Grafton Detention Centre, Aboriginal Family Care, CH Soup Kitchen, Probation & Parole and Mental Health Services.

ENSURING EQUALITY AND NON-DISCRIMINATION UNDER THE LAW AND IN PRACTICE

The Anti-Discrimination Board <http://www.lawlink.nsw.gov.au/adb.nsf> provides information and advice to women about their rights under the *Anti-Discrimination Act* and the complaints process via its Enquiries Service. It also investigates and conciliates complaints about discrimination on the grounds of sex, sexual harassment, pregnancy, carers' responsibilities, homosexuality, age, race, disability and transgender status. The Board has conducted presentations on discrimination at conferences, forums, universities and hospitals.

The Anti-Discrimination Board received 390 complaints of sex discrimination in 2000–01, representing 25 per cent of total complaints. Of these, 15 per cent related to pregnancy and 58 per cent related to sexual harassment. Eighty-four per cent of sex discrimination complaints were lodged by women.⁸

The Board received 231 complaints of sexual harassment. Eighty per cent of these were lodged by women; 92 per cent related to employment.⁹

The Department of Sport and Recreation <http://www.dsr.nsw.gov.au/index.asp> conducted the *Anti-Discrimination and Diversity Project*, an education and information strategy to assist NSW sporting organisations to:

- ◆ understand and implement the requirements of the NSW Anti-Discrimination Act; and
- ◆ understand and implement inclusive policies and procedures.

The Department provided \$25,000 to produce a resource kit for organisations, including a policy template and an information booklet, with the aim of reducing the incidence of discrimination in sport and recreation, improving sporting organisations' awareness of the principles and practices of diversity and increasing the representation of people from culturally and linguistically diverse backgrounds among the organisations' memberships.

The Legal Aid Commission has provided \$255,000 in 2002–03 to fund Wirringa Baiya, the Aboriginal Women's Legal Resources Centre, to provide advice, referrals, representation and education to Aboriginal and Torres Strait

Islander women about their legal rights, victims' compensation, domestic violence and sexual assault. The Centre, located in Marrickville, provides a statewide telephone advice service and conducts outreach programs in rural and remote areas.

Since the Centre was established in 1996, it has provided advice to more than 1,100 women, with a 6.5 per cent increase in clients in the past year. The Centre has also conducted workshops on discrimination complaints to a total of 90 women and provided Community Legal Education presentations to 100 women in the Bourke/Walgett/Brewarrina area. <http://liac.sl.nsw.gov.au/advice/list.cfm#awlr>

Based on reports to the police, the victimisation rate of NSW Aboriginal women in relation to a range of violent crimes is much higher than for NSW women generally:

Aboriginal women experience assault, including domestic violence, at more than four times the rate of women generally (4,184.9 and 2,876 per 100,000 respectively, as compared to 1,010.3 and 589 per 100,000).

Aboriginal women are nearly four times more likely to be a murder victim than women generally (5.4 per 100,000 as compared to 1.4 per 100,000).

Aboriginal women are 6.6 times more likely to be a victim of grievous bodily harm than women generally (88.4 per 100,000 as compared to 13.3 per 100,000).

Aboriginal women are 2.5 times more likely to be sexually assaulted than women generally (251.7 per 100,000 as compared to 101.4 per 100,000).¹⁰

The Attorney General's Department is conducting a review of the implementation status of the recommendations from *Quarter Way to Equal*, a 1994 report examining the barriers for migrant women in accessing legal services. A steering committee has been established to monitor and advise on the project. A draft interim status report from 1998 indicates that while some of the recommendations have been at least partially implemented, many difficulties remain for migrant and refugee women in accessing legal and justice services.

A draft questionnaire has been developed for women seeking access to legal and justice services, to test the extent of the impact of the implemented recommendations and to identify possible gaps. Following analysis of the questionnaire's findings, a consultancy mechanism will be developed to discuss the outcomes of the review with stakeholder agencies and consider options for further action.

CONSUMER ISSUES

Assumptions that women are less assertive and less well informed may lead to women being exploited commercially, including being charged more for the same or an equivalent product or service.¹¹ Even where this does not occur, attitudes to women that persist in the general community may greatly influence their treatment as consumers, including in areas such as car sales.¹² Twenty-four per cent of complaints and ten per cent of sex discrimination complaints received by the Anti-Discrimination Board in 2000–01 related to the provision of goods and services.¹³ A 1997 study conducted by the Consumer Law Centre Victoria, *Do women pay more?* found that gender stereotypes can affect women's treatment as consumers in a variety of ways.

Do women pay more?

Do women pay more? found that women paid on average 20 per cent more than men for a basic comparable haircut.¹⁴

The Department of Social Security noted in 1997 that the highest level (7.9 per cent) of reported tenancy refusals was experienced by sole parents.¹⁵

Five per cent of first home buyers under 35 were single women.¹⁶

Only half the women who responded to a questionnaire by the NRMA reported they enjoyed the experience of buying a car.¹⁷

More than twenty per cent reported being treated in a sexist, patronising manner.¹⁸

The Department of Fair Trading (DFT) has produced a range of publications aimed at women consumers, including:

- ◆ *Love and Loans*, a comprehensive booklet on relationship debt, produced in collaboration with the Department for Women;
- ◆ a series of fact sheets on borrowing, credit cards, going guarantor, and being a co-borrower, available in English, Arabic, Chinese and Vietnamese;
- ◆ *The Shopper's Guide*, a new and comprehensive guide to all consumer protection aspects of shopping, with a particular emphasis on credit;
- ◆ *Keeping your kids safe*, a fact sheet and toy safety checklist aimed specifically at the Aboriginal community; and
- ◆ *In good hands*, a comprehensive guide to product safety for children, including inflatable pools, child resistant cigarette lighters and nursery furniture.

<http://www.fairtrading.nsw.gov.au/secondarymenu/publicationsotherlanguages/publications.html#Consumer%20publications>

DFT is also committed to providing its services to customers from diverse backgrounds by paying special attention to the needs of the vulnerable, geographically remote and disadvantaged groups. These initiatives are outlined in the Department's Access and Equity Strategy each year. The Strategy contains ongoing work and change projects aimed at improving policies, services and programs to equity target groups, including women. Outcomes are monitored on quarterly and annual bases. Priority projects for 2001–02 have included:

- ◆ publications on issues that are of particular relevance to women, including in community languages;
- ◆ a targeted information campaign on relationship debt, including special promotions on Valentine's Day and International Women's Day 2002;
- ◆ funding community based tenancy advisory and financial counselling services, the majority of whose clients are women; and
- ◆ conducting active strategies to increase the number of women appointed to the Department's advisory structures.

The Legal Aid Commission is undertaking a *Credit Standards for Young Women* project. The aims of the project are as follows:

- ◆ to increase young women's awareness about the dangers of becoming a financial guarantee for their partners; and
- ◆ to advocate for policy and legislative change to credit codes of conduct and banking standards.

The need for this initiative was identified through consumer case law being conducted by the Commission's Civil Litigation Unit, and it mainly involves the participation of legal aid lawyers in policy and legislative reform to improve credit standards for consumers, particularly young women.

This initiative has achieved a number of positive outcomes to date, notably the establishment of legislative protections for young women, legal precedent and codes of conduct. Public discussion of the issue has ensured that more young women are better informed in relation to the advisability of and the legal liabilities involved in being a guarantor for a partner or other person.

GENDER ANALYSIS AND GENDER INCLUSIVE METHODS.

The Department for Women provides regular gender analysis expertise to government agencies through legislative review processes, ensuring that women's needs, concerns and experiences are tabled for consideration during the review process. Reviews contributed to during 2001–02 include:

- ◆ the review of the *NSW Industrial Relations Act*. DFW recommended that amendments proposed in the 1998 Report of the NSW Pay Equity Inquiry be implemented during the review and that family friendly provisions arising from the State Carers' Leave Test Case and the State Part-Time Work case be incorporated into the legislation;
- ◆ National Competition Policy reviews of the *NSW Liquor Act*, the *Registered Clubs Act*, the *Boxing and Wrestling Control Act* and the *Commercial Agents and Private Inquiry Agents Act*. DFW recommended that changes to simplify the club licensing system and to improve competition should not compromise requirements for the minimisation of alcohol-

The Department for Women and the Department of Fair Trading jointly conducted the *Women Consumers – Motor Vehicle Industry Project*, designed to develop strategies to address discrimination against women consumers by the motor vehicle industry.

The project formed part of the *National Working Party on Women as Consumers – Motor Vehicle Project*, established in 1999 to examine the issue from a national perspective. Data gathered in each State revealed consistent discrimination against women by the motor vehicle industry.

A national report entitled *The Way Ahead: Women and the Motor Vehicle Industry* (available at <http://www.women.nsw.gov.au/mvip/mvip.html>) recommends strategies to address discrimination against women by the motor vehicle industry, based on the need to:

- ◆ change the perceptions and attitudes of the motor vehicle industry towards women;
- ◆ change perceptions and attitudes women have of the motor vehicle industry; and
- ◆ enhance processes for protecting consumers of the motor vehicle industry.

The Departments worked in partnership with key motor vehicle industry groups, women's and consumer groups to identify the extent to which women are discriminated against in purchasing, servicing and repairing vehicles and to develop appropriate strategies to address this discrimination and achieve a more equitable marketplace for women in NSW.

The *Have Your Say* campaign conducted by the Department for Women revealed that 95 per cent of women reported a negative experience when dealing with the motor vehicle industry in relation to purchases, servicing or repairs.

A Department of Fair Trading survey of women contacting its call centre over an eight-week period with inquiries relating to the motor vehicle industry found that 58 per cent believed they had received worse treatment because of their gender.

A workshop hosted by the Departments in 2000 attracted representatives

from the motor vehicle industry, women's and consumer groups, and resulted in the development of an Action Plan for 2000–01.

At a final workshop, hosted by the Motor Traders' Association (MTA) in November 2001 to assess the outcomes of the project, the MTA undertook to maintain a focus on women within the industry beyond the life of the project.

The outcomes of the project include:

- ◆ the publication of an *Automotive Tool Kit* for women consumers containing information about buying a car, consumer rights, getting repairs done and career opportunities in the industry, available from the Department for Women's website at <http://www.women.nsw.gov.au/mvip/mvip.html>;
- ◆ introduction of the *Motor Trade Amendment Bill*, containing provisions for a cooling-off period for the purchase of new and used cars bought with linked credit;
- ◆ a specially designed *Managing an Automotive Small Business* TAFE course for women in the industry, developed by the Automotive Training Board (ATB), leading to formal qualifications;
- ◆ the establishment of the Motor Traders' Association Automotive Women's Network, whose inaugural conference held on International Women's Day 2001 attracted more than 100 women participants and addressed issues such as mentoring, career paths and family-friendly work practices. The Network's follow-up *Auto-motivating Women* conference was held on International Women's Day 2002;
- ◆ the publication and distribution of approximately 7000 copies of a CD on working in the motor vehicle industry for high school students, with a particular emphasis on young women, produced through partnerships between the Motor Vehicle Repair Industry Council, who provided \$30,000, the ATB, the Department of Education and Training and the NRMA; and
- ◆ the publication of articles promoting women's careers within the motor vehicle industry in the Institute of Automotive Engineers' newsletter, *The Automotive Engineer*.

related harm to individuals and the community, particularly in relation to women's safety; and

- ◆ the review of the *Property (Relationships) Act*. DFW's preliminary submission to the NSW Law Reform Commission raised issues of concern for women, for example recognition of the property issues faced by lesbian couples during separation and the general undervaluing of women's contributions in heterosexual relationships. These issues were incorporated into the formal discussion paper released in May 2002.

The Department is also tracking interstate and overseas developments addressing the negative portrayal of women in advertising. The Department is participating in discussions with women's policy offices in other States and Territories to determine contemporary issues and strategies and is considering the recommendations made in the Victorian Government's report, *The portrayal of women in outdoor advertising*, published in February 2002.

<http://www.women.vic.gov.au/owa/owasite.nsf/pages/projects#outdoor>

The report highlighted three key themes from consultations and submissions:

- ◆ the lack of control over choice to view outdoor advertisements;
- ◆ the link between advertisements and negative impacts on women/girls, in relation to health issues, sexual safety, self esteem and body image and
- ◆ the perpetuation of negative views of women's status in society.

DFW is seeking partnerships to develop ways of promoting the

positive portrayal of gender in advertising, particularly through guidelines to help agencies interpret the Advertising Standards Board's self regulating guidelines, and has held preliminary discussions with a local council about managing advertising on local council property.

The *Gender Equity in Public Institutions Project (GEPI)* is being conducted in partnership by the Department of Industrial Relations, The Department of Education and Training, NSW Health, the Premier's Department, the Department for Women and Sydney University, with funding from the Australian Research Council. It is anticipated that the findings of the project will assist public sector agencies to increase their awareness of the need for gender analysis in decision-making and policy development and provide them with tools to incorporate it across the NSW public sector.

WOMEN IN CUSTODY

In recognising the necessity for women convicted of serious crimes to be incarcerated, the Government is concerned that women in custody are not disadvantaged in relation to access to programs and services. The relatively small proportion of women among inmates, roughly six per cent of the inmate population as a whole, has historically made it more difficult for the Department of Corrective Services to provide the same variety of programs and services that are available for male inmates.

The Government attempts to reduce the risk of recidivism among women offenders by ensuring they have opportunities to participate in personal development (including living skills), education (including literacy), training and employment programs to improve their options and choices after release. The Department's *Victim Awareness Programs* provided by

the Restorative Justice Unit also seek to reduce recidivism by encouraging offenders to take responsibility for their actions and their impact on others.

In June 2001 there were 593 women in correctional centres, 6.8 per cent of the total inmate population.¹⁹ This represents a significant increase from five per cent in 1994,²⁰ and an increase from 561 inmates in the twelve months since June 2000.²¹

Of the total women inmate population, 23.9 per cent are remandees and 13.2 per cent are serving Periodic Detention Orders. Less than seven per cent of sentenced women are serving 10 years or more; 36.3 per cent serve less than one year, and 55.3 per cent less than two years.²²

The percentage of women serving a custodial sentence for violent crimes²³ increased from 23.8 per cent in 1994 to 26.6 per cent in 2002.²⁴

69.5 per cent of women inmates have experienced physical violence as an adult, 28.6 per cent sexual violence and 70 per cent emotional violence. 42.4 per cent experienced physical violence as a child, 33.5 per cent sexual violence and 51.7 per cent emotional violence. 63.1 per cent considered that the abuse had an impact on them now and 51.7 per cent perceived a link between abuse and being in gaol.²⁵

The Department of Corrective Services has allocated \$42 million to build a new purpose-designed correctional centre, Dillwynia, to meet the needs of women inmates in the Sydney metropolitan region. The centre will meet world best standards and will enable the closing of old and inappropriate accommodation at Mulawa Correctional Centre, reducing

overcrowding and improving placement options for women inmates in metropolitan Sydney.

<http://www.dcs.nsw.gov.au/correctional>

The Parramatta Transitional Centre has been established for women nearing the end of lengthy sentences and offers programs designed to reduce reoffending. The Centre houses up to 21 women, and can accommodate six women with children, either on a permanent basis or for occasional overnight stays on weekends or during school holidays. Since opening in 1996, only three women who have resided there have reoffended and returned to custody.

A second transitional centre, Bolwara House on the Emu Plains site, provides a non-custodial community-based pre-release program for up to 25 women in the Sydney region. The centre provides a specially designed program for recidivist women inmates with significant drug dependency issues, in particular Aboriginal women. The Department is also developing a Supervised Accommodation Program, in partnership with the Office of Community Housing to provide post release supervised accommodation for drug using women offenders, including Aboriginal women.

The Department's *Community Grants Program* provides funding to a range of community organisations to provide assistance to women, inmates and their families, prior to and upon release from custody to enable offenders to break the cycle of institutionalisation and to enable them to move toward independent living.

Funding for 2001–02 was allocated as follows:

- ◆ \$139,606 to Guthrie House to provide supported accommodation for women offenders and ex-offenders;

- ◆ \$530,846 to CRC Justice Support to provide support services to offenders, ex-offenders and their families, including a family transport service to correctional centres;
- ◆ \$59,237 to Yulawirri Nurai Aboriginal Corporation to provide post-release services for Indigenous women;
- ◆ \$70,000 to Link-Up (NSW) Aboriginal Corporation to assist Aboriginal and Torres Strait Islander inmates establish and strengthen their families links; and
- ◆ \$252,804 to Children of Prisoners Support Group to deliver services to support children of offenders.

The Department has undertaken an Inmate Services and Programs Review, to assist in improving program and service delivery for women inmates. The review considered access to community programs including sexual assault, other counselling and women's health services, external activities programs, reintegration programs for long term inmates and inmate development services such as psychology, welfare and educational programs. The review's recommendations are currently under consideration by the Board of Management.

Aboriginal women made up 23.3 per cent of the women inmate population in June 2001, up from 18 per cent in 1994.²⁶

There are few Aboriginal women serving periodic detention sentences, although this has increased from four in 1994 (4.5 per cent of women participants)²⁷ to 11 in 2001 (10.3 per cent).²⁸

In 1999, only 10.8 per cent of women on Probation Orders, 9.5 per cent of women on diversionary programs and 7.7 per cent of women on community service orders were Aboriginal.²⁹

As part of the Attorney General's Department's draft *Indigenous Justice Strategy 2001–2004*, the Department has conducted a research project into the needs of indigenous women in custody that will also enable a better understanding of why indigenous women are over-represented in gaol; and improve policy and services to indigenous women inmates. A draft report, *Speak Out, Speak Strong: Aboriginal women in Custody*, based on interviews with 50 per cent of the Aboriginal women incarcerated in NSW, makes a number of recommendations to improve Aboriginal women's experience in prison, to meet their needs better upon release and to prevent them coming into contact with the justice system.

<http://www.lawlink.nsw.gov.au/ajac.nsf/pages/index>

The Department for Women is conducting the *Diversionary Options for Women Project*. Preliminary research into the options available for women in the criminal justice system has so far been conducted; during the second phase of the project, the Department will examine the factors that influence the availability and women's take-up rate of these options and work with key government stakeholders to develop innovative approaches aimed at overcoming barriers to women's participation. Because of the overrepresentation of Aboriginal women in correctional facilities, the project will have particular relevance for Aboriginal women.

The Anti-Discrimination Board has also conducted a research project to explore and better understand systemic disadvantage women experience in the criminal justice system in relation to access to bail.

Corrective Services has implemented a *Multimedia Multilingual Communication Strategy* to ensure equitable access to services

The Department has published the *Women's Action Plan 2* as a strategic management plan for women inmates, community based offenders and staff that identifies the Department's direction and priorities for the period 2000–03.

<http://www.dcs.nsw.gov.au/wsu>

The *Women's Action Plan 2* emphasises:

- ◆ the delivery of programs and services reflecting a holistic approach to women's health and well-being;
- ◆ the coordination of programs and services in a throughcare model as a joint effort by the custodial and community supervision sections of the Department;
- ◆ the provision of flexible programs for women in the areas of relationship and living skills, problem solving, alcohol and other drugs and health education, vocational training and recreational activities; and
- ◆ the planning and management of resources to ensure their equitable provision.

The *Plan* is based on a philosophy of throughcare, continuity and consistency of services from women's first contact with the Department through to post release. Throughcare operates between the custodial and community supervision sections of the Department and other agencies with an interest in the well-being of women in the criminal justice system.

The Department is conducting a pilot *Women's Integrated Case Management Project* to implement a whole of sentence planning approach for women inmates to include an orientation program, individual case plans, the introduction of e-case management and a pre-release program featuring partnerships with outside agencies.

The Department respects the rights of families and children to have meaningful contact with their mothers, spouses and daughters in custody and considers it essential for achieving correctional outcomes that the women can maintain and strengthen their bonds with their families and children.

The Department has established centres for women in regional NSW, to meet the needs of women inmates from outside the Sydney region, in particular Aboriginal women, to be closer to their communities. Nineteen women can be accommodated

at the June Baker Unit at Grafton and eight women at Broken Hill, in units attached to men's facilities. Planning is underway for a purpose built facility at Kempsey that will accommodate 50 women and the Berrima Correctional Centre, formerly a men's facility, reopened as a women's facility in December 2001

<http://www.dcs.nsw.gov.au/correctional>

The *Mothers' and Children's Program* enables women inmates at Emu Plains and the Parramatta Transitional Centre, to have their preschool children living with them or to enable certain offenders to obtain release for intensive community supervision. The Program aims to reduce emotional stress to children of women in custody, to promote and continue parenting skills and bonds between mother and child and to encourage women to take responsibility to limit future harm to their children through criminal and other antisocial behaviour. Ensuring the best interests of children is the paramount issue when considering applications for participation in the program. It is planned that the Program will be available at Kempsey and Bolwara House, and the Department is considering making it available to inmates on long-term remand and on Periodic Detention Orders.

In devising appropriate programs and services for women it is essential that existing and new project initiatives are not merely adapted to give them a female dimension. The Department is committed to exploring further innovative programs for women. A particular emphasis is placed on the needs of indigenous women to ensure culturally relevant and appropriate program and services provision.

The Department provides four cultural camps for Aboriginal women inmates each year at Goodooga in northern NSW. The camps are also open to non-Aboriginal inmates and staff who would like to gain an understanding of Aboriginal culture.

The aim of the camps is:

- ◆ to facilitate understanding, acknowledgment and healing of past hurts;
- ◆ to identify and accept responsibility for the present; and
- ◆ to recast the future in positive terms.

The camps, known as *Karrka*, meaning 'Together', last five days and feature Aboriginal cultural learning experiences and evenings around the camp fire. Early camps have been highly successful and it is hoped that a positive vision of the future will assist in reducing the overrepresentation of Aboriginal women in custody.

for women from culturally diverse communities and to educate staff how best to provide this. The Department has developed a women's induction video with voice-over in five community languages, a series of multi-lingual posters promoting interpreter services and a directory of multicultural community agencies to assist inmates to access post-release services.

To provide input on issues for women within its care, the Department reinstated the Women's Advisory Network, comprising representatives from community organisations and individuals interested in the well being of women inmates. Membership includes representatives from the Department for Women and the Anti-Discrimination Board.

The Department of Juvenile Justice (<http://www.djj.nsw.gov.au>) provides the Yasmar Juvenile Justice Centre for young women aged 10 to 21. In the 2001–02 financial year, Yasmar housed 312 young women, with a budget of \$5.473 million.

On average, 24 young women were detained on a daily basis, representing 7.5 per cent of the juvenile detention population.³⁰

Previous concerns about the treatment of young women within the juvenile justice system have identified the need for specific policies and programs to provide real opportunities for the rehabilitation of young women offenders. Many clients have a history of physical and emotional abuse, sexual assault, psychological, behavioural and developmental problems, learning difficulties and problems at school, a low educational attainment, poor literacy and numeracy skills and severely limited vocational opportunities.

Yasmar provides a diverse range of programs to meet young

women's needs, within the context of addressing offending behaviour, that address self-awareness and reasoning, coping skills and living skills. A case management approach is provided, along with a range of services, including individual literacy and counselling, medical and dental care, recreational and cultural activities and vocational educational programs. A young mother's group is also being developed in negotiation with Centacare.

Yasmar has achieved a number of specific outcomes for girls and young women in custody, in the areas of improved health and self esteem, improved family relationships and improved cultural and indigenous links.

In recognition, however, that Yasmar is fundamentally outdated, the Department has allocated \$22 million to design and construct a purpose-built facility at Lidcombe that will address the specific needs of girls and young women. The new centre will house up to 45 young women and will include a mothers' and babies' unit, better medical capacity and a transition unit.

Young women are one of the priority groups of an accommodation review being conducted by the Department in relation to the provision of accommodation support for community-based juvenile justice clients. The review is designed to identify projected client needs over the next five years and determine how best to meet them, within the context of the provision of youth accommodation generally.

The review will inform a planned *Partnerships Against Homelessness* funded project, to be conducted in collaboration with the Department for Women, which aims to reduce the incidence of homelessness among young Aboriginal women leaving juvenile detention, aid community reintegration by increasing post-release support, to break the cycle of juvenile

crime and to consider diversionary alternatives to incarceration. Juvenile Justice, in association with the Children's Legal Service at the Legal Aid Commission and the Department for Women, has also established a task force to develop a *Girls' and Young Women's Action Plan* to provide direction for the department for the next three years and ensure appropriate provision of services to its female clients. The Plan has been approved for a launch in November.

The Department is also implementing a *Post-Release Support Program* in Grafton, Dubbo and Western Sydney, that will later be extended to Cabramatta, Wollongong, Newcastle/Taree, Miller, Marrickville, Wagga Wagga and Waterloo. The Program aims to assist young people leaving custody to reintegrate into the community by providing them with a link to a broad range of welfare and support services, to attain and maintain adequate levels of physical and mental health, reduce isolation, promote independence, and enhance individual self esteem, to restore, maintain and enhance family relationships, where possible, to develop essential living and survival skills and thus to reduce reoffending.

The CEDAW promise

CEDAW calls on governments to provide legislation prohibiting all forms of discrimination against women and promoting equality of women and men.

Women's rights are also to be protected by tribunals and other public institutions. Governments themselves must refrain from any act or practice of discrimination and must ensure that public authorities and institutions do the same. It may be necessary to enact special measures to enable women to enjoy their legal rights

Governments have a responsibility to eliminate discrimination against women by any person, organisation or enterprise and to make measures to modify or abolish existing laws, regulations, customs and practices which constitute discrimination. Provisions in correctional systems that discriminate against women are also to be addressed.

Agencies with initiatives in this section

- ◆ Anti-Discrimination Board
- ◆ Attorney General's Department
- ◆ Department for Women
- ◆ Department of Corrective Services
- ◆ Department of Fair Trading
- ◆ Department of Juvenile Justice
- ◆ Department of Sport and Recreation
- ◆ Legal Aid Commission

- 1 A number of accounts of discrimination in the law have been published. See, for example, Graycar, R and Morgan, J 2002, *The Hidden Gender of Law*, 2nd edn, Federation Press, Annandale, NSW; Scutt, J 1990, *Women and the Law: Commentary and Materials*, Law Book Co, Sydney.
- 2 The House of Representatives Standing Committee on Legal and Constitutional Affairs' inquiry into the operation of the *Sex Discrimination Act in 1992* found that the Act had greatly assisted women in the ten years since its introduction, but that women in Australia still lacked equal opportunity and equal status: *Half Way to Equal: Report of the Inquiry into Equal Opportunity and Equal Status for Women in Australia*, as cited in *Equality Before the Law: Justice for women*, p39 (See note 3, below).
- 3 Australian Law Reform Commission 1994, *Equality Before the Law: Justice for Women*, ALRC 69, Part 1, AGPS, Canberra <http://www.alrc.gov.au/publications/publist/reports.htm>.
- 4 *Equality Before the Law*, pp 47–48.
- 5 Select Committee on the Increase in Prisoner Population 2000, *Interim Report: Issues relating to women*, NSW Legislative Council, Sydney <http://www.parliament.nsw.gov.au/prod/web/phweb.nsf/fra mes/committees?open&tab=committees>.
- 6 Australian Law Reform Commission 1992, *Multiculturalism and the Law*, ALRC 57, AGPS, Canberra <http://www.alrc.gov.au/publications/publist/reports.htm>.
- 7 Women's Legal Resources Centre 1994, *Quarter Way to Equal: A report on barriers to access to legal services for migrant women*, WLRC, Sydney.
- 8 NSW Anti-Discrimination Board 2001, *Annual Report 2000–01*, Anti-Discrimination Board, Sydney, p26 <http://www.lawlink.nsw.gov.au/adb.nsf/pages/ar00-01contents>.
- 9 *Annual Report 2000–01*, p26.
- 10 NSW Bureau of Crime Statistics and Research 2001, *Aboriginal Victimization and Offending: The picture from police records*, by Jacqueline Fitzgerald and Don Weatherburn, Issue Paper no 17, BoCSaR, Sydney, p2.
- 11 Allyson Foster 1997, *Do women pay more?*, Melbourne, p7.
- 12 *Do women pay more?*, p12.
- 13 Anti-Discrimination Board statistics published at <http://www.lawlink.nsw.gov.au/adb.nsf/pages/ar00-01table3>.
- 14 *Do women pay more?*, p10.
- 15 Cited in Craig Johnson 2000, *Cash and Cowboys: Barriers for entry to private rental by disadvantaged consumers*, NSW Council of Social Service, Surry Hills, NSW, p34.
- 16 Australian Bureau of Statistics, as cited in *The Sunday Age*, 27 August 2000.
- 17 NRMA 2000, *The Open Road Women Car Buyers Survey Executive Summary*, NRMA, Sydney, p14.
- 18 *Women Car Buyers Survey*, p19.
- 19 Department of Corrective Services 2002, *NSW Inmate Census 2001*, Department of Corrective Services, Sydney, p3 <http://www.dcs.nsw.gov.au/Documents/index.asp>.
- 20 Department of Corrective Services 2000, *Women's Action Plan 2 2000–2003*, Department of Corrective Services, Sydney, p5 <http://www.dcs.nsw.gov.au/wsu/>.
- 21 Department of Corrective Services 2001, *NSW Inmate Census 2000*, Department of Corrective Services, Sydney, p3 <http://www.dcs.nsw.gov.au/Documents/index.asp>.
- 22 *NSW Inmate Census 2001*, p3.
- 23 Offences include murder, attempted murder, conspiracy to murder, manslaughter, major assault, other assault, sexual offences and robbery with major assault.
- 24 *NSW Inmate Census 2001*, p6.
- 25 Survey undertaken by Department of Corrective Services for *Census of Women in Custody in NSW 1998*, as cited in *Interim Report: Issues relating to women*, p25.
- 26 *NSW Inmate Census 2001*, p4.
- 27 *Women's Action Plan*, p6.
- 28 *NSW Inmate Census 2001*, p38.
- 29 *Women's Action Plan*, p6.
- 30 Department of Juvenile Justice 2000, *Annual Report 2000–01*, Department of Juvenile Justice, Sydney, p21 <http://www.djj.nsw.gov.au/publications.htm>.