










# Australia

WBL 2.0 legal frameworks score	WBL 2.0 supportive frameworks score	WBL 2.0 expert opinions score
<b>90.0</b>	<b>81.7</b>	<b>88.8</b>

*Women, Business and the Law 2024* (WBL 2024) identifies barriers for women’s economic empowerment in three areas: women’s legal rights, policy instruments designed to support the implementation of these rights, and how these rights are realized in practice. For that purpose, three new *Women, Business and the Law 2.0* indexes are presented for ten indicators: (1) legal frameworks, (2) supportive frameworks, and (3) expert opinions. For the WBL 2.0 legal frameworks index, 40 questions are scored across the ten indicators for 190 economies. For the WBL 2.0 supportive frameworks index, 30 questions are scored across the ten indicators for 190 economies. Overall economy level legal and supportive frameworks scores are then calculated by taking the average of each indicator, with 100 representing the highest possible score. The WBL 2.0 expert opinions index is created for a total of 164 economies. Expert opinion scores are not available for 26 economies due to an insufficient number of responses received from those economies during data collection. Individual responses at the economy level for 15 expert opinions questions across the ten indicators are scored by taking the median value of all responses per question. The economy level expert opinions index is equal to the simple unweighted average of the ten indicator scores.

For Australia, data refer to the legal frameworks, supportive frameworks, and expert opinions that are applicable to the main business city (Sydney). The scores for Australia are shown in the table below.

## Women, Business and the Law 2024 2.0 indicator scores

										
WBL 2.0 Legal frameworks score	75.0	100.0	75.0	100.0	100.0	100.0	100.0	75.0	100.0	75.0
WBL 2.0 Supportive frameworks score	100.0	100.0	100.0	50.0	100.0	66.7	100.0	66.7	33.3	100.0
WBL 2.0 Expert opinions score	75.0	100.0	87.5	75.0	100.0	100.0	75.0	75.0	100.0	100.0

In summary, the **WBL 2.0 legal frameworks score** for Australia (90.0 out of 100.0) is higher than the global average (64.2) and higher than the High income: OECD regional average (84.9). When it comes to constraints on freedom of movement, laws affecting women's pay, constraints related to marriage, laws affecting women's work after having children, laws affecting childcare and laws affecting women's property and inheritance, Australia obtains a perfect score (100.0 out of 100.0). As an example, one of the lowest scores for Australia is on the indicator measuring laws affecting women's safety. To improve on the Safety indicator, Australia may wish to consider introducing legislation on femicide.

The **WBL 2.0 supportive frameworks score** for Australia (81.7 out of 100.0) is higher than the global average (39.5) and higher than the High income: OECD regional average (68.1). When it comes to supportive frameworks affecting women's safety, supportive frameworks affecting freedom of movement, supportive frameworks affecting women's decisions to work, supportive frameworks related to marriage, supportive frameworks affecting childcare and supportive frameworks affecting the size of a woman's pension, Australia obtains a perfect score (100.0 out of 100.0). As an example, one of the lowest

scores for Australia is on the indicator measuring supportive frameworks affecting women's property and inheritance. To improve on the Assets indicator, Australia may wish to consider putting in place awareness measures to improve women's access to information about marital and inheritance rights and publishing anonymized sex-disaggregated data on property ownership on a regular basis.

The **WBL 2.0 expert opinions score** for Australia (88.8 out of 100.0) is higher than the global average (65.7) and higher than the High income: OECD regional average (82.9). When it comes to expert opinions on freedom of movement, expert opinions on marriage, expert opinions on women's work after having children, expert opinions on women's property and inheritance and expert opinions on women's pensions, Australia obtains a perfect score (100.0 out of 100.0). As an example, one of the lowest scores for Australia is on the indicator measuring expert opinions on women's safety.

## WBL 2.0 legal frameworks data

QUESTION	ANSWER	LEGAL BASIS
<b>Safety</b>		
Does the law address child marriage?	Yes	Marriage Act 1961, Secs. 5, 11, 23B(1)(e) and 95
Does the law address sexual harassment?	Yes	Sex Discrimination Act, Secs. 28B and 28F; Anti-Discrimination Act, Secs. 22B(1-2), 22D, 22E and 108; Fair Work Act, Part 3-5A; Criminal Code Act 1995, Parts 10.6-10.7, Secs. 474.17-474.17A
Does the law address domestic violence?	Yes	Family Law Act 1975, Secs. 4AB(2) and 114; Crimes (Domestic and Personal Violence) Act 2007, Part 4 and Secs. 4, 11, 12, 13; Crimes Act 1900, Secs. 61I and 61KA
Does the law address femicide?	No	No applicable provisions could be located
<b>Mobility</b>		
Can a woman choose where to live in the same way as a man?	Yes	Domicile Act 1982, Art. 6
Can a woman travel internationally in the same way as a man?	Yes	Australian Passports Act 2005, Art. 7; Family Law Act 1975
Can a woman travel outside her home in the same way as a man?	Yes	No restrictions could be located
Do a woman and a man have equal rights to confer citizenship on their spouses and their children?	Yes	Australian Citizenship Act of 2007, Secs. 12, 16 and 21
<b>Workplace</b>		
Can a woman get a job in the same way as a man?	Yes	Married Persons (Equality of Status) Act 1996, Art. 4
Does the law explicitly prohibit discrimination in recruitment based on marital status, parental status, and age?	Yes	Sex Discrimination Act 1984, Sec. 14; Age Discrimination Act 2004, Sec. 18
Does the law prohibit discrimination in employment based on gender?	Yes	Sex Discrimination Act 1984, Sec. 14
Does the law allow employees to request flexible work?	No	No applicable provisions could be located
<b>Pay</b>		
Does the law mandate equal remuneration for work of equal value?	Yes	Fair Work Act 2009, Secs. 300-306
Can a woman work at night in the same way as a man?	Yes	No restrictions could be located
Can a woman work in a job deemed dangerous in the same way as a man?	Yes	No restrictions could be located
Can a woman work in an industrial job in the same way as a man?	Yes	No restrictions could be located
<b>Marriage</b>		
Is the law free of legal provisions that require a married woman to obey her husband?	Yes	No applicable provisions could be located
Can a woman be "head of household" or "head of family" in the same way as a man?	Yes	Family Law Act 1975, Sec. 72
Can a woman obtain a judgment of divorce in the same way as a man?	Yes	Family Law Act 1975, Art. 48
Does a woman have the same rights to remarry as a man?	Yes	Family Law Act 1975, Art. 59

**Parenthood**

Is paid leave of at least 14 weeks available to mothers?	Yes	Paid Parental Leave Act 2010, Secs. 7 and 30; Paid Parental Leave Amendment (Improvements for Families and Gender Equality) Act 2023, Secs. 38 and 58
Are leave benefits for mothers paid solely by the government?	Yes	Paid Parental Leave Act 2010, Secs. 72 and 84
Is paid leave available to fathers?	Yes	Paid Parental Leave Act 2010, Sec. 30; Paid Parental Leave Amendment (Improvements for Families and Gender Equality) Act 2023, Sec. 58
Is dismissal of pregnant workers prohibited?	Yes	Fair Work Act 2009, Secs. 342 and 351

**Childcare**

Does the law establish the provision of center-based childcare services?	Yes	Children (Education and Care Services) National Law (NSW) No. 104a of 2010, Sec. 5; Education and Care Services National Regulations, Sec. 4(1); Official Website of Australian Government
Does the law establish any form of support for families for childcare services?	Yes	A New Tax System (Family Assistance) Act 1999, Part 4A, Div. 2; Official Website of Australian Government, Department of Education
Does the law establish any form of support for nonstate childcare providers?	Yes	Official Website of Australian Government; Fringe Benefits Tax Assessment Act 1986, Div. 12, Sub-Div. A, Sec. 47(2)(8)
Does the law establish quality standards for the provision of center-based childcare services?	Yes	Education and Care Services National Regulations, Secs. 123, 126(1) and 173; Children (Education and Care Services) National Law NSW 2010, Sec. 172

**Entrepreneurship**

Can a woman undertake entrepreneurial activities in the same way as a man?	Yes	Married Persons (Equality of Status) Act of 1996, Art. 4
Does the law prohibit discrimination in access to credit based on gender?	Yes	Sex Discrimination Act 1984, Art. 22; Anti-Discrimination Act 1977, Sec. 33
Does the law prescribe a gender quota for corporate boards?	No	No applicable provisions could be located
Does the law include gender-sensitive procurement provisions for public procurement processes?	Yes	Workplace Gender Equality Procurement Principles and User Guide

**Assets**

Do a woman and a man have equal administrative power and ownership rights to immovable property, including land?	Yes	Married Persons (Equality of Status) Act 1996, Art. 4
Do sons and daughters have equal rights to inherit assets?	Yes	Succession Act 2006, Art. 127(1) and (3)
Do male and female surviving spouses have equal rights to inherit assets?	Yes	Succession Act 2006, Arts. 110 and 111
Does the law provide for the valuation of nonmonetary contributions?	Yes	Family Law Act 1975, Art. 79(4)

**Pension**

Are the ages at which a woman and a man can retire with full pension benefits the same?	Yes	Social Security Act, Secs. 23(5A), (5B), (5C), (5D) and 43
Are the ages at which a woman and a man can retire with partial pension benefits the same?	Yes	No applicable provisions could be located
Is the mandatory retirement age for a woman and a man the same?	Yes	No applicable provisions could be located
Are periods of absence due to childcare accounted for in pension benefits?	No	No applicable provisions could be located

**WBL 2.0 supportive frameworks data**

QUESTION	ANSWER	SOURCE
<b>Safety</b>		
Has the government developed comprehensive mechanisms to address violence against women?	Yes	Sexual Harassment (A Code in Practice) - A Short Guide to the Code of Practice; Legal Aid NSW; NSW Ministry of Health Sexual Assault Services; 1800RESPECT - National Domestic Family and Sexual Violence Counselling Service

Are special procedures in place for cases of sexual harassment?	Yes	Fair Work Act 2009, Part 3-5A, Division 3; Anti Discrimination Act, Part 9
Is a government entity responsible for monitoring and implementing national services, plans and programs addressing violence against women?	Yes	Domestic, Family and Sexual Violence Commission
Is an annual budgetary allocation devoted to violence against women risk mitigation, prevention, and response programs?	Yes	National Budget 2023-2024
<b>Mobility</b>		
Are passport application processes the same for a woman and a man?	Yes	Passport application procedures
Are the application processes for official identity documents the same for a woman and a man?	Yes	ID application procedures
Does a current policy or plan explicitly consider the specific mobility needs of women in public transportation?	Yes	New South Wales' Safer Cities Program
<b>Workplace</b>		
Does a specialized body receive complaints about gender discrimination in employment?	Yes	Human Rights Commission Act, Sec. 11(1); Anti-Discrimination Act, Parts 3 and 8
Has the government published guidelines on nondiscrimination based on gender in recruitment?	Yes	Australian Human Rights Commission: A Step-by-Step Guide to Preventing Discrimination in Recruitment
Has the government published guidelines on flexible work arrangements?	Yes	Fair Work Ombudsman: Flexible Working Arrangements Best Practice Guide
<b>Pay</b>		
Are pay transparency measures or enforcement mechanisms in place to address the pay gap?	No	Insufficient evidence located
Have sex-disaggregated data on employment in different industries or sectors been published?	Yes	Australian Bureau of Statistics: Labour Force, Australia, Detailed-Table 06. Employed Persons by Industry Sub-Division of Main Job (ANZSIC) and Sex
<b>Marriage</b>		
Is there a fast-track process or procedure for family law disputes?	Yes	Family Law Act of 1975, Art. 69Z; Family Law Rules of 2004, Art. 1.05
Are there specialized family courts?	Yes	The Federal Circuit and Family Court of Australia Act 2021
Is legal aid available for family law disputes?	Yes	Legal Aid Commission
<b>Parenthood</b>		
Is it possible to apply for maternity benefits through a single government application process?	Yes	Services Australia: Steps to Claim Parental Leave Pay
Are incentives in place to encourage fathers to take paternity leave on the birth of a child?	No	Insufficient evidence located
Have sex-disaggregated data on unpaid care work been published?	Yes	Australian Bureau of Statistics: Unpaid work and care-Census 2021
<b>Childcare</b>		
Is there a publicly available registry or database of childcare providers?	Yes	Official Website of Australian Children's Education and Care Quality Authority; Official Website of the City of Sydney
Is there a clearly outlined application procedure to request financial support from the government for childcare services by parents?	Yes	Official Website of Australian Government, Services Australia
Is there a clearly outlined application procedure to request financial support from the government for childcare services by nonstate childcare providers?	Yes	Official Website of Australian Government, Department of Education; Official Website of Australian Government, GrantConnect
Has the government published any reports on the quality of childcare services?	Yes	Official Website of Australian Children's Education and Care Quality Authority
<b>Entrepreneurship</b>		
Have sex-disaggregated data on business activities, entrepreneurship, or women-owned businesses been published?	Yes	Australian Bureau of Statistics (ABS)
Are government-led programs supporting female entrepreneurs providing access to finance and training, coaching, or business development?	Yes	Several Initiatives Available for Women Entrepreneurs; Boosting Female Founders Initiative; Online program for NSW women starting or operating a small business; Women in Business Foundations Program SA
Does a current national government plan or strategy focus on women's access to financial services?	No	Insufficient evidence located



### Assets

Are mechanisms or incentives in place to encourage women to register immovable property (including joint titling)?	Yes	Conveyancing Act 1919 (NSW), Secs. 26 and 27
Are awareness measures in place to improve women's access to information about marital and inheritance rights?	No	Insufficient evidence located
Have anonymized sex-disaggregated data on property ownership been published?	No	Insufficient evidence located

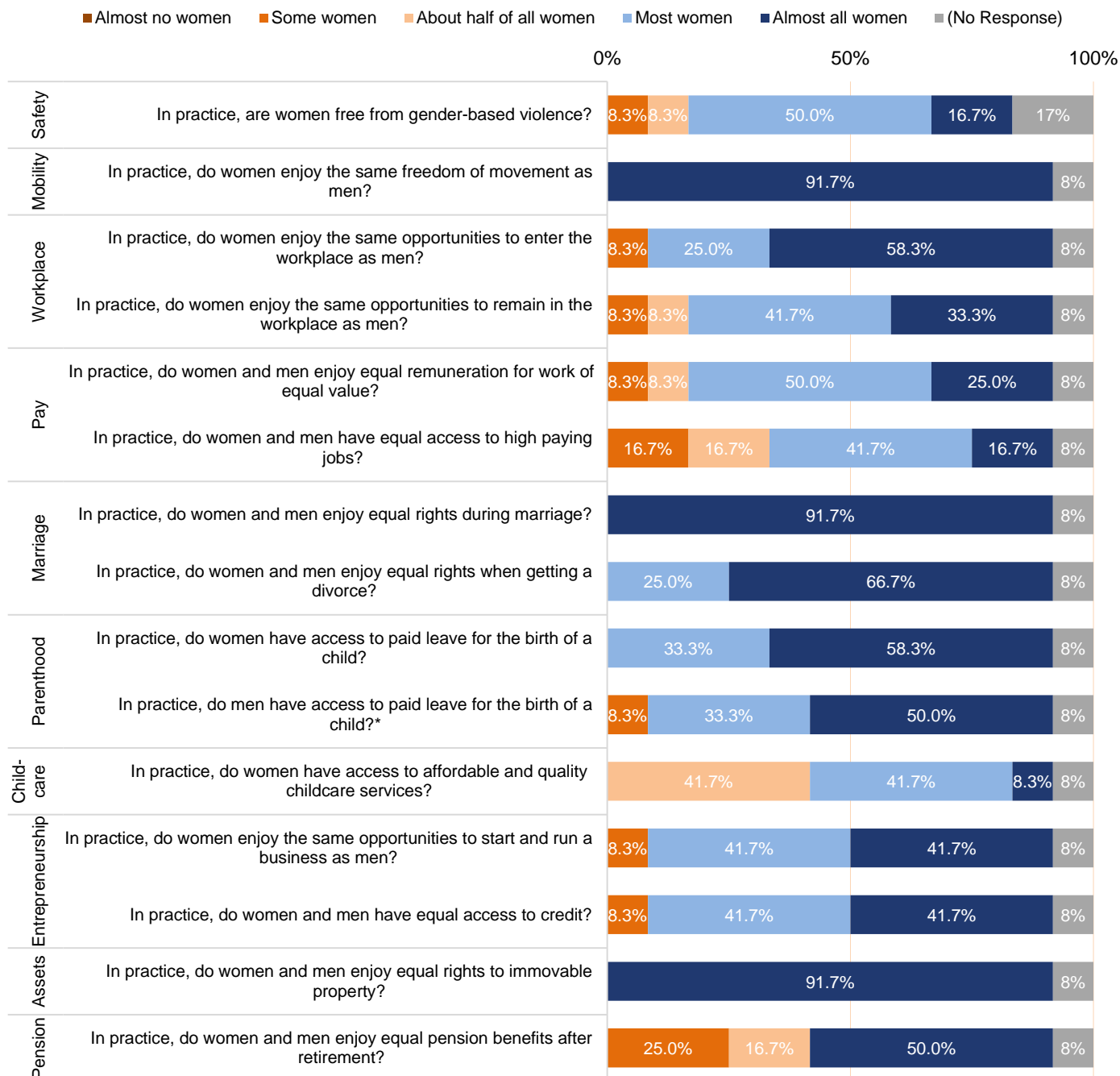
### Pension

Are incentives in place to increase women's retirement benefits?	Yes	Australian Government, Department of Social Services: Information on Work Bonus
Is a procedure in place for pension beneficiaries to challenge the decisions of the competent authority regarding their benefits?	Yes	Reviews and Appeals of a Centrelink Decision under Services Australia

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## WBL 2.0 distribution of expert opinion responses



\*Note: The response options for the second Parenthood question above are formatted as almost no men, some men, about half of all men, most men, almost all men.