



Economic and Social Council

Distr.
GENERAL

E/1984/7/Add.22
11 March 1985

ORIGINAL: ENGLISH

First regular session of 1985

IMPLEMENTATION OF THE INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Second periodic reports submitted by States parties to the Covenant concerning rights covered by articles 6 to 9 in accordance with the first stage of the programme established by the Economic and Social Council in its resolution 1988 (LX)

Addendum

AUSTRALIA*

[25 February 1985]

INTRODUCTION

A. General

1. In accordance with Economic and Social Council resolution 1988 (LX), the Government of Australia submitted its initial report concerning the rights embodied in articles 6 to 9 of the International Covenant on Economic, Social and Cultural Rights on 17 March 1978. This second report covers measures adopted and the progress made in Australia since that time in achieving observance of the rights recognized in these articles. This report thus reviews recent major developments in the field of labour rights and social security.

2. Australia is a party to key United Nations instruments, such as the International Convention on the Elimination of All Forms of Racial Discrimination,

* The initial report submitted by the Government of Australia concerning rights covered by articles 6 to 9 of the Covenant (E/1978/8/Add.15) was considered by the Sessional Working Group of Governmental Experts at its 1980 session (see E/1980/WG.1/SR.12-13).

the Convention on the Elimination of All Forms of Discrimination against Women and the International Covenant on Civil and Political Rights. Australia's reports under the implementation procedures of these instruments provide a comprehensive account of Australia's performance in protecting and promoting some of the rights also embodied in articles 6 to 9 of the International Covenant on Economic, Social and Cultural Rights.

3. In relation to labour rights, as a foundation member of the International Labour Organisation (ILO), Australia is firmly committed to observing fully its obligations under the right to work, non-discrimination in work and freedom of association provisions of the various ILO Conventions (notably Nos. 87, 98, 111 and 122) to which it is party.

4. The current report deals with a number of significant recent developments in the labour field. These include changes in broad socio-economic policies, significant strengthening of protection against discrimination in employment and the introduction of a series of programmes for those seeking employment, especially youth, Aborigines and the disabled.

5. In health services and social security, in the period since the last report, there have been a number of significant improvements in the already comprehensive network of programmes established in Australia. These include the introduction of Medicare and new benefits to assist the disabled and those participating in rehabilitation programmes.

B. Broad economic policy

6. Consonant with the reporting guidelines, this report is prefaced by a brief description of the current economic situation in Australia.

7. The Australian Government's principal macroeconomic objectives are the resumption of sustained high levels of growth in economic activity and, over time, a consequent reduction in unemployment, accompanied by reasonable wage and price stability, a viable balance of payments and a more equitable distribution of the nation's income. The Government's strategy in pursuing these goals is based on an expansionary fiscal policy, coupled with a price and income policy (acting as a major anti-inflationary instrument) and underpinned by a firm monetary policy. Fiscal policy is thus directed towards stimulating employment directly, without placing undue burdens on the conduct of monetary policy and interest rates, or risking the development of renewed inflationary expectations.

8. An essential component of the Australian Government's strategy is the price and income policy. This policy is based on the landmark accord reached between the Australian Council of Trade Unions (ACTU) and the Federal Government prior to its coming to office in March 1983. A central element of the price and income policy is the return to a centralized system of wage fixation based on full cost-of-living adjustments for movements in the consumer price index.

9. The Federal Government has established an Economic Planning Advisory Committee (EPAC) and an Advisory Committee on Prices and Incomes (ACPI), as part of its

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overall strategy. EPAC and ACPI will advise the Government on economic policy issues, and will work in conjunction to support the price and income policy. The Government also intends to establish a Price Surveillance Authority to monitor and investigate price movements in strategic sectors of the economy, especially those in which market forces are weak.

10. The Australian Government's monetary policy is aimed at achieving an environment in which non-inflationary growth can be sustained and which supports the price and income policy based on the accord. To this end, it is intended that growth in money supply will be just sufficient to finance a prospective increase in nominal output that is desirable and feasible. To assist the conduct of monetary policy, the Government decided to float the Australian dollar with effect from 12 December 1983. This measure and associated changes to exchange controls should mean that external transactions are no longer a major aberrant factor in determining monetary growth.

I. ARTICLE 6: THE RIGHT TO WORK

11. The initial report submitted by Australia gives a detailed account of action taken to protect and promote the right to work in Australia. The following information updates the earlier report.

A. Guarantees against discrimination

12. As indicated in its initial report, Australia ratified ILO Convention No. 111: Discrimination (Employment and Occupation), 1958, in June 1973. The Australian Government thus bound itself to eliminating discrimination in employment and occupation based on the grounds of race, colour, sex, religion, political opinion, national and social origin. Subsequently, the Federal Government established the National Committee and six State Committees on Discrimination in Employment and Occupation to assist it in fulfilling its obligations under the Convention. A Committee for the Northern Territory was established in 1979. The activities of these committees are discussed fully in the 1978 report.

13. Each year, the National Committee has presented a report to the Federal Minister for Employment and Industrial Relations outlining its activities and the progress made in handling complaints. Under arrangements finalized late in 1983, the Federal Attorney General has assumed overall responsibility for the activities of the Committee. Detailed statistical tables are provided on the receipt and outcome of the complaints investigated. Copies of annual reports for the years 1977-1978, 1978-1979, 1979-1980, 1980-1981, 1981-1982 and 1982-1983 are provided.

14. In 10 years of operation, the Federal and State Committees have succeeded in eliminating a number of discriminatory employment practices, as well as having discriminatory provisions removed from awards. Of the grounds on which complaints are accepted, the ground of sex has been the one most frequently used - 29.3 per cent of all complaints received in 1981-1982. The next most numerous category is "other" - this category covers any discrimination on a ground not yet

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identified. It is from this category that the National Committee assesses the need to identify new grounds and then, if appropriate, develops policy in this regard.

15. As well as the areas specified in the Convention, the Committees also investigate allegations of discrimination in employment on grounds such as age, disability or marital status. The number of complaints received on grounds not specified in the Convention has continued to increase. Complaints received on the grounds specified in the Convention and the additional grounds identified by the Committee are now approximately equal in number.

16. The Committees' independent chairmen have been appointed by respective Ministers for Employment and Industrial Relations. Each Committee has one representative each from the Australian Government, employer organizations and trade unions. The State/Territory Committees also have a representative of the respective State/Territory Government. The National Committee membership includes three other persons with special knowledge of the employment problems of Aboriginals, migrants and women. The Committees have been serviced by officers of the Federal Department of Employment and Industrial Relations, but will now be the responsibility of the Federal Attorney General's Department.

17. The National Committee is responsible for the development of policy and guidelines for use by State/Territory Committees in the investigation and conciliation of allegations of discrimination. The Committee also conducts community education programmes to promote equality of opportunity and to discourage discriminatory practices in employment and occupation. This function is discussed in more detail below.

18. Complaints which cannot be resolved by a State/Territory Committee are referred to the National Committee. The National Committee also investigates and attempts to conciliate complaints of discrimination against national employers or complaints arising from the operation of national policy. In many instances, the conciliation process has been enhanced by the intervention of one of the Committee members, such as those representing the employer group or trade unions. Further details of the complaints received and conciliated and community education activities are set out in the National Committee's annual reports.

19. If a complaint cannot be resolved, the National Committee submits a report to the Minister for Employment and Industrial Relations who may decide to table a report in the Federal Parliament. In the Committees' 10 years of operation, while over 5,000 complaints have been received, no complaint has ever reached this stage.

20. The Committees have undertaken a number of initiatives to increase community awareness of discrimination in employment. These include production of the following leaflets and brochures (copies of which are provided):

(a) "Equality in employment" which explains the role and functions of the Committees - in English and nine other languages;

(b) "Have you been discriminated against" which explains what constitutes discrimination and what should be done to lodge a complaint;

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(c) "Equal employment opportunity is good business" which provides a few examples of individual experiences in this field;

(d) "Guidelines on discriminatory job advertising and recruitment" which explains how to advertise on a non-discriminatory basis;

(e) "Equal employment opportunity" which contains guidelines for developing personnel practices;

(f) "How would you feel" which touches upon various forms of discrimination in employment;

(g) "A guide to discrimination in employment in Australia" which provides a comprehensive outline of anti-discrimination policy, machinery and how to use these remedies - available in English and eight other languages.

21. The Committees arrange advertising (for example on buses and in cinemas) concerning the complaint handling role of the Committees. The Committees also place advertisements in some trade union/employer journals and newspapers on the role and whereabouts of the Committees. Moreover, the Committees conduct seminars and workshops for employers, unions and community groups covering such subjects as what constitutes discrimination in employment and occupation, promotion of equality of opportunity, and how non-discriminatory personnel practices can be developed.

22. Initiatives arising from Committee activities include:

(a) Issuing of policy statements on sexual harassment, use of derogatory language in the workplace and non-discriminatory superannuation provisions;

(b) Increasing participation of men and women in those areas in the Defence Forces traditionally reserved for or dominated by a particular sex, for example:

(i) The secondment of women musicians into Army bands where the band does not have a secondary combat role;

(ii) The recruitment of female engineers and instructors by the Royal Australian Navy (RAN);

(iii) The recruitment of male nurses into RAN which required amendment to existing legislation;

(c) The removal of discriminatory provisions in travel concessions for females employed by state authorities;

(d) The amendment to an award to enable males to be employed on a part-time basis;

(e) The removal of classification of job vacancy columns into male and female categories in a number of major newspapers.

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1. Federal legislation

Racial Discrimination Act 1975

23. Australia's initial report explained in some detail the provisions of this key legislation which is based on the International Convention on the Elimination of All Forms of Racial Discrimination (ratified by Australia in 1975). The Act renders discrimination, including discrimination in respect of employment, on grounds of race, colour, descent or national or ethnic origin, unlawful.

24. In December 1981, after the Human Rights Commission Act 1981 came into operation, and following amendments to the Racial Discrimination Act, administration of the latter act was vested in the Human Rights Commission. The Commissioner for Community Relations who initially administered the Racial Discrimination Act continues to exercise functions under the Act but is now attached to the Human Rights Commission. The Commission has thus assumed both the educative and research functions of the Commissioner for Community Relations who retains the function of investigating and settling complaints of racial discrimination. The principal effect of these changes has been to give the Commissioner greater access to resources. At the expiration of the term of appointment of the first Commissioner A. J. Grassby, Jeremy Long, a former senior civil servant with extensive experience in the field of Aboriginal affairs, was appointed.

25. The constitutional validity of the Racial Discrimination Act was challenged in the High Court of Australia in two landmark cases in 1982: Koowarta v. Bjelke-Petersen and Queensland v. the Commonwealth. In a judgement handed down in May 1982, the Court upheld the validity of the relevant provisions of the Act.

26. The Racial Discrimination Amendment Act 1983 which came into force in July 1983 is designed to overcome problems raised in the High Court's decision in Viskauskas v. Niland. In that case, provisions of the New South Wales Anti-Discrimination Act (see below) dealing with race were held invalid for constitutional reasons. The court decided that the federal law had to be regarded as manifesting an intention to cover the whole field of racial discrimination. Under Section 109 of the Australian Constitution, in such a case, the state law is invalid. The amendment endeavours to ensure that state and territory legislation which furthers the objects of the International Convention on the Elimination of All Forms of Racial Discrimination can stand alongside federal legislation. The amendment also preserved the status of complaints in various stages of investigation under state procedures when the court's decision was announced.

27. It has been the practice of the Commissioner for Community Relations to refer complaints of discrimination in employment under this Act to the Employment Discrimination Committees for investigation.

28. Further information on the operation of the Racial Discrimination Act is contained in Australia's recent reports to the Committee on the Elimination of Racial Discrimination.

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29. A review of the Racial Discrimination Act is currently under way with the aim of improving its effectiveness. As part of this review, the Australian Government has invited submissions from interested members of the public and organizations.

Human Rights Commission Act 1981

30. The Human Rights Commission Act 1981 was proclaimed on 10 December 1981. Through this Act, the Australian Government established a Human Rights Commission, to ensure that practices and policies in Australia conform fully to the International Covenant on Civil and Political Rights, the Declaration on the Rights of the Child (1959), the Declaration on the Rights of Mentally Retarded Persons (1971) and the Declaration on the Rights of Disabled Persons (1975). As indicated, the Commission has assumed the research and public education functions under the Racial Discrimination Act 1975. The Sex Discrimination Act 1984 has also been added to the Commission's responsibilities.

31. The present functions of the Human Rights Commission are inter alia:

(a) To examine enactments and, when directed by the Minister, to propose enactments; to determine whether they are inconsistent with or contrary to any human rights; and to report to the Minister;

(b) To inquire into any act or practice that may be inconsistent with or contrary to human rights and to endeavour to settle the matter or, where it considers that a settlement of the matter is not appropriate or it has not been able to settle the matter, to report to the Minister;

(c) To make recommendations to the Minister regarding laws that should be made or action that should be taken by the Federal Government on matters relating to human rights;

(d) To report to the Minister at his request on action that needs to be taken to comply with the provisions of the International Covenant on Civil and Political Rights or the Declarations listed in the schedule to the Human Rights Commission Act or any other relevant international instrument;

(e) To examine any relevant international instrument to ascertain whether there are inconsistencies between that instrument and the above Covenant, the Declarations listed in the schedule to the Act or any other relevant international instrument, and to report to the Minister on the results;

(f) To promote an understanding, acceptance and public discussion of human rights in Australia;

(g) To undertake research and educational programmes to promote human rights.

32. While the Commission has dealt with some complaints of discrimination in employment, these are usually dealt with by the Federal Committee and State Committees on Discrimination. The Commission's public information, research and educational role is significant in promoting change in community attitudes.

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33. The Australian Government has initiated a review of the Human Rights Commission Act designed to strengthen the Commission's role in protecting and promoting human rights in Australia.

Sex Discrimination Act 1984

34. The Sex Discrimination Act, introduced into the Australian Parliament in June 1983, became law in Australia on 1 August 1984. The Act proscribes acts of discrimination on the grounds of sex, marital status and pregnancy in a number of areas, including employment. The legislation is designed to reflect and complement existing state anti-discrimination legislation, although the Act does include some new provisions. For example, it makes unlawful discrimination by means of sexual harassment in employment and education.

35. Under the legislation, complaints of discrimination may be made to a Sex Discrimination Commissioner who is then required to inquire into, conciliate and attempt to reach a settlement of the complaint. The Commissioner is in a new statutory office established by legislation and operates under the general direction of the Human Rights Commission. Where no settlement of a complaint is achieved, the Commissioner may refer the complaint to the Commission which then inquires into the matter. If the complaint is found to be substantiated, the Commission can make a determination as to the future conduct of the parties. Such a determination, if not accepted and acted upon by the parties, can be enforced by the Commission, or by action in the Federal Court.

36. The Act thus gives effect to provisions of the Convention on the Elimination of All Forms of Discrimination against Women which Australia ratified in July 1983. It is designed to complement and preserve the concurrent operation of existing sex discrimination legislation. The role of the Federal Committee and State Committees on Discrimination in Employment and Occupation under this legislation is the subject of current consultation with employer and employee groups and state governments and agencies. A guide to the legislation has been produced and is attached to this report.

2. Federal employment policies

37. Within the Australian Federal Republic Service (APS), the Public Service Board has a policy of non-discrimination and equal employment opportunity for all persons employed or seeking employment in APS. Complaints of discrimination in APS employment can be made to the Grievance and Appeals Bureau or to the Equal Employment Opportunity Bureau in the Board's Office. The Equal Employment Opportunity Bureau is also involved in programmes to assist in the employment of women, Aborigines, migrants and the disabled persons in APS.

38. In the policy paper entitled "Reforming the Australian Public Service", released in December 1983, the Government announced its intention:

(a) To include in the Public Service Act a declaratory statement that the public Service should be managed in a way that precludes unfair discrimination on

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the grounds of political affiliation, race, ethnic origin, religion, sex, marital status, age, disability or sexual preference;

(b) To enact legislation which would oblige Commonwealth departments and prescribed authorities to develop, maintain and implement equal opportunity management programmes for disadvantaged groups - women, Aborigines, ethnic minorities and disabled people. These programmes will be monitored by the Public Service Board;

(c) To establish a new independent authority responsible for handling public servants' grievances and appeals.

39. Other federal statutory authorities which have set up mechanisms to help overcome employment discrimination include Telecom, Australia Post, the Australian Broadcasting Corporation, the Commonwealth Bank and Qantas.

3. States legislation and other measures

40. The following developments have occurred in the states since presentation of the initial report:

New South Wales

41. The New South Wales Anti-Discrimination Act 1977 which prohibits, inter alia, discrimination on the grounds of race, sex, marital status and physical impairment in employment has been subject to several noteworthy amendments.

42. In 1980, the Act was amended to provide for equal opportunity in public employment for women and members of racial minorities. The Act thereby directed government authorities to prepare and implement equal opportunity management plans and established the position of Director of Equal Opportunity in Public Employment to oversee these plans.

43. In 1981, the Act was amended to include registered clubs in the areas covered, and physical impairment and pregnancy in the discriminatory grounds. Moreover, the definition of discrimination was amended to include indirect discrimination. An Equal Opportunity Tribunal was also established to take over the judicial role of the Anti-Discrimination Board.

44. In 1982, the Office of the Counsellor for Equal Opportunity (which originally had investigative and conciliatory functions) was abolished and the Anti-Discrimination Board took over its complaint-handling functions. The Act is now administered by the President of the Anti-Discrimination Board whose functions are: investigation and conciliation of complaints, education and research, and the hearing of exemption applications. Unresolved complaints are referred to the Equal Opportunity Tribunal for determination. Further amendments in 1982 added advertising to the areas covered, and intellectual impairment and homosexuality to the grounds of discrimination.

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45. The New South Wales Parliament enacted the Ethnic Affairs Commission Act 1976 which established an Ethnic Affairs Commission of New South Wales consisting of 11 commissioners appointed by the Governor of New South Wales. In 1979, the Commission submitted a report, entitled "Participation", to the New South Wales Government. In this report, it recommended a programme of action for securing equality of opportunity for those of ethnic origin. The Government accepted the report, the recommendations of which are currently being implemented.

46. In addition, the Ethnic Affairs Commission is participating, through its Chairman, in a number of important state government committees, such as the Consultative Group on Race Relations established by the New South Wales Anti-Discrimination Board. The Commission has also been involved with the State/Commonwealth inquiry into the local recognition of overseas trade and professional qualifications, the report on which will be submitted to the Federal Minister for Immigration and Ethnic Affairs. The Commission also conducts consultations with, inter alia, the Labour Council of New South Wales and the Trade Union Training Authority to assist the trade union movement in planning initiatives for immigrants.

47. The amendment of the Anti-Discrimination Act in 1980 referred to above requires all state government departments and statutory authorities listed in the Public Service Act to prepare and implement management plans to achieve equal opportunity. The management plans are required to include action which aims to eliminate and ensure the absence of discrimination in employment on the grounds of race, sex and marital status, as well as action to promote equal employment opportunity for women and members of racial minorities.

48. The Act also provides for the appointment of the Director of Equal Opportunity in Public Employment. Each New South Wales state government department and authority must make an annual report to the Director specifying the following:

(a) The activities and programmes undertaken:

(i) To eliminate and ensure the absence of discrimination in employment on the grounds of race, sex and marital status;

(ii) To promote equal employment opportunity for women and members of racial minorities;

(b) The results achieved by the activities and programmes;

(c) The proposed activities and specific aims set for the following year.

49. Where the Director is dissatisfied with any part of the preparation or implementation of a management plan, he or she may refer the matter in question to the Anti-Discrimination Board for investigation. At the conclusion of such an investigation, the Board may make recommendations to either the Director or the department or authority involved, or to both of them, or make a report to the State Premier, with or without recommendations. After the Premier receives such a report, he may direct the organization to amend its management plan in a specified manner.

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50. The New South Wales Government has also enacted the Public Service (Amendment) Act 1980, to provide that a person is eligible for permanent employment in the New South Wales Public Service if he is an Australian citizen or "a person resident in Australia whose continued presence in Australia is not subject to any limitation as to time imposed by or in accordance with law".

Victoria

51. The Equal Opportunity Act 1977 came into force on 24 May 1977 and was subsequently amended in December 1982. The Act, as amended, makes unlawful discrimination on the grounds of sex, marital status or physical or intellectual impairment in a number of areas, including employment. The Act establishes a Commissioner for Equal Opportunity with responsibility for making all reasonable endeavours to resolve complaints by conciliation. Where matters cannot be resolved by conciliation, the Commission is to refer matters to the Equal Opportunity Board.

52. The Victorian Government recently introduced amending legislation into the State Parliament designed to remove anomalies in the Equal Opportunity Act as it relates to discrimination on the grounds of sex or marital status. The amendments also extend the scope of the Act to cover discrimination on the grounds of race, religious belief, political belief and sexual preference.

53. The Ethnic Affairs Commission of Victoria has been established pursuant to legislation which came into operation in November 1982 with the objective of, inter alia, combating discrimination in employment on the basis of ethnic origin. The Public Service (Amendment) Act, proclaimed in June 1984, provides that all public service employees are to receive fair and equal treatment without distinction as to race, national origin or colour.

South Australia

54. On 25 June 1981, the Handicapped Persons Equal Opportunity Act 1981 came into force. The Act makes it unlawful for anyone to discriminate against a person on the grounds of physical impairment in a number of areas, including employment. The Act provides for complaints to be made to the Commissioner for Equal Opportunity under the State's Sex Discrimination Act 1975 and for the Commissioner to make all reasonable endeavours to resolve the matter by conciliation. The Act establishes a Handicapped Persons Discrimination Tribunal, consisting of a chairman with judicial or long-standing legal qualifications and two other members. At least one member must be a person who has a substantial physical impairment. Where a complaint cannot be settled by conciliation, the Commissioner must refer the complaint to the Tribunal. After a hearing, the Tribunal may order a respondent to pay compensation to a complainant, to refrain from further contravention in relation to the complainant, or to carry out a specified act with a view to redressing the complainant's loss or damage. A person who is aggrieved by a decision or order of the Tribunal may appeal to the Supreme Court.

55. There is now in force in South Australia legislation, entitled the South Australian Ethnic Affairs Commission Act 1980-1982, which establishes an Ethnic Affairs Commission. The Commission's objects, set out in section 12 of the enabling Act, are:

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- (a) To promote greater understanding of ethnic affairs within the community;
- (b) To assist and encourage the full participation of ethnic groups in the community in the social, economic and cultural life of the community;
- (c) To promote co-operation among the various ethnic groups within the community;
- (d) To promote co-operation among bodies concerned with ethnic affairs.

56. The Commission was established on 14 May 1981 and is the responsibility of the Minister Assisting the Premier in Ethnic Affairs. In carrying out its functions, the Commission is required, wherever possible, to encourage participation by voluntary organizations and local government bodies.

Western Australia

57. It is the policy of the State Government to take steps to eliminate discriminatory practices, to correct injustices, to compensate those already victimized and to reform, and to educate and inform, so that personal and societal benefits may be achieved. The Western Australian Multicultural and Ethnic Affairs Commission was set up on 1 July 1984. The State Government has also announced that equal opportunity legislation which will outlaw discrimination will be introduced into the State Parliament in August 1984. In addition to legislation, proposed action will include education and any other measures calculated to raise public awareness of the injustices and social divisions caused by discriminatory practices.

B. Full employment: policies and problems

1. General

58. In the period from 1950 to 1973, very low rates of unemployment were achieved in Australia, together with low rates of inflation (apart from a brief period during the early 1950s). Data collected by the Commonwealth Employment Service showed unemployment at an average of 1.2 per cent of the labour force. Only on two occasions - June 1961 and June 1962 - did this rate exceed 2 per cent.

59. Australia's economic performance then underwent some deterioration. Inflation, as measured by the consumer price index, rose sharply to reach 16.7 per cent in 1974-1975, largely as a consequence of looser domestic economic policies and a consequent growth in wages. Together with the impact of the international recession, this led to a sharp rise in unemployment.

60. Following some action to tighten domestic economic policies, there was a slowing in the rate of inflation and the rate of increase in the consumer price index fell to 8.2 per cent by 1978-1979. Reflecting, inter alia, high (but falling) real unit labour costs and tighter economic policy directed towards reducing inflation, unemployment continued to increase, reaching a peak for the 1970s of 6.3 per cent in 1978-1979 (as measured by the labour force survey undertaken by the Australian Bureau of Statistics).

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61. Over the period 1979-1981, economic activity strengthened markedly, underpinned by a sharp rise in private fixed investment and firm growth in private consumption. The resurgence in investment activity was largely associated with expansion in the resource sector following the rise in international energy prices and in the prices of commodities related to energy, such as coal, which occurred around 1979. Employment also grew strongly in this period. However, the unemployment rate generally remained broadly unchanged at about 6 per cent of the labour force since those gaining employment were largely replaced by new entrants joining and discouraged workers re-entering the labour force. Inflation grew steadily over this period, with the increase in the consumer price index rising from 9.4 per cent in 1980-1981 to 11.5 per cent in 1982-1983.

62. The revival in activity was, therefore, accompanied by a strengthening of inflationary pressures, and wages rose very markedly in advance of prices. The combined effects of the delayed impact of the international recession, the strong growth in real labour costs and the impact of a severe drought led to a rapid deterioration in the labour market and in economic activity during 1982 and into 1983. Unemployment was, for example, 10.3 per cent of the labour force, the highest rate since the 1930s.

63. One direct effect of the deterioration in economic activity was that in December 1982, after a meeting of federal and state leaders, a wage pause was introduced in the federal area and was followed shortly afterward by similar arrangements in state jurisdictions. The wage pause in the federal sphere required wages to be maintained at their December 1982 levels - with some very limited exceptions - for at least six months. The wage pause is discussed in more detail below.

2. Aboriginal unemployment

64. The Government considers unemployment among Aboriginals to be unacceptably high and is taking a number of steps to reduce it.

65. One additional difficulty is that 42 per cent of the Aboriginal population lives in rural and isolated areas where employment opportunities are limited (this compares with a figure of 14 per cent for the Australian population as a whole). It should also be noted that Aboriginals comprise 1.1 per cent of the total Australian population but 2.2 per cent of Australia's rural population.

66. The Department of Aboriginal Affairs funds specific employment creation programmes for Aboriginals, including:

(a) Special work programmes in which grants are provided to Aboriginal organizations, local government and private employers to provide employment and training. Preference is given to training which holds promise of permanent employment. In 1982/1983, about 450 man-years of employment was provided in this way;

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(b) Community Development Employment Projects (CDEP) introduced in remote localities to provide an alternative to unemployment benefits for Aboriginals wishing to work on projects chosen by the community.

67. Under the CDEP scheme, a community receives funds approximately equal to the total amount otherwise payable to its unemployed members, with an addition for workers' compensation, administrative costs, and essential materials and equipment. In June 1983, 18 remote communities were operating CDEP, employing over 1,000 people at a cost of \$A 7.3 million.

68. The scope for Aboriginal employment is also taken into account in the Department of Aboriginal Affairs' programmes of general assistance to Aboriginals. Thus, in 1982/1983, the Department's grants-in-aid for general assistance (other than grants aimed specifically at employment) provided full-time employment for 936 Aboriginals and part-time work for 284, while, at the same time, meeting other Aboriginal needs.

69. The Aboriginal Development Commission, while not carrying out specific employment programmes, does fund Aboriginal private enterprise activity (e.g., small businesses, pastoral properties) which provides employment, often in areas in which few other employment opportunities exist.

70. Aboriginal Hostels Limited is a company which receives financial support from the Commonwealth to accommodate Aboriginals. During 1981/1982, the company received grants totalling \$A 8.53 million, plus an amount of \$A 100,000 under the Government's \$A 2 million crisis accommodation programme. Aboriginal Hostels Limited provides employment for approximately 420 people, of whom 97 are Aboriginal.

71. In 1983, the Department of Aboriginal Affairs established a special task force which exceeded its objective of placing 1,000 Aboriginals in employment by 31 December 1983. A special adviser has recently been appointed by the Department of Aboriginal Affairs to develop programmes which will encourage greater numbers of Aboriginals to enter into the Department and into the Public Service.

72. The National Employment Strategy for Aboriginals (NESA), announced in 1977, is aimed at improving Aboriginal access to employment and training in both the public and private sectors and comprises:

(a) The National Aboriginal Employment Development Committee (NAEDC) which, through contact with private employers, promotes Aboriginal employment and training on the open market;

(b) Measures to generate employment with the Australian Government - government departments have identified 876 positions for which a knowledge of Aboriginal culture and/or an ability to communicate with Aboriginals is desirable.

73. The Government also recognizes that the lack of education and marketable skills among Aboriginals is another significant factor in Aboriginal employment. The Federal Department of Aboriginal Affairs funds training programmes (\$A 4.9 million in 1982/1983) and innovations in education aimed at meeting

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Aboriginal needs. In recent years, an emphasis has been given to educational programmes with an employment objective. Such measures, in employment terms, will have a dual effect - reducing unemployment by increasing the number of Aboriginals with marketable job skills, and increasing those skills so that a wider choice of employment becomes available. In the 12 months to December 1983, 3,541 Aboriginals had been placed in subsidized training programmes.

74. Under the Community Employment Program (CEP), described above, \$A 7 million of \$A 50 million to spend by the Federal Government in 1983-1984 has been allocated to projects undertaken by, and for, Aboriginals.

75. General programmes aimed at assisting disadvantaged groups, such as migrants, Aboriginals and the disabled, are discussed in more detail below.

C. Organization of the employment market

76. There have been a number of significant developments in this area since 1978. Innovations include expanded programmes to assist job seekers, especially those from disadvantaged groups such as Aboriginals, migrants, the disabled, and young people.

1. Employment services

77. The Commonwealth Employment Service (CES) operates a nationwide, decentralized network of employment agencies. CES which provides a free service consists of some 248 local employment offices, 56 branch employment offices and approximately 160 agencies.

78. Since 1977, the following initiatives have been implemented in relation to CES:

(a) 26 zone offices have been established throughout Australia;

(b) A modern and extensive staff training programme is provided to meet the needs of managers, supervisors, specialists and other staff, through the development of formal course packages, substantially increased trainer resources, and on-the-job training initiatives;

(c) CES is now in the course of implementing a national computerized vacancy system known as "Job Bank". About 160 job centres in all metropolitan areas, as well as a number of major provincial centres, will be ultimately "on-line". The implementation of Job Bank is planned for completion by the end of 1984. Job Bank will ultimately provide complete details on the receipt of, current action relating to, and cancellation of all vacancies lodged with CES. It will also maintain comprehensive records of employers' particular labour requirements in order to enable CES to respond quickly to their needs.

79. The activities of CES are of course complemented by the role played by private employment agencies which are regulated by federal and state legislation.

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2. Employment statistics

80. The initial report submitted by Australia explains in detail how employment statistics are gathered in Australia. Innovations introduced since that report include a quarterly survey (begun in September 1983) covering all government organizations and a sample of 20,000 non-governmental organizations. A quarterly series on average weekly earnings is produced from data obtained from a survey of employers introduced in September 1981. This replaces the series previously derived from information recorded on payroll tax records.

81. An additional source of statistical information is CES which is required by relevant legislation to collect statistics and other information relating to the labour market, without derogating from the powers and functions of the Australia Bureau of Statistics (ABS) which provides the official figures. CES figures provide greater local area disaggregation than do ABS figures.

82. The collection and publication of monthly counts of CES registrants was discontinued in March 1981 and resumed in June 1983. The figures are published quarterly in a booklet entitled "CES Statistics" and include numbers of unemployed applicants, unfilled vacancies, applicants registered and new vacancies notified. Statistics on the duration of unemployment, and the sex and age of applicants are also collected. Data on Aborigines and disabled persons are included.

83. CES also collects other information relating to trends and variations in the labour market on both a regular and an ad hoc basis.

3. Counselling services

84. CES is charged under the Commonwealth Employment Service Act 1978 with the task of providing persons seeking employment or change of employment "with information relating to employment, including advice relating to the qualifications for, and other aspects of particular occupations, and with vocational guidance". The responsibility of the Occupational Psychologists who in April 1981 became an integral part of CES is to provide professional support to other CES staff and to assist, through counselling and assessment, those job-seeker clients who have the most complex problems.

85. CES produces and disseminates information on a wide range of occupations, covering aspects such as the kind of work performed, training and educational requirements. This occupational information which also encompasses related aspects such as job search and interview techniques is intended to assist individuals in making appropriate decisions. Recognition is given to the fact that clients have varying requirements, comprehension levels, English language abilities and access to information sources. The total client population is broken into subgroups (e.g., disabled persons, early school-leavers, migrants), and many programmes are developed to take account of the characteristics of those subgroups. Adults form an increasing proportion of clients seeking occupational information, whereas in the past these services concentrated on assisting young people, particularly school-leavers.

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86. To make occupational information available to a wide range of clients, it is essential to maintain an effective delivery system. This is achieved on a general level through offices of CES and, more specifically, through career reference centres and work information centres. There are 11 career reference centres (CRCs), located in all capital cities and some major cities, and they provide a comprehensive service with video and audio facilities, printed material, course handbooks and specialist staff.

87. Work information centres (WICs) are being established within the majority of CES offices and contain a modified library of work information. The network of WICs provides a service to clients visiting CES offices and acts as a resource for staff in CES. In addition to the internal delivery system of CRCs, WICs and CES offices, information is distributed through the private and public secondary education systems, as well as through a range of community agencies.

4. CES services for migrants

88. CES makes special arrangements and provides special facilities for its migrant clients so that they may be given equal opportunity in gaining access to suitable job vacancies and other employment services. These special services include:

(a) Provision of interpreter assistance;

(b) Provision of information in audio-visual and/or written form, on the services available from CES and on occupations in a number of languages;

(c) Specialist counselling to migrants and refugees attending offices of CES with specific employment problems - including referral to the appropriate body for recognition of overseas qualifications, and referral of persons with language difficulties to the Department of Immigration and Ethnic Affairs for enrolment in language classes;

(d) Provision of on-site specialist employment assistance for migrants and refugees resident at a Federal Government Migrant Centre.

5. CES services for Aborigines

89. CES has developed a range of services to assist Aboriginal people in obtaining career information, training and employment opportunities. Services include the appointment of CES specialist officers who operate as senior vocational officers, vocational officers and assistant vocational officers.

Training programmes for Aborigines

90. This flexible system of employment assistance programmes covers:

(a) On-the-job training. Provision of training for a negotiable period, generally not exceeding 12 months, through payment of a subsidy to an employer;

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(b) Negotiated training. There is also provision for the special negotiation of terms for on-the-job training to meet individualized trainee needs and conditions;

(c) Formal training. Provision of financial assistance (primarily a formal training allowance) to trainees to enable them to study in existing institutional courses.

Career visits

91. Vocational officers arrange visits of up to one week for Aboriginal school-leavers to enable them to see persons working in various occupations, to learn about the qualifications required for such occupations and conditions of employment.

Work experience programmes

92. These programmes are specifically intended to assist Aboriginal people with little or no experience to gain basic work skills for employment through short periods of training on the job. Assistance takes the form of a subsidy to the employer covering the wage and associated training costs of the trainee. The trainee must be paid the award or going rate by the employer.

Work orientation and motivation

93. Work orientation and motivation programmes are structured to assist older Aboriginals who have not been exposed to the conventional work environment. These programmes resemble career visits in that they comprise visits to various industries to enable participants to observe people at work, to learn about qualifications and working conditions and to form an attitude towards work.

6. Programmes for persons with disabilities

Commonwealth Rehabilitation Service (CRS)

94. Specialized programmes of rehabilitation, including counselling, vocational training and income support assistance, are provided by CRS to assist people with disabilities.

95. Within the Federal Department of Social Security service, CRS operates on a national basis and provides comprehensive social and vocational rehabilitation programmes of assistance to people with disabilities, within the broad working age group which is likely to gain substantial benefit from rehabilitation assistance.

96. The vocational component of the scheme represents a significant service to people with disabilities and is in line with the broad aim of rehabilitation - wherever possible, to achieve economic independence as part of the process of full integration into society. The social component complements this and helps prepare clients to reach their maximum degree of independence within the community.

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97. To meet the various and diverse needs of its clients, CRS has a range of facilities and programmes, including major rehabilitation centres, work preparation centres, work adjustment centres and a range of "outreach" and regional services. These comprise:

(a) Comprehensive general rehabilitation centres. These centres provide fully integrated social and vocational programmes of rehabilitation encompassing medical, social, educational, non-vocational and vocational elements. One of the features of the programmes is the close co-operation and co-ordinated programming that is provided by multidisciplinary case-work teams, where each professional's skills complement those of the rest of the team, and programmes are designed to meet individual needs;

(b) Work adjustment centres. CRS has established such centres in Sydney, Melbourne and Brisbane, to assist clients with disabilities in gaining work experience and building up work competence to a standard required in outside industry. Work adjustment centres cater for three groups:

- (i) Persons recovering from an illness that has left them unable to continue in their previous occupation;
- (ii) Persons with disabilities who have not had any previous work experience or who have been unsuccessful in their previous working environment and who could therefore benefit from some realistic work experience;
- (iii) Those who have been out of the work force for some time and who need a period of readjustment to the world of work;

(c) Work preparation centres. Young people who are mildly intellectually disabled have had their particular rehabilitation needs met through the operation of work preparation centres (WPCs) which have offered programmes since 1973. CRS operates seven WPCs throughout Australia, serving some 80-100 young people at each centre during the year. The centres have been developed in line with the specific objective of CRS to provide specialized programmes to cater for the particular needs of mildly intellectually handicapped clients in the 16-25 age bracket. Those accepted for training do not possess the necessary work and social skills to secure or retain competitive employment. The centres assist these young people in acquiring these skills and thus to become more independent and integrated into the community and to show ability to compete for work;

(d) Regional rehabilitation services. CRS has a network of regional rehabilitation units and mobile teams providing services or co-ordinating locally available services for clients who live in country areas and who are in need of rehabilitation.

98. Other assistance available to CRS trainees includes payment of a rehabilitation allowance. Since March 1983, this allowance has been paid to all CRS clients who would otherwise be eligible for a social security benefit or pension. The allowance is income tested but is free from income tax, and fringe benefits similar to those provided for invalid pensioners are available.

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99. For clients who require vocational training, CRS may provide the following additional assistance:

(a) Work therapy is used by CRS as a means of helping disabled people to adjust to employment. This involves short-term practical instruction on the job by arrangement between the disabled person, the employer, CRS and the appropriate trade union. During the training, the Federal Government meets all expenses and provides a training allowance to the disabled person;

(b) Sponsorship of disabled persons to attend recognized tertiary institutions and colleges to acquire new skills to enhance job opportunities. In such cases, CRS provides a training allowance, meets transport costs, education fees, costs of books and equipment.

7. Vocational training programmes

(a) Federal Government labour force programmes

100. The Federal Department of Employment and Industrial Relations administers a range of employment and training programmes which are aimed at achieving three fundamental objectives:

(a) Maintaining and developing labour force skills;

(b) Achieving equity in the labour market by directing assistance towards the more disadvantaged groups;

(c) Maintaining an efficient labour market by minimizing imbalances which arise in a dynamic situation.

101. With the exception of apprenticeship support, most of the present programmes evolved from the National Employment and Training (NEAT) system which was introduced in 1974 as a single comprehensive labour market scheme. This scheme was discontinued in 1981 in favour of a range of separate programmes with more distinct objectives and target groups. These programmes can be identified under the following broad functions:

(a) Trade training;

(b) Skills training;

(c) Work experience and training for young people;

(d) Special training;

(e) Employment services.

102. In addition, there have been some recent initiatives in the area of employment and training assistance which do not specifically fall within these categories. These include:

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(a) The Adult Wage Subsidy Scheme, introduced in March 1983;

(b) The Private Sector Assistance Program, a proposed new wage subsidy scheme which the Government intends to introduce during 1983/1984;

(c) The Community Employment Program, a direct job creation scheme in the public sector, which became operational in the second half of 1983.

103. With the exception of most apprenticeship support, Federal Government assistance is delivered through CES and is directly primarily at assisting unemployed persons.

Trade training programmes: Commonwealth Rebate for Apprentice Full-time Training (CRAFT)

104. The CRAFT scheme which came into operation on 15 January 1977 replaced the National Apprenticeship Assistance Scheme from that date. Under CRAFT, rebates are provided to employers in respect of all apprentices released to attend technical colleges for compulsory full-time basic training. Rebates are available also in respect of apprentices undertaking full-time off-the-job training. Rebates are tax exempt and are related to the wages paid to apprentices in seven major trade groups.

(b) Skills training

Labour Adjustment Training Arrangements

105. The Labour Adjustment Training Arrangements (LATA) were introduced in November 1982 in recognition of the special employment problems faced by retrenched workers in obtaining alternative employment in other industries or areas. The broad objectives are:

(a) To assist the process of adjustment for eligible redundant workers from retrenchment to stable and satisfying employment in other firms or industries by upgrading, refreshing, updating or broadening their skills base;

(b) To reduce the impact of large-scale retrenchments on regions and industries already suffering from a high rate of unemployment;

(c) In recognition of the changing industry base of the Australian economy, to improve the level of technical skill and expertise in the Australian work-force, looking towards economic recovery.

106. The Federal Department of Employment and Industrial Relations develops packages of special assistance after consultation with the retrenching firm, relevant State and local unions and State Technical and Further Education (TAFE) authorities.

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Skills in demand

107. The Skills in Demand (SID) programme seeks to assist industry, on a project-by-project basis, in overcoming skill shortages and establishing new or improved training arrangements, while at the same time helping unemployed people to obtain stable employment.

108. Training proposals are received from industry sectors which have examined training within their industry and determined that a need exists. Where an industry sector is represented by an Industry Training Committee (see below), it is required that this Committee either sponsor or endorse the training proposal. Assistance can be provided towards the costs of developing and conducting training arrangements.

109. In the selection of trainees, preference is given to unemployed persons assessed as suitable on criteria developed jointly by industry and government. Trainees selected in this way attract allowances and subsidies and receive an assurance of employment from the industry upon successful completion of the training.

(c) General training assistance

110. The basic objectives of the programme are to assist industry in meeting its requirements for non-trade skilled labour and to assist individuals who, without training or retraining, have difficulty obtaining stable and rewarding employment in occupations assessed as being in demand or where a balance exists between supply and demand.

111. General training assistance for individuals with previous labour market experience is provided through training allowances paid to them while they undertake formal courses and through subsidies to employers to provide on-the-job training.

(d) Industry training services

Industry Training Committees

112. The National Training Council (NTC) is supported by tripartite Industry Training Committees (ITCs), set up to investigate the training needs of specific industries.

113. By June 1983, total membership in ITCs extended to over 1,700 people, representing employer associations, employee associations, professional bodies, federal and state government departments and instrumentalities. The activities of existing ITCs cover more than 70 per cent of the work-force. Ninety-seven national and/or state level ITCs have been established in 20 major sections of the Australian economy and have contributed actively to the volume, quality and efficiency of training in their respective industries through:

- (a) Identifying industry manpower and training needs;

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(b) Assessing current training programmes and developing programmes to ensure these needs are met;

(c) Liaison with other industry and government bodies on the implementation of programmes;

(d) Advising on policies that affect training within their industries.

(e) Work experience and training for young people

School-to-Work Transition Program (SWTP)

114. The establishment of the School-to-Work Transition Program (SWTP), designed to facilitate the transition of young people from school to work, was announced in November 1979 by the Federal Government. Early school-leavers who face poor employment prospects and those who become long-term unemployed are the primary target group for this programme.

115. The main objectives of SWTP are to:

(a) Increase the range of vocational education options in schools and TAFE colleges for all young people aged 15 to 19 years, particularly those who are experiencing or who are likely to experience difficulty in making a successful transition from school to work;

(b) Increase the opportunity for young people to take advantage of vocational education options by payment of a transition allowance;

(c) Ensure that effective vocational guidance and counselling services are available to all young people;

(d) Obtain and develop support for the programme's objectives among employers and trade unions, parents, teachers and the young themselves;

(e) Promote more effective links between the educational and employment sectors.

Special Youth Employment Training Program (SYETP)

116. The principal purpose of SYETP is to remedy some of the disadvantages faced by those long-term unemployed people who are less able to compete in the labour market than others because they lack work experience or employment qualifications and/or the personal qualities generally required by employers.

117. To help reduce these disadvantages, wage subsidies under SYETP are offered to employers to provide these young people with a period of work experience and basic training which will give them a better basis for continued employment. It is intended that this programme will soon be replaced by the Private Sector Assistance Program (see below).

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(f) Recent initiatives in employment and training assistance

Adult wage subsidy scheme

118. This programme was introduced on 1 March 1983 in recognition of the fact that the recession was beginning to affect adult workers severely. Moreover, it was found that once unemployed, older job-seekers tended to suffer protracted periods of unemployment.

119. Under this programme, employers are offered a wage subsidy to provide adult long-term unemployed job-seekers with a period of stable employment.

D. Termination of employment

120. The system of industrial tribunals empowered to determine the terms of employment of workers falling within their ambit was described in the initial report submitted by Australia.

121. The Australian Council of Trade Unions (ACTU) mounted a test case before the Australian Conciliation and Arbitration Commission in 1981 seeking minimum standards of job protection in federal awards, including: fair dismissal procedures; adequate notice of dismissal; notification and consultation by employers with employees through their unions about technological and other changes and proposed redundancies; and redundancy provisions, including retrenchment compensation. Following its decision on jurisdictional matters in October 1982, the Commission commenced hearings on the merits of the case on 8 March 1983 and these are continuing. The Government intervened in support of the ACTU claim in principle and submitted that current provisions in federal awards were generally inadequate and should be improved.

E. Unemployment: guarantees and assistance

122. CES (which was described in the initial report, as updated above) plays an important role in the area of job placement.

123. CES is continuing to improve its methods for matching applicants and vacancies and is now placing far greater emphasis on the implementation of the Government's manpower programmes.

124. Since October 1976, the Commonwealth Government has operated the Relocation Assistance Scheme (RAS) to aid unemployed persons who cannot find continuing employment in their present locality. Under RAS, they are given financial assistance to enable them to move to another locality to take up employment or undergo training under the Government's manpower programmes aimed at improving employment prospects.

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II. ARTICLE 7: THE RIGHT TO JUST AND FAVOURABLE CONDITIONS OF WORK

A. Remuneration

1. General

125. The mechanisms for fixing remuneration within Australia were discussed in detail in the initial report of Australia.

126. One notable recent development has been the introduction of the wage pause in the federal sphere (discussed in more detail below). A number of wage pause decisions have been handed down by relevant industrial commissions throughout Australia following this development. In Queensland, for example, a Full Bench of the Industrial Conciliation and Arbitration Commission implemented a wage pause from 4 January 1983 until 30 June 1983 and thereafter until altered or rescinded by the Full Bench of the Commission.

127. It should be noted that the various industrial tribunals have the function of setting wages and conditions. The section below, dealing with wage fixation, provides further details.

2. Government regulation of industrial relations

128. The functions of the wage and industrial boards were described in the initial report submitted by Australia.

129. In Victoria, a modified wage board system exists and is best described as a compromise between a wage board system and the "court system" operating in other mainland states of Australia. While boards continue to be the basis of the system, they are part of an integrated, full-time Industrial Relations Commission, the primary role of which is the co-ordination of the boards and management of the system generally. To that end, some of the powers formerly residing in the Minister or Executive Council (e.g., deciding what boards there should be, their scope, and membership) are vested in the Commission. It also has jurisdiction to hear appeals from decisions of the wage boards.

130. In Tasmania, a wage industrial board exists which supervises a modified collective bargaining system.

3. Wage fixation

131. As indicated in Australia's initial report, industrial tribunals in federal and state jurisdictions are empowered to fix minimum wage rates. These tribunals have examined in a comprehensive manner what are fair and proper wages. The federal tribunal, has, in particular, set an example which has subsequently been followed by the state tribunals. The States continue to play an important role in determining just remuneration. Over 66 per cent of the work-force in Queensland are, for example, covered by state awards. The recent evolution of the main wage

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fixing principles established in Australia will be examined in succeeding paragraphs.

132. Industrial tribunals establish rates of pay for work based upon the capacity of the economy to accommodate wage rises and other long-established principles, such as comparative wage justice and "value of the work". Additional allowances are established for special circumstances, such as discomfort, unfavourable working conditions or seasonality.

133. Two types of award rates of pay can be established by the federal tribunal: minimum rates awards and paid rates awards. In recent years and, in particular, during the indexation period, there was a movement by trade unions to support the paid rates awards concept. Where minimum rates awards exist, there is no restriction on unions seeking to obtain additional payments known as "over award payments". These can be introduced following active claims by a union, or offered as an inducement by an employer to either attract or hold labour. In the case of paid rates awards, there are no additional payments above the rates prescribed in the award. In theory, and generally in practice, the rates of pay prescribed in paid rates awards will broadly reflect the earnings for similar categories of labour under minimum rates awards. The Commission, in setting rates under paid rates awards, will need to be satisfied by the parties that the award is a true paid rates award and that there are no additional wage payments made to employees.

134. While employers and employees are free to bargain collectively to fix wage rates, if the employment is covered by an award or determination, the parties are not permitted to fix rates below those already set. It is an offence to pay less than award wages and there are sanctions prescribed for breaches of award rates under a number of acts, both state and federal.

135. In Victoria, the system has been modified as described in paragraph 129 above.

136. Between April 1975 and July 1981, a structured centralized system operated in Australia which was based on wages being indexed to movements in the consumer price index. This system, discussed in the initial report, operated on a quarterly basis up until 1978, and then half yearly until it was abandoned in 1981. In its early period of operation, the full consumer price index increase was reflected in wage movements. From late 1976 onwards, the Arbitration Commission was convinced, on the basis of economic arguments, that it should award only partial indexation on most occasions. The cumulative impact of these decisions, coupled with a general lack of commitment by all of the parties, eventually led to a breakdown of the system in 1981.

137. In the following period up until December 1982, wage increases were determined on an industry-by-industry or case-by-case approach. This approach was the clear choice of the parties and it was accepted by the Arbitration Commission. While, in theory, this approach was intended to produce industry settlements that were closely attuned to the needs and requirements of each particular industry, the settlements made conformed to a general pattern. The bench-mark was negotiated by the parties in the metal industry. As each industry or company reached agreement on the terms of the wages and conditions package, it was brought before the Commission for ratification and then subsequently reflected in the award.

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138. During 1982, the economic situation deteriorated rapidly as a result of a number of factors discussed above, one of which was the magnitude of the wage settlements. The then Federal Government passed the Wages and Salaries Pause Act 1982 which prevented further general increases in wages being obtained by its own employees during 1983. In addition, approaches were made to the federal and state tribunals to adopt a similar pause in wage increases in the private sector for the same period of time. The tribunals accepted the economic arguments in support of the pause but agreed that it should only apply for a period of six months, and then be subject to review.

139. Prior to the election to office in March 1983 of a Federal Labour Government, the Australian Labour Party had reached an accord with the Australian Council of Trade Unions (ACTU). The accord provides the basis for the comprehensive price and income policy now in place in Australia. One key element of this policy is support for the return to a centralized indexation-based wage fixing system.

140. Approaches were made by the parties to the President of the Federal Arbitration Commission who convened a series of conferences to discuss the key factors of the centralized system that each proposed. Following these conferences, a National Wage Case commenced in June 1983 before the Conciliation and Arbitration Commission.

141. The Commission handed down a decision on 23 September 1983 which reintroduced a centralized wage system based on prima facie full indexation. The strength of consensus which existed between the parties and the extent of the changed circumstances led the Commission to the conclusion that it would be in the public interest to once again introduce a centralized system based upon prima facie full indexation. The system is designed to operate for a period of two years up to October 1985, with hearings every six months.

142. The 11 principles that underpin the system are in essence similar to those which applied in the period 1975-1981. However, the requirements for the operation of the system have been considerably tightened. The Commission determined that labour cost increases outside the national wage case price adjustments must constitute a very small portion of overall increases.

143. All state tribunals have since adopted the principles of the Arbitration Commission with amendments appropriate to their own jurisdictions.

144. The key feature of the 1983 indexation-based system is the requirement that individual unions should give an assurance of their unequivocal support for the system and the principles which govern its operation before receiving national wage increases. Trade union support for the system has been strong and extensive.

B. Safe and healthy working conditions

145. A full updated list of legislative provisions is contained in the attached publication, Legislation at Work, a copy of which is provided. The operation of relevant legislation was discussed in detail in the initial report submitted by Australia.

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146. At the national level, in November 1983, a new occupation and health policy was announced, establishing an Interior National Occupation and Safety Commission to advise the Federal Government on national implementation of policy in this field. The Commission presented a report to the Federal Government in May 1984. The recommendations contained in the report are under consideration and are likely to be acted upon shortly.

147. Queensland Crown employees are covered by a similar code to the Australian Government Code. It is known as the "Occupational Safety Code of General Principles for Queensland Crown Employees" and has the purpose of protecting persons employed by the Queensland Government from accidental injury and of promoting the maximum degree of health and well-being. In addition, the Division of Occupational Safety of the Queensland Department of Employment and Labour Relations provides an advisory service on occupational safety to Government Departments.

148. There have been several important changes in the activities of the National Health and Medical Research Council since the submission of the initial report. As indicated, the Council is assisted in its work by a number of expert advisory committees. The Occupational Health (Standing) Committee, established to advise the Council on all matters relating to industrial hygiene and occupational health, has drawn up an Occupational Health Guide, Occupational Health Services. The guide, adopted by the Council in June 1982, discusses the nature, benefits, organization and role of an occupational health and safety programme and provides specific details for establishing such a programme. This guide replaces the previous publication, Recommended Practice for Occupational Health Services in Australia. A copy of the guide is provided.

149. The Council also published in 1982 a comprehensive document, Report on The Health Hazards of Asbestos, a copy of which is also provided. The report is the result of an extensive inquiry by a specialist tripartite sub-committee appointed by the Council to investigate the production, use, handling and disposal of asbestos; to report on hygiene standards for occupational exposure to asbestos; and to review and report on the medical evidence of exposure to asbestos.

150. The Occupational Health Committee maintains an active publication programme for occupational health documents. Publications include: occupational health guides dealing with shift work, threshold limit values (reviewed every two years), visual display units, repetition strain injuries, recognition and appraisal of chemical hazards, and back injury at work. Copies of these documents can be made available to the Sessional Working Group.

151. One other important committee of the Council is the Radiation Health Committee. This Committee reviews the various international recommendations on radiation protection, as they relate to Australia, and incorporates these into national protection standards and recommendations.

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C. Rest and leisure provisions

152. The principal change since the submission of the initial report has been the move towards shorter standard hours in many industries.

153. An examination carried out of 455 New South Wales industrial awards in force in July 1983 showed that no awards provided for standard hours of more than 40, 352 provided for 40 hours, 60 provided for 40 hours or less, and 43 provided for less than 40 hours. New South Wales State Government public servants work a 35-hour week.

154. The position is similar in other States. In South Australia, for example, despite variations, many industries now work a 38-hour week. The standard length of work prescribed in Queensland awards is 40 hours per week. However, the relevant legislation gives the Queensland Industrial Conciliation and Arbitration Commission a discretionary power to fix in excess of 40 hours in a number of cases, such as rural industries, gatekeepers, domestic service and any other services as the Commission may determine. Queensland public servants work a 36 1/4-hour week.

III. ARTICLE 8: TRADE UNION RIGHTS

155. The information provided under this section in the initial report largely remains up to date. The Australian Government is firmly committed to furthering the development of strong and independent workers' organizations at all levels in Australia. At the international level, Australia has been active in seeking to protect and promote trade union rights in other countries.

156. There have been some developments in the field of industrial relations and trade practices law. Section 45D of the Trade Practices Act 1974 which was enacted in 1977, prohibits "secondary boycotts". These may be defined as concerted action by persons to hinder supplies to or from another person where the action has the effect of substantially lessening competition or of substantially damaging a business (in some cases the action has to have this purpose).

157. Section 45E of the Trade Practices Act 1974 was enacted in 1980, and prohibits a supplier of goods or services making, or giving effect to, arrangements with a union if that arrangement is intended to hinder the supplier supplying goods or services to any person that he usually supplies.

158. Various remedies exist for breaches of Sections 45D and 45E, including injunctions restraining breaches, damages, and the imposition of penalties.

159. There have been some recent developments in respect of those provisions of the Trade Practices Act that have industrial relations repercussions. It is the Federal Government's intention to exempt from the operation of that legislation industrial relations issues more properly resolved within the framework of the Australian conciliation and arbitration system.

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160. To this end, the Government has issued a green paper (a copy of which is provided) canvassing the issues involved and calling for submissions from interested parties. The Government will not finalize its views on this matter until all submissions received have been considered.

IV. ARTICLE 9: THE RIGHT TO SOCIAL SECURITY

A. Introduction

1. General

161. Before embarking on a more detailed review, some major developments should be noted in the field of social security:

(a) There have been substantial increases in pension and benefit rates. Pensions and most benefits are increased twice yearly, in line with movements in the consumer price index;

(b) Several new benefits have been introduced:

(i) A rehabilitation allowance;

(ii) A mobility allowance;

(iii) A family income supplement;

(iv) A spouse carer's pension;

(v) A remote area allowance;

(c) There has also been a major review of the income and assets tests applicable to most Federal Government pensions.

162. The most significant recent development in health policy has been the announcement of a new universal health care system, Medicare, in Australia. Under Medicare which commenced on 1 February 1984 all Australians are insured for basic medical and hospital cover. Under the medical arrangements, the patient pays nothing if the doctor bulk bills Medicare direct. The patient claims a refund of at least 85 per cent of government-approved fee levels from Medicare if the doctor bills the patient. Public hospital care is free if the patient is treated by the hospital's own doctors. Private insurance is still available for persons wishing to be private patients in public and private hospitals and for those wishing to be covered for ancillary services.

163. Medicare is funded by a health levy of 1 per cent on taxable incomes up to a ceiling income for high-income earners. Families with a low combined taxable income (increasing for each dependent child) are exempt from the levy.

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2. New benefits

164. The Australian Government has introduced several new benefits since the initial report was prepared.

Rehabilitation allowance

165. In March 1983, a new form of income maintenance payment was introduced for people who undertake a federal rehabilitation programme and who would otherwise be eligible for other social security payments under variable conditions.

166. The rehabilitation allowance is generally paid at the same rate and under the same conditions as the invalid pension, that is, income-tested but income-tax-free and attracting the same fringe benefits. It may be paid during the rehabilitation programme and for up to six months afterwards.

167. Invalid pensioners undertaking approved therapy or training programmes, and people receiving rehabilitation allowances in some circumstances, are eligible for an incentive allowance.

Mobility allowance

168. Another new benefit, the mobility allowance, was introduced in April 1983. The allowance provides assistance for disabled people who are working or training and who are unable to use public transport without substantial assistance. An allowance of \$A 10 a week is paid to people above the age of 16 if:

(a) The person is gainfully employed (including self-employment) on a continuing basis for at least 20 hours a week;

(b) The person is undertaking vocational training on a continuing basis for at least 20 hours a week. Vocational training includes tertiary education at a recognized training or educational institution and, in some cases, secondary education undertaken to enhance vocational prospects. High school students are not eligible. Attendance at an Activity Therapy Centre or Training Centre recognized under the Handicapped Persons Assistance Act is also acceptable.

169. The allowance is not payable to disabled people receiving the benefit of sales tax exemptions on new motor vehicles for the two years following receipt of the exemption. In addition, it is not payable to a person receiving vocational training as part of a Federal Rehabilitation Service rehabilitation programme.

Family income supplement

170. Since May 1983, a new Family Income Supplement (FIS) programme has been in operation to provide assistance to low-income families, not in receipt of social security or similar pensions or benefits, in respect of children not receiving educational or similar allowances. From 1 November 1984, assistance of up to \$A 14 a week is available for each eligible child under 16 years or dependent students aged 16-24 years on an income-tested basis. The maximum rate is payable where the

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parents' joint income (or the income of a sole parent) does not exceed the income limit under the health care card arrangements for a married couple without children (\$A 219 at November 1984). The income limit increases each May and November and also by \$A 28 per week for each additional child. The total supplement for the family is reduced by \$A 1 for each \$A 2 of joint parental income above that limit. The payment is not taxable. Once entitlement is established, payment normally continues for six months, after which it is subject to review. FIS is paid in addition to family allowance.

Spouse carer's pension

171. Introduced in December 1983, a spouse carer's pension is payable to the husband of a severely handicapped age or invalid pensioner (or woman receiving a rehabilitation allowance in lieu of invalid pension) where the husband is not entitled to age, invalid or repatriation service pension (or a rehabilitation pension in lieu of invalid pension) and his wife requires constant care and attention, and is likely to need such attention permanently or for an extended period. In addition, the attention must be provided by the husband in the matrimonial home. The residence and income test requirements are the same as those that apply for age and invalid pensioners under 70 years of age. The basic rate payable is presently \$A 76.65 a week which is equivalent to the married rate of age and invalid pension.

Remote area allowance

172. The remote area allowance which was introduced on 1 May 1984 is designed to provide additional assistance to pensioners and beneficiaries living in remote areas of Australia because of higher costs. Rates of \$A 7 a week for single person, \$A 12 a week for married couples (combined rate) and \$A 3.50 a week per child are payable to pensioners and beneficiaries who are physically in and whose usual place of residence is situated in isolated areas designated as such for income tax purposes. The allowance is not payable to age pensioners over 70 years or more receiving the pension under the special age pension income test arrangements, or to persons outside Australia.

3. Review of income and assets tests

173. The changes described below should be noted in relation to benefits discussed in the initial report.

174. On 1 June 1984, the Prime Minister the Hon. R. J. L. Hawke, A.C., M.P., announced the results of a major review of the income and assets test applicable to all government pensions, except "blind" pensions, unemployment and sickness benefits and war widows' and repatriation disability pensions paid by the Federal Department of Veterans Affairs.

175. This test was decided on after lengthy consideration, taking into account the views of pensioners, pensioner organizations and a broadly based panel of community representatives. The Australian Government believes that this test is the fairest

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way to meet its objective of directing pension payments to those who rely on them and not to people more than able to support themselves. This includes people with substantial means who have been able to evade the income test.

176. Under the new arrangements, the value of pensioners' homes will be disregarded. The assets test allows a pensioner couple to own a home of any value and to have other assets up to \$A 100,000 before the maximum rate of pension commences to be reduced. A pensioner couple will have their pension reduced at the rate of \$A 20 a week for each \$A 10,000 of other assets above \$A 100,000. Therefore, they will still get half the pension when their assets, apart from their home, are \$A 138,500 and they will not lose all their pension until they have assets of \$A 177,000. Single pensioners who own their homes may have other assets of \$A 70,000 before the pension is affected and may have other assets of \$A 116,000 before they lose all the pension.

177. Special consideration has been given to people who do not own their own home. For pensioners who rent, live with relatives or live in nursing homes, the exemption levels are \$A 50,000 higher. This means that, for a couple, their pensions will not be affected unless they have assets of \$A 150,000 or for a single pensioner, \$A 120,000. The allowable asset limits will be indexed each year. In other words, if the cost of living rises 10 per cent, the allowable assets for a couple will go up from \$A 100,000 to \$A 110,000. For single pensioners, it will rise from \$A 70,000 to \$A 77,000.

178. Persons whose assets are less than the specified limits will continue to have the pension determined solely under the income test. For those with assets in excess of these limits, the assets test will only apply if it results in a pension entitlement less than that produced by the income test. Only people with very substantial assets will be affected by the assets test.

179. To limit intrusion into people's personal affairs, the Federal Department of Social Security will mainly rely on pensioners themselves to declare the value of their assets. The total net market value of most pensioners' assessable assets will not be high enough for the assets test to apply. In these cases, the exact value of household contents and personal effects will not be necessary and pensioners can simply place a notional value of \$A 10,000 on these items.

180. In addition, there will be special provisions available to those people who have substantial assets which result in little or no pension being payable. If these assets are largely liquid and the person does not wish to or is unable to convert them into cash, the person may request to be paid an amount equivalent to the pension (or part thereof). These payments will be a loan on which interest accumulates and will be recovered from their estate. These provisions will be entirely voluntary.

181. Legislation to implement the proposed assets test received Royal Assent on 21 September 1984 and will come into effect on 21 March 1985. Prior to that date, all pensioners will be contacted about the test. A copy of the Prime Minister's Tabling Statement on the proposed assets test is provided.

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B. Cash sickness benefits

182. As from November 1984, the maximum rates of benefit payable under the Social Security Act are:

(a) \$A 91.90 a week standard (single person 18 years of more);

(b) \$A 53.30 a week married (including an additional benefit of \$A 76.65 for a dependent spouse);

(c) \$A 45 a week for a single person under 18 years without dependants and \$A 50 a week for a single person under 18 years without dependants if in receipt of payment for six months or more.

183. These rates are increased by up to \$A 14 a week for each child under 16 years or dependent full-time student aged 16-24 years in the custody, care and control of the beneficiary. Except for single persons under 18 years of age, the benefit rates continue to be increased automatically every May and November by the rate of increase in the consumer price index between the preceding two quarters. The rate of sickness benefit payable to a claimant cannot exceed the rate of income per week that it is determined that the claimant has lost by reason of his incapacity.

184. An income test is applied to determine the rate of benefit payable to individual claimants. For the purpose of the income test, income of a claimant includes the income of the claimant's spouse. Where a person's income is in excess of \$A 20 a week but is less than \$A 70 a week, the rate of benefit payable to that person is reduced by one half of the amount of the income in excess of \$A 20 a week. If a person's income is higher than \$A 70 a week, the rate of benefit payable to that person is reduced by an amount equal to the sum of \$A 25 and the amount by which that income exceeds \$A 70 a week.

185. Where a sickness benefit has been payable for a continuous period of more than six weeks and the beneficiary is paying rent other than to a government authority, the rate of benefit may be supplemented by up to \$A 15 a week.

186. It should also be noted that, apart from an entitlement to a sickness benefit, an eligible claimant may be entitled to free medical and hospital treatment, free pharmaceuticals and a range of other "fringe" benefits.

C. Invalidity benefits

187. The conditions governing payment of an invalid pension remain generally as set out in the initial report. Some changes should, however, be noted.

188. As indicated, a period of continuous residence in Australia is not a requirement except where blindness or incapacity occurs outside Australia. In such cases, a period of continuous residence of not less than 10 years is required. The maximum rate of pension is reduced by one half of the excess of the person's income over a prescribed figure - \$A 30 a week for a single person and \$A 50 a week combined for a married couple.

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189. Where the claimant is permanently blind, the income test is applied only to the wife's pension, guardian's allowance and additional pension for children other than the first. These payments are explained in the succeeding paragraphs.

190. The maximum rates of pension, as from November 1984, are \$A 91.90 a week standard; and \$A 76.65 a week married (each). These rates are increased by \$A 14 a week for each child under 16 years or dependent student aged 16-24 years. If an invalid pensioner with children is single, the rate is further increased by an additional payment known as guardian's allowance. The rate of guardian's allowance is \$A 10.00 a week.

191. An invalid pensioner's wife not entitled in her own right to an invalid or age pension (or service pension under the Repatriation Act 1920) may be entitled to a wife's pension of up to \$A 76.65 a week, subject to the same income test as for invalid pension; the income test applies to wife's pension irrespective of whether the husband is permanently blind. A wife's pension is not payable to a wife who is living apart from her husband. An invalid pensioner paying rent other than to a government authority may be entitled to supplementary assistance of up to \$A 15 a week (\$A 7.50 a week for each partner in the case of a married pensioner couple); a special income test applies to this payment irrespective of whether the pensioner is permanently blind.

192. The standard and married rates of invalid pension continue to be increased automatically every May and November by the amount of the increase in the consumer price index between the preceding two quarters. A sheltered employment allowance is payable in lieu of invalid pension to disabled people employed in approved sheltered employment services. The rates of allowance and conditions of eligibility remain generally the same as in the case of invalid pension, except that no supplementary assistance is payable. Instead, a person entitled to a sheltered employment allowance receives an incentive allowance of \$A 15 a week free of the income test.

D. Old age benefits

193. As indicated above, there have been important developments in relation to the income test which applies in determining the rate of age pension payable to claimants both under and over 70 years of age (in the latter case as from November 1983).

194. The income test for persons 70 years and over is the same as that for those under 70 years but a minimum rate of pension - \$A 51.45 a week (single) and \$A 42.90 a week each (married) - is payable if the rate determined under a special income test falls below certain figures (\$A 200 a week for a single person or \$A 333 a week combined for a married couple; the amount of pension payable is reduced by half of any non-pension income in excess of these limits). In the case of the permanently blind, the age pension is payable under the same conditions as the invalid pension, that is, only the wife's pension, guardian's allowance and additional pension for second and subsequent children are subject to the income test. The maximum rates of pension from November 1984 are \$A 91.90 a week standard; and \$A 76.65 a week married (each).

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195. These rates are increased by \$A 14 a week for each child under 16 in the care of a pensioner, or dependent student aged 16-24 years. If an age pensioner with children is single, the rate is further increased by an additional payment known as guardian's allowance. The rate of guardian's allowance is \$A 10.00 a week.

196. An age pensioner's wife not entitled within her own right to an age or invalid pension (or service pension under the Repatriation Act 1920) may be entitled to a wife's pension of up to \$A 76.65 a week, subject to the same income test as the age pension; the income test applies to wife's pension irrespective of whether the husband is permanently blind or has reached 70 years. A wife's pension is not payable to a wife who is living apart from her husband.

197. An age pensioner paying rent other than to a government authority may be entitled to supplementary assistance of up to \$A 15 a week (\$A 7.50 a week for each partner in the case of a married pensioner couple). A special income test still applies to this payment irrespective of whether the pensioner is permanently blind or has reached 70 years. The standard and married rates of pension continue to be increased automatically every May and November by the rate of increase in the consumer price index in the preceding June and December quarters.

E. Unemployment benefits

198. As indicated in the initial report, the Social Security Act 1947 makes provision for the payment of unemployment benefit to unemployed persons who are willing and able to work but are unable to find employment. The eligibility criteria remain unchanged with one exception: a person must be unemployed but not as a result of being engaged in industrial action or of another member of his union being engaged in industrial action.

199. In September 1981, free medical and hospital treatment was introduced for unemployment beneficiaries and other low-income groups.

200. The maximum rates of unemployment benefit, from November 1984, are as follows:

- (a) \$A 91.90 a week standard (single person 18 years or more with dependants);
- (b) \$A 81.10 a week (single person 18 years or more without dependants); a further \$A 2 a week increase, on top of automatic indexation, from 1 May 1985;
- (c) \$A 153.50 a week married (including additional benefit of \$A 76.65 for a dependent spouse);
- (d) \$A 45.00 a week for a single person under 18 years without dependants.
\$A 50 a week for single persons under 18 years without dependants if in receipt of payments for six months or more.

201. The appropriate rates are increased by \$A 14 a week for each child under 16 years in the care of recipient, or dependent student aged 16-24 years inclusive.

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202. Except in relation to single claimants under 18 years of age and single claimants over age 18 without dependants, the rates of unemployment benefit payable are increased automatically every May and November by the rate of increase in the consumer price index between the preceding June and December quarters.

203. An income test continues to be applied to determine the rate of benefit payable to individual claimants. Income of the claimant includes the income of the claimant's spouse. Where a person's income is in excess of \$A 20 a week but is less than \$A 70 a week, the rate of benefit payable to that person is reduced by one half of the amount of the income in excess of \$A 20 a week. If a person's income is higher than \$A 70 a week, the rate of benefit payable to that person is reduced by an amount equal to the sum of \$A 25 and the amount to which that income exceeds \$A 70 a week.

F. Survivor's benefit

1. Funeral benefits

204. Funeral benefits payable under the Act have been increased. Under section 83B, an amount of up to \$A 40 is payable to a pensioner who pays or is liable to pay the funeral expenses of a spouse or child or of another pensioner. In this context, the term "pensioner" refers to an age, invalid, wife's or spouse carer's pensioner, a widow pensioner or recipient of a supporting parent's benefit, a person who would be eligible for one of these payments if not receiving a sheltered employment allowance under Part VIIA of the Act or an allowance under the Tuberculosis Act 1948, or a person who is receiving a rehabilitation allowance under Part VIII of the Act and who, immediately before becoming eligible to receive that allowance, was eligible for one of these payments or a sheltered employment allowance. The person must also satisfy a special income test to be considered a "pensioner". In addition, the claimant for funeral benefit must be a pensioner at the time of the death of the deceased or become a pensioner within six months after the death of the deceased person.

205. Under section 83C, an amount of \$A 20 is payable to any person who pays or is liable to pay the funeral expenses of a deceased pensioner (as defined) other than a widow pensioner or a recipient of supporting parent's benefit, a person who satisfies the special income test in section 83C and, but for the pensioner's death would have been eligible for one of these payments, and a person receiving a rehabilitation allowance who immediately prior to receiving this allowance was receiving any of these payments.

206. A benefit may be payable under both sections 83B and 83C but the total benefit cannot exceed \$A 40. Funeral benefit of \$A 40 is also payable to a person liable for the funeral costs of a deceased pensioner if the person is a service pensioner with income within certain limits or becomes such a service pensioner within six months of the death of the deceased pensioner.

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2. Special temporary allowance

207. A special temporary allowance is payable to the surviving spouse of a married pensioner couple (including where the deceased was in receipt of a repatriation service pension) during the 12 weeks following the death of one of them.

208. The allowance is designed to alleviate the difficulties experienced by a surviving pensioner spouse in making the necessary financial readjustment following the death of a partner. The maximum rate, payable for up to 12 weeks, is the equivalent of the two pensions (including any additional assistance for children etc.) that would have been paid if the spouse had not died.

G. Family benefits

1. Widows' pensions

209. Explained in the initial report were the provisions of Part IV of the Social Security Act 1947, which governs the payment of pensions which are payable to widows and to certain other women who have lost the support of a male breadwinner and whose income does not exceed certain limits.

210. During the first six months after desertion by, or imprisonment of, her husband, a wife is not entitled to a widow's pension but may receive a supporting parent's benefit instead (see below).

211. The maximum rates of pension payable to widows in classes A and B (described in the initial report) are subject to an income test.

212. As from November 1984, the maximum rate of widow's pension is \$A 91.90 a week (section 63) plus \$A 14 weekly per child under 16 years or dependent student aged 16-24 years. In the case of a widow with dependent children, the maximum rate is further increased by an additional mother's allowance of \$A 10 a week. Moreover, in accordance with the terms of section 65A, a widow pensioner paying rent other than to a government authority may be entitled to supplementary assistance of up to \$A 15 weekly, subject to the application of a special income test.

213. As indicated in the initial report, widows' pensions are paid to assist certain women classed as "widows" in particular needy circumstances. A broadly equivalent payment, the supporting parent's benefit, exists to assist sole parents, including men, who are not classified as "widows". This benefit is discussed in the following paragraphs.

2. Supporting parent's benefit

214. As indicated in the initial report, eligibility for this benefit was widened to include supporting fathers in 1977. Prior to 6 November 1980, the benefit was not payable for a period of six months after the qualifying event (e.g., birth of a child).

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215. From 1 December 1983, eligibility for a supporting parent's benefit was extended to single adoptive parents and other sole parents with legal custody, care and control of a child, and to married parents who are unable to live with their spouse in a matrimonial home by reason of the illness or infirmity of the spouse, provided that the illness or infirmity prevents the spouse from caring for a child and is likely to continue indefinitely.

216. To be eligible for a supporting parent's benefit, the claimant:

- (a) Must be unmarried, or be living apart from any spouse or de facto spouse;
- (b) Must have the custody, care and control of at least one qualifying child;
- (c) Must satisfy the residence qualifications, that is, 10 years' continuous residence in Australia at any time, or five years', immediately prior to the claim for benefit, unless the person became a supporting parent in Australia (in which case no prior period of residence is required).

217. The supporting parents' benefit is generally subject to the same income test as that applied to payment of widows' pensions under the Act.

218. The maximum rate of supporting parent's benefit and associated payments is the same as that for widow's pension.

3. Family allowances

219. Under Part VI of the Social Security Act 1947, provision is made for payment of a family allowance to a person who has the custody, care and control of a child under 16 years of age or has a dependent full-time student aged 16-24 years inclusive who is not in receipt of an invalid pension or supporting parent's benefit.

220. The family allowance is paid at the following monthly rates depending on the number of the children in the family; first child, \$A 22.80; second child, \$A 32.55; third and fourth child, \$A 39; fifth child and subsequent children, \$A 45.55.

221. The family allowance may be paid to an institution (other than a mental hospital) of which a child is an inmate. The rate for a child in an institution is \$A 39 a month.

222. Family allowances are not subject to an income test although students aged 16-24 years must be accepted as dependent on the claimant. Residence in Australia rather than the nationality of the claimant is the primary requirement for eligibility.

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4. Orphans' pensions

223. Some changes have been introduced in relation to orphans' pensions. The only noteworthy change since the submission of the initial report is found under Part VIA of the Social Security Act 1947 which provides that an orphan's pension is payable to the guardian of, or to an institution (other than a mental hospital) caring for, an orphan. Provision is now made for the payment of a pension to assist with the maintenance of "orphaned" children. The rate of payment is \$A 55.70 per month and is paid in addition to family allowance for the orphaned child.

224. A child is considered to be an orphan if:

- (a) Both parents are dead;
- (b) One parent is dead, and the whereabouts of the other is unknown, or he or she is in prison or a mental hospital for a lengthy period;
- (c) The child has been granted refugee status by the Australian Government;
- (d) The child has been admitted into Australia under a special humanitarian programme approved by the Minister for Social Security.

225. Other conditions also apply to refugee children. Pension is paid to the guardian of an orphan who is either under 16 or is a dependent full-time student under 25. It is not paid for students who receive an invalid pension or a supporting parent's benefit. Pension may be paid to an institution (other than a mental hospital) caring for an orphan. It may also be paid for a child living overseas for a short time or for a child who is likely to come to Australia to live within a reasonable time. Pension is not paid for a child who is in receipt of a war orphan's pension.

5. Handicapped child's allowance

226. A handicapped child's allowance is a payment made under the Social Security Act to provide financial assistance to parents or guardians, who care for their severely handicapped children or handicapped children in the family home.

227. As indicated in the initial report, payment commenced from 31 December 1974 and was initially made for severely handicapped children only. In November 1977, the allowance was extended to cover people suffering severe financial hardship by reason of caring for a handicapped child, that is, a child requiring only marginally less care and attention than if he were severely handicapped. In October 1978, the allowance was further extended to cover full-time students aged 16 to 24 years. The general eligibility conditions for the family allowance must be satisfied for the allowee to be eligible to receive the handicapped child's allowance. The maximum rate of the handicapped child's allowance is \$A 85 a month.

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H. Additional medical and mental health schemes

1. Pharmaceutical benefits

228. In accordance with the provisions of federal legislation (Part VII of the National Health Act 1953), a wide range of drugs is available on a doctor's prescription, free to pensioners who satisfy certain eligibility requirements and, at a cost partly government subsidized, to all other persons. During 1982-1983, the total cost to the Federal Government of benefits supplied under this scheme to other than eligible pensioners was \$A 157.6 million; the cost of supplying pharmaceutical benefits to pensioners and their dependants was \$A 272.7 million.

2. Nursing home benefits and assistance

229. Part V of the National Health Act provides assistance by way of daily benefits to qualified nursing home patients in meeting the cost of necessary nursing home care and accommodation. Benefits consist of a basic nursing home benefit and an intensive care benefit. Daily rates of basic benefit vary from State to State in accordance with variations in the costs between States of providing nursing home care.

230. These rates of benefit have been set at levels which, when added to the minimum patient contribution, cover the fees charged in respect of 70 per cent of the non-government nursing home beds approved under the National Health Act in each State at the time for setting the rates. Benefit levels are reviewed annually to maintain this 70 per cent coverage. Increases in fees charged by non-government participating homes are subject to approval by the Federal Department of Health.

231. An intensive care benefit is paid at the rate of \$A 6 a day in all States in respect of those patients approved by the Federal Department of Health as being in need of intensive nursing care.

232. The Nursing Homes Assistance Act provides for the deficit financing of nursing homes run by religious, charitable and other non-profit organizations. Deficit financing is based on annual budgets which have been approved by the Federal Department of Health. The Federal Government meets the approved deficits incurred by proprietors of nursing homes. Under this financing arrangement, funds are also available for the provision of specified services, including certain medical and paramedical services. This funding of specified services may extend to persons, other than nursing home patients, treated at the nursing home.

233. Patients accommodated in deficit financed nursing homes are required to contribute 87 1/2 per cent of the sum of the single rate pension plus supplementary assistance towards their accommodation.

234. The National Health Act also provides for the domiciliary nursing care benefit of \$A 42 a fortnight. This benefit is paid by the Federal Department of Health to assist people who choose to care, in their own homes, for chronically ill or infirm relatives who would otherwise require admission to a nursing home if this care in

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their own home was not available. Patients in respect of whom the domiciliary nursing care benefit is paid must be at least 16 years of age, need and receive adequate skilled nursing care by a registered nurse in addition to the care provided by the relative.

3. Tuberculosis allowance

235. Some 250 patients currently receive the allowance at any one time and the cost is approximately \$A 1 million per annum.

4. Hearing aids and aids for disabled persons

236. The number of aids fitted under this programme between 1968 (when all these categories became eligible) and 1983 was 422,639. During 1982-1983, a total of 53,126 aids were provided.

237. The Government provides a range of aids, free of charge, to eligible persons under the Program of Aids for Disabled People. The objective of the programme is to increase the level of independence of disabled people in the community setting.

5. School dental service

238. In consultations between the Federal and State Governments in 1973, it was agreed that free dental care, including preventive and dental education, be provided to primary school children and subsequently to pre-school and secondary school children under 15 years of age. Assistance with funding is provided by the Federal Government. Nine dental therapy schools and approximately 800 school dental clinics have been established. In 1982, some 60 per cent of available primary school children were under the care of the various school dental services. These services, and other such preventive factors as the fluoridation of water, have contributed to a major improvement in the dental health of children.

6. Family planning

239. In keeping with its international human rights obligations, Australia acknowledges that all couples have the right to determine the number and spacing of their children and to have access to information which will enable them to exercise this right effectively. Australia has supported family planning at the national and international levels since 1973.

240. At the international level, funds are provided through the Australian Development Assistance Bureau of the Department of Foreign Affairs to a number of international organizations concerned with population family planning.

241. At the national level, federal financial support is provided by the Department of Health in the form of grants to major family planning organizations to assist in

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the provision of clinical and non-clinical services, including education, information and training, research projects, and special initiatives for migrant women and adolescents.

242. In addition to direct funding, Federal Government support for family planning in Australia is provided by way of pharmaceutical benefit subsidies for oral contraceptives and health insurance benefits for services provided by general practitioners.

7. Other national health programmes

Aboriginal health programmes

243. The Federal Departments of Health and Aboriginal Affairs jointly provide direct funding to 12 Aboriginal medical services. A further 14 Aboriginal medical services, six health care units, and two referral services are funded either fully by the Department of Aboriginal Affairs or jointly with the Department of Aboriginal Affairs. Two services are funded solely by the Department of Health.

244. In 1975, the National Trachoma and Eye Health Program was launched with the support of the Royal Australian College of Ophthalmologists, the Federal and State Governments and the National Aboriginal Consultative Committee (now known as the National Aboriginal Conference). Field work commenced in 1976 and by 1979 some 105,000 people had been examined. The Program was funded by the Federal Government and managed by the Royal Australian College of Ophthalmologists. During 1981/1982, steps were taken to reactivate the Program and the Federal Government provided \$A 331,537 in 1981/1982 and \$A 531,200 in 1982/1983 to the Royal Australian College of Ophthalmologists.

245. In 1983/1984, moves began for Aboriginal control of this Program to increase. The Royal Australian College of Ophthalmologists is withdrawing from the Program, and a predominantly Aboriginal task force has been established to determine the Program's future direction.

Ethics in medical research

246. In October 1982, at its 94th Session, the National Health and Medical Research Council adopted the first report of the working party it had set up on ethics in medical research. A copy of the report is provided.

247. Arising from this report, the Council recommended that it establish a national Medical Research Ethics Committee and that the Committee report directly to the Council and thence, through the Chairman of the Council, to the Federal Minister for Health and the State Ministers of Health and, through the Secretary of the Council, to the heads of state health authorities (see p. 14 of the report).

248. In the report, statements were made on covering the following:

- (a) Human experimentation (pp. 16-18);

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- (b) Institutional Ethics Committees (pp. 19-20);
- (c) Research on children, the mentally ill and those in dependent relationships or comparable situations (pp. 21-23);
- (d) Therapeutic training (pp. 24-25);
- (e) In vitro fertilization and embryo transfer (pp. 26-28).

I. Special benefit

249. Special benefit is payable at the discretion of the Director-General of the Federal Department of Social Security to people who are ineligible for a pension or other benefit and who are unable to provide for themselves (and their dependants). Such people include those caring for invalid parents or other near relatives and migrants in government accommodation centres awaiting their first employment in Australia.

250. The benefit is not payable to persons not qualified to receive unemployment benefit by reason of their unemployment being due to industrial action by themselves or by members of a union of which they are members. Where the spouse of a person disqualified from unemployment benefit on these grounds is ineligible for unemployment benefit or sickness benefit in his or her own right and is experiencing hardship, special benefit may be payable at the single rate plus additional benefit for each child.

251. The rate of payment is at the discretion of the Director-General but cannot exceed the amount that would be payable if the beneficiary were eligible for unemployment or sickness benefit.

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Annex

LIST OF REFERENCE MATERIAL a/

I. ARTICLE 6

National Committee on Discrimination in Employment and Occupation:

Annual Reports for 1977-1978, 1978-1979, 1979-1980, 1980-1981, 1981-1982 and 1982-1983, and community awareness leaflets and brochures.

Federal legislation:

Racial Discrimination Act, 1975 and amendments;

Human Rights Commission Act 1981;

Sex Discrimination Act, 1984;

A Guide to Commonwealth Sex Discrimination Legislation.

State legislation:

Anti Discrimination Act, 1977 (New South Wales);

Equal Opportunity Act, 1977 and amendments (Victoria);

Handicapped Persons Equal Opportunity Act, 1981 (South Australia);

Ethnic Affairs Commission Act (New South Wales);

Employment Protection Act, 1982 (New South Wales);

II. ARTICLE 7

Legislation at Work: Safety and Health (Federal Government publication).

Occupational Health Services and Report on the Health Hazards of Asbestos (publications of the National Health and Medical Research Council).

III. ARTICLE 8

Trade Practices Act 1974 (as amended).

a/ The reference material is available for consultation in the files of the Secretariat in the original language, as received from Australia.

Green Paper on proposed amendments to the Trade Practices Act.

IV. ARTICLE 9

Statement on the Report of the Panel of Review of Proposed Income and Assets Test May 1984, The Hon. R. J. L. Hawke, A.C., M.P., Prime Minister of Australia
(delivered to Federal Parliament on 1 June 1984).

Ethics in Medical Research and Ethics in Medical Research involving the human fetal and human fetal tissue (publications of the National Health and Medical Research Council).
