



Senate Select Committee on COVID-19

Inquiry into the Australian Government's response to the COVID-19 pandemic

**Prepared by the Social Policy Committee of the National Foundation for Australian Women  
with the assistance of the ERA Young Women's Advisory Group**

27 May 2020

### **Authorisation**

This submission has been authorised by the NFAW Board

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## Inquiry into the Australian Government's response to the COVID-19 pandemic

This submission is being made by The National Foundation for Australian Women (NFAW).

NFAW is dedicated to promoting and protecting the interests of Australian women, including intellectual, cultural, political, social, economic, legal, industrial and domestic spheres, and ensuring that the aims and ideals of the women's movement and its collective wisdom are handed on to new generations of women. NFAW is a feminist organisation, independent of party politics and working in partnership with other women's organisations.

It is now widely acknowledged that the COVID-19 pandemic is affecting women and men in different ways; it is not gender neutral. The by-products of economic shock and its impact on insecure employment have hit women particularly hard. [Women are over-represented in industries most affected by the virus](#). April 2020 data confirms expectations: paid hours worked by women and men fell by 11.5 per cent and 7.5 per cent respectively. Female unemployment sat at 14.8 per cent; male unemployment at 12.9 per cent— and that data excludes women at home unable to look for work because of increased caring responsibilities.

Women are also disproportionately represented in frontline crisis response roles: 80 per cent of health professionals (including medical workers, pharmacists, social workers and medical scientists) are women. Seventy per cent of pathology services are provided by women. Women predominate in most of the essential support services and among the workers that cannot stay home: the teachers, aged and childcare workers and hospital cleaners. Social services are under pressure from the virus and most social service providers are women: social workers, mental health support workers, frontline domestic and family violence workers, child support workers.

Women are [carrying the greater share of increased unpaid caring responsibilities](#) during lockdown and staged recovery. When schools close, travel is restricted and aged relations are at risk, COVID-19 exacerbates existing inequities. The looming end of “free” childcare could mean that yet more households decide it is too expensive for the mother to continue to work, particularly as service industries in which women predominate will be last and slowest to recover. More families may now prefer to keep aging parents out of the aged care system, adding to the caring responsibilities of women. With schools closed and other childcare arrangements, such as assistance from family and friends, discouraged due to social distancing measures, single mothers in particular will have less ability to work and are at greater risk of poverty.

In short, women are losing paid hours and gaining unpaid hours, and these outcomes are causally related. All of this should ring alarm bells for any government that believes [increasing women's workforce participation leads to better living standards for individuals](#)

[and families, improves the bottom line of businesses and is a significant driver of national economic growth.](#)

For these reasons, NFAW welcomes this inquiry, which offers a timely opportunity to review, evaluate, and adjust the measures that have been taken thus far in response to COVID-19. We are concerned that, since its inception, the National COVID-19 Coordination Committee (NCCC) has been encouraging a narrow and sectoral response to the crisis.

In particular, if government means what it says about the importance of women's workforce participation, it should overcome its narrow preoccupation with resourcing hard infrastructure projects and look to the needs of Australia's social infrastructure. There is unspent stimulus money. The government should increase its commitment to essential service workers, providing funding to support equitable remuneration and long-term employment relationships that will attract and retain skilled health workers and carers across the aged care, child care and disability care sectors.

And in the case of the service sector more generally it should set a flexible and evidence-based end-date for JobKeeper, and restructure it to include short term casuals, local council workers, casual workers at public universities, workers in foreign-controlled businesses, and temporary visa holders.

In our view the inquiry also offers an important opportunity to ensure that post-pandemic Australia is better served by its policy settings than pre-pandemic Australia. Problems in the early education and child care system, the tax and transfer system which structurally favours a household split in which there is a single breadwinner and a part-time worker, and a superannuation system which penalises women for taking time out for unpaid labour all needed review before the Covid-19 crisis. They need it more now.

## Recommendations

- 1) In the light of concerns that NCCC appointments have been narrowly based and are representative of limited policy options, NFAW recommends that if the NCCC is retained, future appointments should be advertised, and its representation should be broadened to include representatives of groups most impacted and at risk during the economic recovery. Policy decision-making should as a matter of course include a gender lens.
- 2) The Office for Women, the Australian Bureau of Statistics and other relevant government agencies should publish a Women's Recovery Plan – a coordinated program of work to identify differential impacts on women and men, track emerging gender inequalities and pursue new opportunities through this crisis to address existing inequalities. All relevant data and research should be made publicly available in real time so that civil society and women's organisations are able to contribute to the public discussion.

- 3) NFAW joins others in recommending that the Time Use Survey proceed as promised by the government.
- 4) The Aged Care Retention Bonus should be extended to disability care workers.
- 5) Restrictions on the use of the Cashless Debit Card should be lifted to allow users to access a full range of goods and services while observing the public health recommendation to avoid handling cash.
- 6) The Centrelink Crisis Payment should be urgently reviewed to partly address the growing incidence of domestic violence.
- 7) The increased JobSeeker Payment constitutes an acknowledgement that [Newstart, below the poverty line at \\$40 a day](#), was too little to live on and NFAW joins others in urging the government not to return it to that unacceptable level. Mutual obligation requirements for JobSeeker recipients should not be reinstated until their current punitive design has been reviewed and market conditions make them meaningful.
- 8) Stringent austerity measures must be avoided as Australia enters the recovery period.
- 9) As a general rule, NFAW recommends that early access to superannuation continue to be on very limited grounds where genuine need can be verified.
- 10) Members of superannuation funds who lose insurance cover as a consequence of withdrawing funds under the COVID-19 measure should be allowed to reinstate insurance within superannuation on the terms that applied before the withdrawal.
- 11) Contribution caps should be adjusted to ensure that a person who withdrew funds from superannuation under this measure can make additional contributions to recoup that withdrawal.
- 12) Casuals who have worked for a business for fewer than 12 months, local council workers, workers in foreign-controlled businesses, casual public university employees and temporary visa holders should be included in future JobKeeper payments.
- 13) NFAW believes that in the interests of transparency, and consistent with our [recommendations relating to wage theft](#), audits should be undertaken and that the Australian Taxation Office (ATO) or the Fair Work Ombudsman should publish data on the number of business receiving sanctions as a percentage of the number investigated, and that those receiving sanctions should be named by the ATO or FWO.
- 14) Any decision-making on the duration and coverage of JobKeeper should be based on evidence of recovery and should be responsive to the needs of individual industries within the broader economy.

- 15) The industrial issues opened by large scale work from home need to be addressed through the award system. The government should initiate research into the issues which can be used to underpin relevant national employment standards.
- 16) New employer prerogatives under Schedule one of the *Coronavirus Economic Response Package Omnibus (Measures No. 2) Act 2020*, including the reduction of agreement-making safeguards, should not be allowed to reshape practices beyond 28 September 2020, except where JobKeeper remains in force. Cuts to wages and conditions made under the temporary regulations should not outlive the regulations themselves.
- 17) The government should formally confirm that funding to implement the 2012 Equal Remuneration Order in the social and community care industry will be included in the October budget.
- 18) The government should use its status as an interested party in the current Fair Work Commission (FWC) equal remuneration proceedings and as a funder of child care to support rather than resist equal remuneration for those working in a recognised essential service.
- 19) In developing policies to anticipate and mitigate the economic and social effects of the global coronavirus pandemic the government should confer with a broader range of advisers than those on the NCCC and pursue the pragmatic and consensual approach adopted and so widely supported in the early stages of the national response.
- 20) NFAW welcomes measures announced in the Australian Government's *Early Child Education and Child Care Relief Package* on 2 April 2020 to provide free child care for families, and increase the number of allowed absences from care during COVID-19, but is concerned about unintended consequences of the Relief Package. While this Package is in operation, NFAW strongly supports Early Childhood Australia's call<sup>1</sup> for the government to:
  - Guarantee additional funding (via Exceptional Circumstance Supplementary Payments) to all approved child care providers that are ineligible for JobKeeper, including providers operated by state, territory and local governments.
  - Maintain free child care for families during this period.

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<sup>1</sup> Early Childhood Australia. (May 2020). Submission to the DESE's Review of the Child Care Relief Package. <http://www.earlychildhoodaustralia.org.au/wp-content/uploads/2020/05/ECEC-Relief-Package-Review-ECA-Submission-updated.pdf>

- Provide clear guidelines to early education and care providers on how to prioritise enrolments for the remainder of the Relief Package period and beyond, if the period of the Relief Package is extended.
- Increase ‘business continuity’ payments to services that can maintain at least 50 per cent attendance as they transition back to the CCS system.
- Allow services that have maintained or increased their attendances during the period of the Package over 50 per cent of pre-pandemic levels to access Exceptional Circumstance Supplementary Payments to maintain viability.
- Design and implement a transition period, to realign demand, supply and funding before the Child Care Subsidy (CCS) system recommences.

21) With resumption of the CCS system, NFAW recommends that:

- The Activity Test be paused for at least six months beyond the end of the Relief Package and be reviewed to see how families and child care providers are managing in the post-COVID-19 circumstances.
  - The Activity Test can disproportionately affect women, who are often in part-time or casual jobs as the ‘second earner’ in the family, working fewer hours than men – their lower level of activity affects how many hours of subsidised child care a family can receive under the CCS system.
- Consideration be given to Early Childhood Australia’s recommendation that the Activity Text be suspended and every child be provided with an entitlement to 20 hours per week of fully funded or highly subsidised early education and care.<sup>2</sup>
- Special consideration be given to the needs of low income, vulnerable or disadvantaged families, particularly those who have had to disengage from early education or child care due to their circumstances – principally, through more funding for the Additional Child Care Subsidy (ACCS) and broader application of ACCS Wellbeing and Transition to Work payments to families in need of support.

22) A community-based response to child care funding should be considered for certain population groups (such as Aboriginal and Torres Strait Islander communities), as recommended by Early Childhood Australia, rather than a funding model based on individual subsidies for families.

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<sup>2</sup> Early Childhood Australia. (May 2020). Summary of ECA Response to the COVID-19 Select Committee.  
[http://www.earlychildhoodaustralia.org.au/wp-content/uploads/2020/05/ECA-Relief-package\\_-Submission-summary-Formatted-FINAL.pdf](http://www.earlychildhoodaustralia.org.au/wp-content/uploads/2020/05/ECA-Relief-package_-Submission-summary-Formatted-FINAL.pdf)

- 23) Funding should be made available for a national peak body for young people to support national youth policy, including in the critical crisis recovery period.
- 24) The economic shocks of COVID-19, combined with young women's overrepresentation in the hardest hit sectors, the long-standing gender pay gap, and the already high youth un- and under-employment rates, mean targeted stimulus and employment measures (including those relating Youth Allowance and other payments) should not be withdrawn or reduced except on firm evidence-based grounds. See recommendations relating to JobKeeper and to JobSeeker.
- 25) The government should address expected increases in violence against women, including young women, by including violence against women specialist organisations in planning and decision-making, engaging with organisations responding to violence to understand service needs, and addressing gaps in support systems to ensure that all women experiencing violence can access supports.
- 26) Sexual and reproductive health services and information should be recognised and prioritised as essential during the crisis, and service accessibility ensured.
- 27) The government should develop and implement effective gender sensitive approaches to mental health under the Mental Health and Wellbeing Pandemic Response Plan by engaging women's health organisations and relevant expertise in the design and implementation of measures.
- 28) We recommend that the Commonwealth lead work on measures to enable women experiencing violence to call for help while under surveillance by a perpetrator.
- 29) The Commonwealth should ensure that the current review of the Family Court takes account of the need for effective and timely support for women and their children experiencing family violence in Court processes.
- 30) The Commonwealth should undertake an audit across all its services needed by women experiencing or escaping from violence, and publicly report on the current capacity, demand and funding levels.
- 31) The Commonwealth should publicly report on violence against women in aged care and disability homes during COVID-19.
- 32) The Commonwealth should immediately reach out and work with:
  - indigenous women's groups to build an understanding of the issues of family violence in remote indigenous communities during COVID-19; and

- CALD communities to better understand their unique circumstances and needs during COVID-19, any remedial action needed and how they could be addressed in the future.

33) The Commonwealth should call on the newly formed National Cabinet to establish a body to replace the former COAG Women's Safety Council to manage unallocated funds from the National Plan to Reduce Violence Against Women and their Children 2010-2022. Further, given that COVID-19 has led to extraordinary levels of national cooperation Australia-wide, NFAW urges parties to drive innovation through a more cooperative and adequately funded agreement between the Commonwealth, States and Territories, and civil society on reducing violence against women.

34) ANROWS, the national research organisation for gender based sexual abuse and domestic violence, should be specifically funded to review the impact of COVID-19 on violence against women and their children across Australia, what worked and what was missing from the response and how we might better keep women and their children safe during pandemics in the future.

## Discussion

### 1. Centralised coordination should include a gender lens

The Australian Government and State and Territory Governments moved quickly to respond to the economic and social disruption of the COVID-19 pandemic and response. The strong funding injection of the federal Government's Stimulus Package should help many Australians to manage through the crisis and support some of the most vulnerable, including many women who are economically and physically vulnerable in this crisis.

There have, however, been some disappointing omissions from the federal Government's advisory mechanism from a gender equality point of view. In particular, the inclusion of only two women on the eight-member National COVID-19 Coordination Commission (NCCC) was a significant oversight, given the skewed impact of the pandemic on women's employment, caring responsibilities and safety. NFAW is also very concerned that no representatives were drawn from Australian non-government or women's organisations.

Recognising the extent to which disease affects women and men differently is a fundamental step to understanding the primary and secondary effects of a health emergency on different individuals and communities, and for creating effective, equitable policies and interventions ([\*COVID-19: the gendered impact of the outbreak\*, The Lancet, 6 March, 2020](#)).



The NCCC has an exceptionally broad remit, advising the government on how to anticipate and mitigate the economic and social effects of the global coronavirus pandemic. [Concerns](#) have already been raised within and to the NCCC concerning the [narrow base of its membership and its evident lack of transparency and proper governance](#) as a consequence of pronouncements on a predominantly gas-led recovery by a predominantly gas-led committee.

A number of integrity groups, including the Human Rights Law Centre, Transparency International, the Grata Fund and the Centre for Public Integrity have recommended that appointments to the NCCC be advertised, and that its representation be [broadened](#) to include “...groups most impacted and at risk during the economic recovery”. NFAW shares the concerns of these organisations and strongly supports this recommendation.

We are, however, encouraged by the [proposed inclusion of expertise on women and families](#) in the discussion groups recently convened by government to address industrial relations changes.

Special sittings of federal Parliament have been particularly male dominated. At the special 23 March sitting women comprised just 23 per cent of sitting members and women spoke for only [40 minutes of the three hour 45 minute debate](#). It is particularly vital at this time that women are adequately represented, and there is a commitment to representation of women in any future special sittings at least pro-rata.

NFAW welcomes the government’s commitment to closely monitoring the implementation of the COVID-19 response and amending it to address unforeseen omissions or effects. Already, governments’ early recognition that quarantine and isolation directions will put many women at greater risk of violence in their homes has been a vital part of the response.

NFAW is keen that the Office for Women, the Australian Bureau of Statistics and other relevant government agencies publish a Women’s Recovery Plan – a coordinated program of work to identify differential impacts on women and men, track emerging gender inequalities and pursue new opportunities through this crisis to address existing inequalities.

Treasury’s (“current”) inability to provide any sex disaggregated data in relation to JobKeeper in response to the [Committee’s questions on notice](#) (document 51) indicates that thus far policy-makers have taken little interest in the impact of the virus on women. It is important that all relevant data and research are collected and made publicly available in real time so that civil society and the women’s movement are able to contribute to the public discussion on these important issues.

In particular, NFAW would like to see early and regular publication of data on:

- infection, fatality and recovery rates by sex;

- eligibility for and access to JobKeeper and Jobseeker payments by sex, age and family type, including rejections of applications;
- sex disaggregation of groups identified as being ineligible for the JobKeeper payment, including casual workers with less than one year's service;
- specific impacts on employment by industry and occupation;
- take up of early superannuation payments by sex, age and family type;
- access to domestic violence services of all kinds (including face to face, online and telephone access to services);
- any impacts on access to reproductive health services including termination procedures;
- any significant gendered changes in access rates to government services during the response period.

A rolling and rapid gender analysis of the effects of the virus and the national response will be crucial for ensuring that Australia's most vulnerable groups are supported to manage through the process, that gaps are filled and that existing inequalities are not made worse.

An effective response to the COVID-19 crisis depends on adequate consultation with civil society and women's organisations. We understand, of course, that initial responses needed to be rapid but now adequate consultation must be included. The National Women's Alliances are an important means of consultation with women's organisations across all sectors. NFAW also has expertise that we can offer in a range of policy areas, as do other diverse women's organisations.

There is also opportunity to use this time to contribute to addressing ongoing inequalities, for example, through campaigns or resources to help Australian families better share unpaid care and household work, to create and maintain respectful relationships, and to build gender equality into family life.

We will address the government's response to increased violence against women in a later section of this submission. In relation to unpaid care and household work, NFAW is greatly concerned about the rumoured possible deferral of the Time Use Survey (TUS) as an offsetting measure adopted as part of forward budgeting.

Some survey work remains in hand. Deakin's Centre for Social and Early Emotional Development (SEED) is undertaking the population-based, longitudinal [COVID-19 Pandemic Adjustment Survey](#) to understand risks for families living with chronic stress and social isolation arising from COVID-19. The ABS has also instituted a [Household Impacts of COVID-19 Survey](#) which initially collected data about changes to job situation and hours worked, personal hygiene, health precautions taken, changes to travel plans, and intentions regarding flu vaccination.

However, [broader concern](#) about the management of caring and household responsibilities between partners is not being addressed in either of these surveys. NFAW is concerned, for

example, that one of the reasons why women's employment is shrinking faster than that of men is the possibility that second income earners are being forced to stay home to take on additional lock down caring responsibilities.

There is one [survey](#) addressing how COVID-19 is affecting how men's and women's management of paid work, housework and caring responsibilities for children, older people and other family members. It is a voluntary online survey and indicative only. However, provisional results from the 2000-odd responses received so far [indicate](#) that for households with children, social isolation and school closures have created an extra six hours of unpaid work every day spent on caring for or supervising them. Of those six hours, the survey's responses suggest that for heterosexual nuclear families, around four hours are being done by women, and two by their male partners. Housework, meanwhile, is up around an hour and 10 minutes every day for women, but less than half an hour for men.

While it is only indicative, the data points towards a downward spiral in which increased unpaid work undermines paid work to the point where women lost workforce attachment. The policy issues associated with unpaid domestic and caring work - [employment, education, health, ageing and disability](#) – require data grounded in a substantive, formal, diary-based Time Use Survey based on a randomised sample, which greatly reduces estimate errors, and also captures activities which people do not regard as unpaid work.

The government's commitment to undertake the long deferred TUS was part of its [Women's Economic Security Statement](#). The survey, which should have been [conducted](#) in 2020-21, is a key tool for the evidence-based budgeting around the design and resourcing of services and income support. NFAW joins others in recommending that the survey proceed as a critical means of informing government policy on issues emerging during and after lockdown.

## Recommendations

- 1) In the light of concerns that NCCC appointments have been narrowly based and are representative of limited policy options, NFAW recommends that future appointments to the NCCC should be advertised, and its representation should be broadened to include representatives of groups most impacted and at risk during the economic recovery. Policy decision-making should as a matter of course include a gender lens.
- 2) The Office for Women, the Australian Bureau of Statistics and other relevant government agencies should publish a Women's Recovery Plan – a coordinated program of work to identify differential impacts on women and men, track emerging gender inequalities and pursue new opportunities through this crisis to address existing inequalities. All relevant data and research should be made publicly available in real time so that civil society and women's organisations are able to contribute to the public discussion.

- 3) NFAW joins others in recommending that the Time Use Survey proceed in 2020-21 as promised by the government.

## 2. Stimulus and support

The differential impacts of the pandemic on men and women reflect differences that are social, not biological. Women are vulnerable because of their over-representation in certain sectors of the economy, including [the feminisation of education \(73 per cent\) and health care \(nearly 80 per cent\) sectors \(see Table 4\)](#). [More women than men work part-time](#) and are secondary income earners.

In past recessions, employment has taken longer to deteriorate and longer to recover. [Ken Henry has pointed out the detrimental effect on male workers of the recession of the 1980's](#). In the past, older workers and those with weak attachment to the work force have struggled when there is a recovery.

This situation is different in the current crisis because the government has effectively shut down a raft of major industries, including aviation, tourism, international education, and hospitality, causing rapidly increasing unemployment. A majority of employees in these industries are women. The initiatives the government has implemented, outlined below, will help alleviate this result *unless they are cut off prematurely*.

In staged responses the government has introduced packages that have significantly boosted the adequacy of unemployed, parenting and student payments, provided top-up payments for pensioners and introduced a substantial wage subsidy arrangement that provides income to employees while decreasing costs to businesses.

The [JobSeeker Payment](#) (previously the **Newstart Allowance**) was doubled for 6 months from 27 April 2020. In addition, unemployed people previously excluded from payments were covered. Those now included are students, newly arrived residents, many temporary visa holders and people caring for those affected by the virus. Restrictions were waived, including the liquid assets waiting test and the assets test. Mutual obligation requirements were suspended until 1 June. The payment will be made automatically. Services Australia will have an extra 5000 staff.

Key details of the income support changes will be well known to the Committee. Importantly, they include provision that, for members of a couple, the employed partner can now earn up to \$78 000 per annum without excluding the unemployed person's eligibility for the benefit. This change may help up to 400 000 workers, most of whom are women, from being disproportionately affected. In most couples the woman is designated as the secondary income earner, which would have left her without any income under the old rules.

The [JobKeeper Payment](#) gives affected businesses \$1,500 per fortnight to help pay the wages of an estimated 6.7 million Australians for six months. According to analyses conducted by [The Grattan Institute](#):

At around \$39,000 a year, the new payment is close to 70 per cent of the typical (median) wage in Australia of \$58,000, or about half of the median full-time wage. By contrast, the previously announced increase in the JobSeeker Payment offered sacked workers close to \$29,000 a year, or approximately half of median earnings.

JobKeeper is addressed at greater length in section 4 below.

Overall, the initiatives are very welcome. The scale of the package is unprecedented. The \$130b package is worth 13 per cent of national income and about 16 per cent of GDP. It is the most important element of the \$320b combined government and Reserve Bank package. It should help keep more people in jobs, boost confidence and help the economy rebound. A key issue will be how quickly it will flow into the economy.

In addition to assistance for those in the labour force, aged pensioners, carers, the disabled and families on payments receive [two Economic Support Payments of \\$750](#).

#### Concerns – and the longer-term picture

Decades of funding cuts have put our health, welfare and housing services in jeopardy. The punitive welfare regime that Australia has had in place for many years resulted in [increasingly harsh compliance arrangements](#) and [schemes such as robodebt](#). The increased JobSeeker Payment constitutes an acknowledgement that [Newstart, below the poverty line at \\$40 a day](#), was too little to live on and NFAW joins others in urging government not to choose to return it to that unacceptable level.

[Abdul Rizvi has highlighted the plight of the over 1 million temporary visa holders](#) other than New Zealand citizens, who will not be eligible for assistance. This group receives very little social assistance but they do pay tax and many are unable to return home. They are unable to access any superannuation money they may have accumulated under current rules. Employers will understandably prefer to retain workers eligible for the JobKeeper Payment. [Rizvi believes this could result in a humanitarian disaster](#).

[A third of the private rental market are people on low incomes who spend more than 30 per cent of their income on rent](#). Tenants will be protected to some degree by the [recently announced ban on evictions](#). [Other measures](#) have been put in place by state governments, but homelessness and the impact of COVID-19 on people who have no accommodation remains a large issue for post-pandemic policy.

The aged care sector has been allocated [\\$234.9m to be paid to workers as retention bonuses](#) to shore up the number of carers working in residential and home care. [Disability support workers are not included](#) even though many clients have health issues affecting

their immune systems, respiratory capacity or lack of cognitive ability. Disability workers are part of an ageing workforce. They may be tempted to apply for the boosted JobSeeker Payment.

Fifteen thousand people have been compulsorily placed on the [Cashless Debit Card and while they will receive the Economic Support Payments, they will not be allowed to withdraw the money in cash](#). This will severely limit their financial flexibility.

[Domestic violence services are already reporting increases in demand for help](#). For women escaping domestic and family violence, social security is critical. Centrelink support is vital in helping people affected by violence get to safety and start rebuilding their lives.

[The Crisis Payment is an additional payment available for victims of family violence](#) as a one-off payment. However, [there are many issues for people experiencing domestic violence that relate to the structure and payment of social security payments](#). These include delays in payment for people in crisis and debts resulting from administrative error and/or opaque Centrelink correspondence regarding reporting obligations.

Often women deemed to have been living as a member of a couple are [left with large social security debts while their violent partner or ex-partner has no financial liability](#). The social security system's expectation that people in relationships will share income and assets ignores gendered power imbalances in many relationships and increases some women's risk of domestic and family violence. The inability to secure income support can force some women (and their children) to stay in the home, which could be exacerbated by home lockdowns.

The packages are also something of a gamble, as is the timing of their withdrawal. [We could face the worst recession on record](#) the longer lockdowns continue. There could be a downward spiral of consumer spending, increases in bad debts, mortgage defaults and corporate failures. Abandoning support prematurely -- before demand can build to a point where economic activity is self-sustaining -- will not serve the narrow interests of budgeting, the broader interests of the economy and the interests of Australians generally.

[Government debt will be much higher following the stimulus packages](#). Nevertheless, without these substantially increased government outlays, the effect on society, especially women (whose experience of poverty is greater than men's) would be catastrophic. It is important that after the crisis, Australia does not undertake a stringent austerity regime because of an overstated debt crisis. Australia's fiscal position is in the highest category possible. There is ample room to substantially increase spending. As Adam Triggs explains, ["the Australian government could increase debt by three-quarters of a trillion dollars - far more than anyone is suggesting - and still have less debt as a percentage of our economy than the average among our G20 peers."](#)

## Recommendations

- 4) The Aged Care Retention Bonus should be extended to disability care workers.
- 5) Restrictions on the use of the Cashless Debit Card should be lifted to allow users to access a full range of goods and services while observing the public health recommendation to avoid handling cash.
- 6) The Centrelink Crisis Payment should be urgently reviewed to partly address the growing incidence of domestic violence.
- 7) The increased JobSeeker Payment constitutes an acknowledgement that [Newstart, below the poverty line at \\$40 a day](#), was too little to live on and NFAW joins others in urging government not to return it to that unacceptable level. Mutual obligation requirements for JobSeeker recipients should not be reinstated until their current punitive design has been reviewed and market conditions make them meaningful.
- 8) Stringent austerity measures must be avoided as Australia enters the recovery period.

## 3. Superannuation

It has been argued that early access to superannuation will be a lifeline for people who are not eligible for either the JobSeeker allowance or the JobKeeper program, both introduced to support those whose jobs are at risk during the Coronavirus pandemic. Australian Prudential Regulatory Authority data released on 4 May shows that by the end of April superannuation funds [had](#) received \$665,310 early release applications. Of those applications 162,879 fund members had been paid an average of \$8,002.

It is important to be aware that not all accounts are equal: the long-term consequences of early superannuation withdrawals are much greater for women than for men. As a general rule, NFAW recommends that early access to superannuation continue to be on very limited grounds where genuine need can be verified.

In its COVID-19 support package, the government introduced two measures that apply to superannuation. The first, and the one that has received most attention, is the early release mechanism and the second, which targets older Australians, reduces the required drawdown rate from a superannuation account in retirement phase.

This section will briefly canvass how each of these programmes works, then consider each through a gendered lens.



## Early Release of Superannuation

The Committee will be aware that the [early release package](#) allows an eligible person to withdraw up to \$10,000 in the current financial year, and an additional \$10,000 up to 24 September 2020. The superannuation regulations already allow hardship drawdowns in specific circumstances, and COVID drawdowns have been included on those grounds. An applicant must meet one of the following criteria:

- be unemployed or eligible to receive income support payments, including JobSeeker allowance, Youth Allowance for jobseekers, Parenting Payment or Special Benefit;
- the applicant must, since 1 January 2020, have been made redundant or lost at least 20 per cent of their working hours or, if a sole trader, must have suspended their business or lost 20 per cent of turnover;
- be a temporary resident on a skilled work visa must have had their hours reduced to zero and remain engaged with their employer; or
- other temporary resident visa holders must be unable to meet immediate living expenses and, if a student, have held a student visa for at least 12 months.

This builds on the existing hardship measures in two important ways: it removes the requirement to be on income support for at least 39 weeks to be eligible, and the payment becomes non-taxable.

Under normal circumstances a person under their preservation age ([which varies between 55 and 60 based on their birthdate](#)), is [liable for tax on a lump sum withdrawal from superannuation](#). A withdrawal made under the COVID hardship provisions is tax free.

It also extends hardship measures to some temporary residents, although the grounds are more restrictive than for residents. [In normal circumstances the superannuation regulations do not allow a temporary resident to access the hardship provisions, limiting access to death or terminal illness, permanent or temporary incapacity, amounts under \\$200 or payment of specified taxes](#). A temporary resident can also [access their superannuation if they are leaving the country, but the tax rate payable ranges from 35 per cent to 65 per cent depending on visa type and whether the superannuation is a taxed or untaxed element](#).

Applications opened on 20th April through the MyGov app, with only one application of up to \$10,000 able to be made in each financial year. The ATO assesses applications and advises the applicant's superannuation fund of the amount to be released.

## Halving Minimum Drawdown from Superannuation

The second measure is intended to assist older Australians who have reached their preservation age, by [halving the minimum pension drawdown](#). Superannuation regulations require that a person who is drawing a pension from their superannuation must withdraw a certain amount each year, commencing at four per cent per annum of the balance at 1 July



for a person under the age of 65 and increasing to 14 per cent per annum for a person over the age of 95.

In the current environment, with volatile share markets and low interest rates, many superannuation funds are making losses. The requirement to draw down a minimum pension [places pressure on superannuation funds to sell shares](#) to ensure that the fund has sufficient liquid funds to be able to meet their payments to members, locking in those losses.

Members receiving superannuation pensions can choose to reduce their payments by contacting their superannuation fund directly. It is important to note that these are minimum amounts, so a person is not required to reduce their pension payments.

This option is more likely to be accessed by a person with a higher superannuation balance. For example, a person with a balance of \$500,000 who is drawing four per cent per annum, thereby receiving \$20,000 per annum, may decide not to reduce their payments, whereas a person with a balance of \$1,500,000, currently drawing down \$60,000 per annum, may decide that they can reduce their pension withdrawals. Note that superannuation balances remain assessable in the Age Pension means test, although [deeming rates have been reduced](#).

#### Implications of early release measures

Women have significantly lower superannuation account balances than men at all stages through their life. These differences are already substantial by the time women are 30, with the average balance around \$8,000 less than men of the same age, and the median balance at \$5,000 less. By the time [women reach age 60 the superannuation gap is around 20 per cent](#).

Women should think twice about accessing their superannuation early, since the long-term consequences are much greater for them. When looked at in actual dollars, the effect of withdrawing funds is even more stark. Between ages 30 to 34 the median account balance for women is \$30,129. Withdrawing \$10,000 is one third of the balance of the member's account, and withdrawing a second amount would leave the member with around \$10,000 in their account. The average (median) balance of members under 30 is less than \$20,000, which leaves them accruing their balance afresh.

[Evidence](#) (page 6) given to the House of Representatives Standing Committee on Economics Inquiry into Australia's four major banks and other financial institutions on 14 May 2020 indicates that around 5 per cent of claims for early access, ie around 50,000 accounts, had been fully withdrawn under the COVID early access measure. Additional [evidence provided to this Committee by Treasury](#) in response to a question on notice (response 51) was as follows:

| Gender | Number of | Value of application |
|--------|-----------|----------------------|
|--------|-----------|----------------------|

|        | applications approved | approved for release \$m |
|--------|-----------------------|--------------------------|
| Male   | 772,300               | 6,500                    |
| Female | 581,700               | 4,620                    |

Source: ATO (Data as at 11 May 2020)

It is interesting to see that the number of women requesting withdrawals under the COVID provisions is lower than men. There are probably a range of reasons for that based in workforce participation patterns. At NFAW we do not have modelling capacity – as a volunteer based organisation we are dependent on what our policy analysis team can undertake in their own time.

We note that the Retirement Income Review is currently in progress, and that the inequitable outcomes for women are a matter that is within the terms of reference of that committee.

Superannuation balances have also been eroded by the current market conditions. A balanced fund will typically have around 50 per cent of the assets invested in shares, reflecting a mix of Australian and internationally listed companies; 20 per cent in fixed interest; and 24 per cent in property and other assets with six per cent held in cash. While [APRA and ASIC have stated that they do not believe that superannuation funds will experience liquidity problems](#), if funds have to sell shares to meet withdrawals this will have an effect on fund balances as shares are sold at lower values. So, for example, if a member with an account balance of \$30,000 has seen a 10 per cent decline in the value of her portfolio, the balance of her account after withdrawing \$10,000 will be reduced to \$17,000.

Over time, as the economy recovers, the current losses in superannuation are likely to be recouped, if the funds have not been withdrawn.

It seems that many people who are considering accessing their superannuation are younger people. The industries that are most severely affected by the COVID shutdowns include hospitality, retail and entertainment, which are also industries that rely heavily on casual, contract and free-lance workers. Women are over-represented in these industries. The long-term effect of withdrawing \$10,000 is more substantial for younger people as superannuation growth is based on compounding returns: \$10,000 in 2019 would grow to \$70,000 in 2059 (based on net return, after fees, of five per cent per annum with no withdrawals). In contrast, if a 50-year-old withdrew \$10,000 the accumulated effect after 10 years would be \$16,000.

### Implications of minimum drawdowns

The second measure, the reduction of minimum drawdowns, is also more likely to benefit men as they have higher superannuation balances. The median balance of a woman aged 60

- 64 is \$122,848, so a two per cent drawdown would be \$24,500 per annum, while two per cent of the median male balance would be \$30,800. The [APRA Annual Superannuation Bulletin](#) shows that in the year ended 30 June 2019 the average pension withdrawn from superannuation is around six per cent (\$17,611) for an account based pension and slightly higher at seven per cent (\$23,513) for an allocated pension. Women withdrew 39 per cent of total pension payments in that year.

It could be a useful strategy for a person who has met conditions of release - that is, aged over 65, or over 60 and having lost their job. In such circumstances accessing two per cent per annum of their fund may supplement any other entitlements, although they will need to consider the effect of a payment on means testing for JobSeeker or other social security entitlements. They can return to work if circumstances change, although a person under the age of 65 receiving JobKeeper payments is unlikely to be considered to have retired.

#### Other issues to consider

Early withdrawal of superannuation is, generally speaking, not a good idea. It can lead to an increased risk of poverty and heavier reliance on the age pension after retirement. Women are already at a [higher risk of poverty](#) and [homelessness](#) in retirement, with a [higher rate of reliance on the age pension than men](#).

Another consequence of withdrawing superannuation includes losing insurance provided through superannuation funds. Under amendments made in 2019, [accounts less than \\$6,000 and inactive accounts are no longer covered by default insurance policies within superannuation](#). Reapplying for cover may require a reassessment of risk, with higher premiums. Members of superannuation funds who lose insurance cover as a consequence of withdrawing funds under this measure should be allowed to reinstate insurance within superannuation on the terms that applied before the withdrawal.

Early withdrawal of superannuation should be a last resort, after considering JobSeeker and JobKeeper for income support; and approaching banks, landlords and other creditors to renegotiate payments.

If early withdrawal does become necessary for a person to stay afloat, it could be regarded as a loan to be repaid, by making additional contributions once we get to the other side. Contribution caps should be adjusted to ensure that a person who withdrew funds from superannuation under this measure can make additional contributions to recoup that withdrawal.

#### Recommendations

- 9) As a general rule, NFAW recommends that early access to superannuation continue to be on very limited grounds where genuine need can be verified.

- 10) Members of superannuation funds who lose insurance cover as a consequence of withdrawing funds under the COVID-19 measure should be allowed to reinstate insurance within superannuation on the terms that applied before the withdrawal.
- 11) Contribution caps should be adjusted to ensure that a person who withdrew funds from superannuation under this measure can make additional contributions to recoup that withdrawal.

#### 4. JobKeeper

The Committee will be aware of the JobKeeper arrangements enabling businesses affected by the coronavirus to access a subsidy to continue paying their employees. Businesses with a turnover of less than \$1 billion are eligible if their turnover has fallen by 30 per cent or more; those with a turnover of \$1 billion or more are eligible if their turnover has fallen by 50 per cent or more; charities and not-for-profits are eligible if their turnover has fallen by 15 per cent or more.

These businesses are now receiving a fortnightly payment of \$1,500 from JobKeeper for a maximum of 26 weeks for each employee that was on their books on 1 March 2020 and is retained or continues to be engaged by that employer.

##### The good news for women

Available data suggest that, on current trends, those employees are more likely than not to be women, because [women are more likely to do contact service work in industries directly impacted by trading restrictions](#) introduced in response to COVID-19. These include the hospitality, tourism and transport, personal service and the entertainment and retail sectors.

The majority of workers currently directly impacted are those in low-paid part-time, female-dominated occupations. Data analysis conducted by Rebecca Cassells and Alan Duncan for Bankwest Curtin Economics Centre shows that [most of these workers would be more than fully compensated under JobKeeper](#). That is, around four in five part-time workers will be better off receiving a \$1500 fortnightly JobKeeper payment than they would be receiving their current average weekly wages, which are typically far lower than \$750.

Women are more likely to be in casual and part-time employment, and their jobs are more likely to be impacted by the Coronavirus measures, when compared to men. For example, part-time sales assistants earn on average \$451 a week. If these workers were retained on

the books by an eligible employer and received the weekly JobKeeper payment of \$750, the average part-time sales assistant would gain \$299 per week.

Drawing on ABS data<sup>3</sup>, Cassells and Duncan look at the average weekly earnings people in COVID-19-vulnerable occupations such as sales assistants, bar attendants and baristas, café and restaurant managers, waiters, chefs, kitchen hands, beauty therapists, fitness instructors, tourism and travel advisers, gallery, museum and tour guides, hotel and motel managers, fast food cooks, retail managers, air transport professionals, and music professionals. Broadly, the average worker in many of these occupations would receive between \$200 and \$400 more each week than the normal salary for their role. Only air transport professionals will be worse off; others will gain anywhere from \$69 (retail managers) to \$470 (fitness instructors).

Of course the use of averages in these comparisons masks the spread of the underlying wage distribution, but the fact remains that, on average, only 445,000 (20 per cent) of the 2.2 million part-time workers will receive less than wage replacement.

In the case of full-time workers, the JobKeeper package will deliver less than full wage replacement for 3.9 million (93 per cent) of the 4.1 million people in the vulnerable occupations analysed by Cassells and Duncan. This group will have to receive employer top-ups to ensure their hourly entitlements are respected.

Women – who form the bulk of lower paid part-time workers – are likely to do best out of flat floor put in place under JobKeeper, which the Government has described as an [unavoidable feature of the scheme](#). There are three possible reasons why the payment was designed like this. First, and most obviously, the flat \$1500 fortnightly rate has simplified the roll-out. Secondly, targeting lower-paid employees is likely to have a stronger stimulus effect. Certainly recently published real-time analysis of the earlier one-off \$750 coronavirus stimulus payment targeting lower-income people shows that [that payment had the effect of arresting the nationwide collapse in consumer spending caused by the coronavirus outbreak](#).

The third possible reason for these flat-rate payments that favour part-time and lower-paid women is the need to keep the many women in industries critical to the pandemic response in active contact with their employers. That issue is covered in section 6, in the discussion of social infrastructure.

That, to the extent that there is any, is the good news.

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<sup>3</sup> ABS Labour Force Quarterly Detailed, Cat No.6291.0.55.003 Feb 2020, ABS Employee Earnings and Hours Survey Cat No.6306.0., May 2018. ABS Census 2016.

## The bad news for women

The bad news includes both the exclusions from JobKeeper and the increasing evidence of various forms of rorting of the scheme.

Casuals who have worked for a business for fewer than 12 months (other than some New Zealanders), local council workers, workers in certain foreign-controlled businesses, employees at most universities and temporary visa holders are among those excluded from the scheme. Women are disproportionately represented in the short-term casual roles that are currently ineligible for the JobKeeper support, especially those in the hospitality, health care and retail sectors. Cassels and Duncan estimate that there are around 950,000 ineligible casual workers, with the majority employed in the accommodation and food services, retail trade, and health care and social assistance sectors. A higher share of these workers are women.

Many of these women will, however, be eligible for [JobSeeker payments](#), including the temporary coronavirus supplement, and some, particularly those in part-time work, will still be better off with the \$1100 a fortnight in the JobSeeker payment. But this group has lost any ongoing connection with an employer.

The situation of temporary visa holders is unrelentingly bad news. [The government has advised most temporary visa holders with work rights to access their Australian superannuation to help support themselves --](#) if they have any superannuation and in the unlikely event that it will be sufficient to enable them to survive for very long. [Evidence provided to this Committee from Treasury in response to a question on notice](#) (response 51) indicates that 81,700 women holding temporary visas had applied to withdraw their super; 80,600 of them had been successful; and the average withdrawal amount was \$4346. The poverty line (50 per cent of median income, before deducting housing costs) for a single adult is [\\$457 per week](#) (pw). That sum should enable them to live for less than three months.

[Many temporary visa holders have also been victims of wage theft](#) and most of those [victims who try to get their wages and superannuation back are not successful](#). Temporary visa holders who are unable to support themselves under these circumstances have been told [“it's time to go home, and they should make arrangements as quickly as possible.”](#) In practice this means that many such migrants may be made homeless or will be forced to live in crowded situations and may be forced into illegal work.

Given the significant shortfall in JobKeeper expenditure, NFAW recommends that the scheme be restructured to include casuals who have worked for a business for fewer than 12 months, local council workers, workers in foreign-controlled businesses, casual university employees and temporary visa holders should be included in future JobKeeper payments.

The second class of bad news is the rorting of the JobKeeper scheme. In some cases such ‘rorting’ is of a piece with the broad confusion caused by the fast roll-out of the scheme and

associated operational issues. For example, the scheme relies on reimbursing employers, which in turn means that they have to pay up front for employees for whom \$750pw may represent more than their usual wage. Employers are also expected to be making fortnightly prepayments of sums they receive monthly in arrears. The resulting cash flow issue has caused great anxiety to many smaller, already hard-pressed employers and their employees.

There has also been confusion about whether employees are doing enough work to entitle them to the government allowance. Although the JobKeeper Enabling Directions allow employers to stand down staff and reduce hours, the scheme does not allow employers to direct permanent employees to perform work in addition to their ordinary hours to 'make up for' their JobKeeper payment -- but employees can agree with employers to work those extra hours. What constitutes agreement, what constitutes refusal, what constitutes a reasonable concern about personal or household safety or increased child or carer commitments -- all these have arisen as valid issues.

A subset of employers are, however, [taking advantage of the confusion surrounding the operation of the scheme](#) by means that have been described as an application of the strategies of wage theft to the opportunities offered by JobKeeper. [One specialist in employment law reports](#) that they have already seen cases of employers taking advantage of the scheme, with some sacking workers so they do not get the benefit and others lying about being eligible. "We have a wage theft epidemic in this country," he said. "Employers who have stolen from their employees in the past will steal from them again, and they will use this scheme to their advantage rather than passing on the benefits to employees."

One Parliamentarian has already reported receiving a complaint that the familiar 'cash-back' model of wage theft is being recycled, with [employees receiving JobKeeper payments being pressured into returning a proportion of those payments to their employer](#). [JobWatch Executive Director Bytheway has been reported as saying:](#)

"Some employers are actually reaping the benefits and passing on the burden to their employees." She said the service has dealt with workers who aren't being paid the full subsidy and where employees are being forced to work additional hours to 'earn' the full benefit. "Another case was the employer informed all staff that they would be applying for JobKeeper but said they would not be using the payments to pay staff at their ordinary rate," she said. "But instead they would use it to pay staff at a reduced rate and use the remainder to support the business."

The Prime Minister has responded to reports of employer rorting by noting that those concerned will feel the full weight of the law [and be cut off from further payments](#). But it is hard to see how that will benefit their victims, who will be moved from JobKeeper to JobSeeker.

The Minister has advised that [the Tax Office would conduct audits of businesses signed up to JobKeeper](#). The ATO has indeed set up a complaints hotline, but it has not indicated that audits are on the table. Indeed, it has [advised this Committee](#) ( question on notice 50) that

rates of pay and abuse of employer directions under the scheme are matters for the Fair Work Ombudsman and Fair Work Commission. NFAW believes that in the interests of transparency, and consistent with our [recommendations relating to wage theft](#), audits should be undertaken and that the ATO or the Fair Work Ombudsman should publish data on the number of business receiving sanctions as a percentage of the number investigated, and that those receiving sanctions should be named by the agency.

### Ending JobKeeper

JobKeeper was rolled out quickly because it had to be, and its policy shortcomings continue to be a matter of debate. Nevertheless, the scheme continues to have the joint support of employers and unions. Most of the criticism of the scheme reflects its exclusions, which are arbitrary and which leave many of the most vulnerable even more vulnerable. NFAW agrees with critics that these exclusions are arbitrary and generating serious hardship and should be removed as part of the 1 June scheme review.

A [second group of critics want the scheme to end early](#) some time following its 1 June review, but certainly cutting out altogether on September 28. This group privileges the budget over the economy and debt repayment over stimulus, and seems to assume that anyone, employer or employee, who has not snapped back by September 28 really isn't trying. It is a simple view of a complex situation, characteristically reliant on calling JobKeeper payments 'handouts'.

Any decision-making on the duration and coverage of JobKeeper should be based on evidence and not on ideology. NFAW agrees with the broad view that:

- employment impact of the pandemic is likely to vary considerably between industries in its severity and its duration; and
- the post-pandemic economy when it comes will not be a mirror of the prepandemic economy (see section 6).

As yet the data on which to base decision-making is simply not available. It is, however, only too clear that premature withdrawal of JobKeeper will undermine the stimulus value of the original outlay.



## Recommendations

- 12) Casuals who have worked for a business for fewer than 12 months, local council workers, workers in foreign-controlled businesses, casual university employees and temporary visa holders should be included in future JobKeeper payments.
- 13) NFAW believes that in the interests of transparency, and consistent with our [recommendations relating to wage theft](#), audits should be undertaken and that the ATO or the Fair Work Ombudsman should publish data on the number of business receiving sanctions as a percentage of the number investigated, and that those receiving sanctions should be named by the agency.
- 14) Any decision-making on the duration and coverage of JobKeeper should be based on evidence of recovery, and should be responsive to the needs of individual industries within the broader economy.

## 5. Changes to industrial rules

Because employment is gendered, the impact of the COVID-19 on employment is also gendered. Because women are disproportionately represented in direct contact employment and the retail and hospitality industry, more women than men are losing their jobs -- 272,816 in hospitality alone as of 23 April.

April 2020 data further confirmed the gendered pattern of the impact of lockdown: paid hours worked by women and men fell by 11.5 per cent and 7.5 per cent respectively. Female unemployment sat at 14.8 per cent; male unemployment at 12.9 per cent— and that data excludes women at home unable to look for work because of increased caring responsibilities.

[The JobKeeper payment](#) has undoubtedly been a welcome initiative for those who have been eligible to receive it. It has ensured many women remain in paid employment, particularly part-timers and casuals who have passed the 12-month benchmark -- but it has also come with strings attached. The coronavirus crisis has meant that the regulatory rights of employees were made to give way to the needs of employers for flexibility in work design.

[Unions wanted this process to be managed through the award system by negotiation](#), and [many such changes have been made](#). However, several employers and the Commonwealth government wanted to step in and [change the Fair Work Act](#) itself. That approach was pursued, with the government arguing that a single legislated regime would enable the JobKeeper scheme to operate with greater speed and certainty.

Schedule one of the Coronavirus Economic Response Package Omnibus (Measures No. 2) Act 2020 enables an employer to –

- stand down an employee by directing them to work fewer days or reduced hours if the employee cannot be usefully employed because of the impact of the COVID-19 crisis on the business
- direct an employee to work from a different location, such as the employee's home
- direct an employee to undertake different duties than usual, where the direction is safe to do so and reasonably within the scope of the businesses' operations, and
- request that an employee agree to change their days or time of work or use some of their annual leave, ***provided it does not result in the employee having a balance of less than two weeks annual leave.***

While insisting on amending the Fair Work Act, the government did accept the arguments of unions and opposition parties concerning the need to insert some safeguards in the legislation in addition to those italicised above. Some of these changes plug very considerable holes — for example, the new employer prerogatives have been restricted to those employers actually eligible to use JobKeeper rather than applying to all employers -- and the changes to the Fair Work Act itself are to sunset on 28 September 2020.

Amendments also ensure that rates of pay are protected – rather than being artificially capped at the \$1,500/fortnight wage subsidy --- ensuring employees are properly paid for all work undertaken at the legal hourly rate of pay.

Some measures have been introduced to encourage employees' concerns to be heard. Variations to working conditions should only be made after consultation and in many cases require the agreement of employees, and disputes are to be arbitrated by the Fair Work Commission to ensure reasonableness and fairness. Already there are disputes about what does and what does not constitute safe work and what weight should be given to concerns about work and family interactions.

Following an initial lack of clarity about whether employers will control their employees' eligibility for the scheme (see p. 23), the government indicated the intention is that all eligible employees of a business should be included (one-in, all-in). However the application of this policy to dismissed employees is not widely understood, and this lack of clarity constitutes additional leverage for employers -- who may fail to distinguish between the changes they may *direct* an employee to make and those which they may *request*.

Where confusion arises, employees might well look at the job market and hesitate to make use of any safeguard that might personalise them. They may be justified: COVID-19 has coincided with a surge in unfair dismissal cases. In some cases this may lead to the acceptance of cuts to wages or hours. In other cases of which NFAW is aware in the education sector, it can lead to increased workloads without overtime pay or other workload adjustments being offered to deal with the increased load.

In this environment, the government has put in place rules that enable the Minister to make unilateral ongoing changes to Fair Work regulation. The Minister has already made use of those powers, [radically cutting the required notice period from seven days to one when giving their employees before calling a vote on a proposed changes to enterprise agreements](#). The Fair Work Commission will be able to consider applications to approve these agreement variations for a further six months after JobKeeper sunsets. What is more, these Fair Work Act changes were made accessible to all employers covered by Enterprise Agreements (including those in no danger of business failure), not just applicants for JobKeeper.

The Minister's rule change has been made in the service of increased employer flexibility, and will indeed give employers scope to put wage cuts to the vote before employees have had time to examine or discuss their necessity. This means that, while award wages are minima, agreements may set higher rates and may therefore be reduced back to minima.

This is concerning, because it is both unnecessary and has consequences that last well beyond the JobKeeper end date. It is unnecessary because under JobKeeper employers can already stand down an employee by directing them to work fewer days or reduced hours, leading to a loss of earnings down to the \$750 pw floor. Under the government's proposed rule change, such cuts could be made to wages as well as hours and could be locked into agreements. Agreements typically last between two and three years, but remain in force until they are replaced or terminated, and [replacement rates were last reported at about 35 per cent](#) (see chart 10). The government was forced to accept the restriction of changes to agreements made under its regulation to 12 months in order to prevent its disallowance, but the change was not part of its policy intention.

There may also be new problems associated with an anticipated long-term shift to working from home which will have yet to be addressed through the award system. A recent briefing paper by Alison Pennington and Jim Stanford titled [Working from Home in a Pandemic: Opportunities and Risks](#) found that, based on their occupational distribution, an estimated that 36 per cent of women could work remotely (given adequate time for adjustments and systems changes), versus 27 per cent of men.

The risks identified by Pennington and Stanford include:

- cost shifting from employers to employees (including fixed up-front costs for setting up an appropriate home workspace, extra utility costs, extra depreciation on personal capital equipment, and direct costs for paper, data, etc.);
- ongoing work-related costs (including space, data charges, utilities, and printing);
- threats to standard and predictable working hours and compensation for overtime; and
- the extension of employer digital surveillance into the home via monitoring of computer use, smart phones, and other technologies.

For many women there is the further risk that home-based work will continue the blurring of part-time and full-time working hours and exacerbate the stressful daily juggle between time spent in paid work and time spent in caregiving.

Undoubtedly JobKeeper is an important and positive initiative, and many women will benefit from it. The government has argued that in order for it to be delivered, employees' rights had to be made to give way, and the loss of such rights is most dangerous where they apply to low-paid, part-time and casualised employees. Thus far, the temporary suspension of workers' rights is largely being offset by the temporary targeting of support.

However, new employer prerogatives should not be allowed to reshape practices beyond 28 September 2020, except where JobKeeper remains in force. Those workplaces that no longer require JobKeeper support no longer require the new employer prerogatives that operationalised it.

### Recommendations

- 15) The industrial issues opened by large scale work from home need to be addressed through the award system. The government should initiate research into the issues which can be used to underpin relevant national employment standards.
- 16) New employer prerogatives under Schedule one of the *Coronavirus Economic Response Package Omnibus (Measures No. 2) Act 2020*, including the reduction of agreement-making safeguards, should not be allowed to reshape practices beyond 28 September 2020, except where JobKeeper remains in force. Cuts to wages and conditions made under the temporary regulations should not outlive the regulations themselves.

## 6. Frontline services and pay equity

[In response to budget after budget](#), NFAW has argued that [it is a mistake to treat expenditure on social infrastructure such as nursing education as a cost and expenditure on hard infrastructure such as roadbuilding as an investment](#). This is not just a means of keeping infrastructure costs off the books, it is also a means of ensuring that [all discussion of austerity centres on social services](#). And it rubs off onto the relative work value of nurses and roadbuilders.

Only when times are really austere does social infrastructure comes back into focus. The government doubles welfare expenditure and institutes something very like a social wage. [It props up child care](#) and education - [specifically the teaching of feminised courses in Teaching, Nursing, Psychology, English, Mathematics, Foreign Languages, and Agriculture](#) --

and it [increases funding for domestic violence programs](#). The aged care sector is given [\\$234.9m to provide a retention bonus](#) to shore up numbers in residential and home care.

At the same time, the ABS reports that, among businesses still trading between March 30 and April 3, [those industries most commonly reporting temporarily increases in staff hours were Education and training \(12 per cent\), Health care and social assistance \(9 per cent\), Other services\[1\] \(9 per cent\), Retail trade \(8 per cent\) and Administration and support services \[including building and other cleaning services\] \(5 per cent\)](#). There is no associated data on how these increased hours were paid for, or whether they were paid for.

The industry groupings are large, and overall gains do not by any means offset losses (particularly in retail and hospitality). Nevertheless, industries showing gains clearly reflect strongly feminised occupations that make up much of the national social infrastructure.

Women are disproportionately represented in frontline crisis response roles: 80 per cent of healthcare workers are women and 70 per cent of pathology services are provided by women. Women predominate in most of the essential support services and among the workers that cannot stay home: the teachers, aged and childcare workers and hospital cleaners. Social services are under pressure from the virus and most social service providers are women: social workers, mental health support workers, frontline domestic and family violence workers, child support workers.

Taken broadly, the numbers confirm that focussing on ‘balancing lives and livelihoods’ means increased focus on social and a decreased focus on hard infrastructure; that national costs and national investments are not as easily distinguished as the national accounts would like to have us believe; and that market forces reflecting these assumptions are likely to have seriously skewed the established work value indicators. [Thirty-two per cent of police and 27 per cent of ambulance officers earn more than \\$2000 per week, compared to 10 per cent of nurses and 12 per cent of teachers](#).

The question for women is now whether the rhetorical revaluing of the social infrastructure will feed into equal pay.

### Equal remuneration – in the short term

In the short term, there is the pressing budget decision as to whether [the government will continue funding for wage increases flowing from the 2012 social and community care equal pay decision](#), or whether it will withhold funding and see the industry experience \$554m in job cuts.

Social infrastructure funding – in particular funding for community service provision – is not attractive to government because it involves a long-term commitment to recurrent expenditure, whereas characteristically infrastructure spending does not. Thus far pandemic expenditure initiatives the welfare sector have all been designed as one-off, reversible programs of the snap-back variety. As a form of stimulus spending, however, spending on

community service providers has great advantages because it targets low paid employees in frontline essential services and builds longer-term confidence in economic activity, which one-off projects do not. It would also stem the long-term leak of skilled carers from the sector, which one-off retention payments will not.

In 2012 the Fair Work Commission made a landmark decision that addressed the gendered undervaluation of work performed in much of the community services sector (The Equal Remuneration Order (ERO)). As a result, wages increased by up to 45 per cent over eight years, and most governments across Australia, including the federal Government, provided additional funding to ensure that community sector organisations could pay equitable wages, and maintain essential services to the community.

The supplementation that was provided in federal government grants and service agreements simply maintained the level of services to communities and ensured community organisations adhered to their industrial obligations under the ERO ruling. There is no funding budgeted to continue this supplementation beyond 2021. The continuation of this supplementation must be secured in the 2020-21 Budget through incorporation into the base rate of community sector grants.

Since award rates are legal minima, loss of supplementation will mean job cuts to offset the current \$554m of supplementation. These cuts would affect services to families and children, domestic violence services and other community services, including bushfire and bushfire-related homelessness and pandemic-related violence support. NFAW, the Women's Electoral Lobby (WEL) and the Australian Council of Social Service (ACOSS) have sought advice on this matter from the government, and have received only a holding response.

We recommend that the government confirm that funding to implement the 2012 ERO ruling in the social and community care industry will be in the October budget.

There is also the question of whether a government that identified child care as an essential service will continue to use its submissions in the equal pay case for child care workers before the FWC to drive the Commission further and further down the rabbit-hole of male comparators. Rather than supporting the precedent set by the SACS decision under the Fair Work Act, the Commonwealth has pushed a return to comparator-based analysis and then questioned further whether [even that can be sufficient of itself for the Commission to reach any decision](#). Meanwhile a case that began in 2013 has been revived again and again as the years continue to pass and [young workers exit](#) an 'essential service' industry.

We recommend that government use its status as an interested party in the current FWC equal remuneration proceedings and as a funder of child care to support rather than resist equal remuneration for those working in a recognised essential service.

## Equal remuneration – in the longer term

In the longer term, as we emerge from lockdown and look to the national priorities, it will be necessary to address the question of whether the old-style denigration of people receiving welfare should continue to rub off onto those female-dominated occupations that deliver community support services, or whether the re-valuing of the social safety net will also encourage the re-valuing of social services work.

This question is one of a larger set of questions about post-pandemic (post *this* pandemic) Australia. Earlier in April [the government was giving currency to the phrase 'snap back'](#), as if the old economy and the old policies would miraculously reappear against an unchanged background:

There are no structural changes here. There is a snap back there, a snap back to the previous existing arrangements on the other side of this. And so there is an intensity of expenditure during this period. And then we have to get back to what it was like before.

It has since become very clear that few respected analysts think a post-virus economy will simply spring back into its old shape. [The Australian Treasury](#) and [Reserve Bank](#) agree that Australian employment will take years to recover, despite the significant measures that have been taken to support a recovery. The economy and its supply chains and the nature of much employment [will be reshaped rather than snapping back](#). There will be an ongoing need for government stimulus. There will be debt and the tax system will be called upon to respond.

Some analysts argue that the rhetoric of 'snapback' did not so much signal a retro view of the economy as a retro view of economic policy, that 'snap back' may be meant to reassure the conservative wing of the conservative party that ideological purity will be restored. [The intentions currently foreshadowed by the Prime Minister suggest that such a move to the right may be the case](#). He has proposed an even more pro-business tax strategy, a further privileging of hard over soft infrastructure and yet further industrial relations reform which may (if Porter's first rule change is any indicator) may snap workplace relations all the way back to [WorkChoices](#).

Indeed, the government has signalled repeatedly that industrial relations ['reforms' will in its view be a feature of post-lockdown measures](#). It has also signalled that [the policies and their ideological underpinnings are going to be unchanged](#) (p.5) from those which have steered the country into historic low wage growth. These policies will increase neither consumer confidence nor consumer spending capacity.

NFAW recommends against such measures. In our view the national interest will be best served by pursuing the pragmatic and consensual approach adopted so successfully in the early stages of the national response.



Such an approach would leverage post lockdown realities. Vilification of the unemployed has stopped. The myth that a stronger social safety net is impossible has been shown to be groundless. People living on Jobseeker are gaining first-hand experience of how wage cuts will restrict household spending and re-engagement in economic activity. Television viewers have seen the critical role played by social infrastructure while roads stand empty. The role of childcare in underpinning economic activity has become obvious. Home-based schooling has increased public understanding of and value for the teaching profession. The government has had to acknowledge union strength in frontline industries and been seen to consult and work with union leaders.

We believe this offers a useful basis for consensual policy development if the government will build consult more widely than the narrowly-based and inflexible NCCC. [The recent announcement of a 4-month opportunity for unions and employers to reach agreement before the government steps in to legislate industrial relations change suggests that the government understands the public mood may favour consensus in the recovery environment.](#)

## Recommendations

- 17) The government should publicly confirm that funding to implement the 2012 Equal Remuneration Order in the social and community care industry will be included in the October budget.
- 18) The government should use its status as an interested party in the current FWC equal remuneration proceedings and as a funder of child care to support rather than resist equal remuneration for those working in a recognised essential service.
- 19) In developing policies to anticipate and mitigate the economic and social effects of the global coronavirus pandemic the government should confer with a broader range of advisers than those on the NCCC and pursue the pragmatic and consensual approach adopted and so widely supported in the early stages of the national response.

## 7. Early childhood education and child care

NFAW strongly supports the provision of quality early childhood education and child care as an *essential service* for children, parents and the economy. The viability of the sector and affordability of early education and care are of paramount importance to families, and especially women, as the economy opens up during and following the COVID-19 pandemic.

### Current concerns

We know that the COVID-19 pandemic has placed strain on families, financially and socially. We also understand that many child care providers and services have been operating under



financial constraints owing to reductions in attendance and child care payments under the Australian Government's Relief Package. Some providers and services have also faced significant financial constraints as a result of the 50 per cent payments introduced as part of the government's Relief Package, determined on the basis of a service's pre-COVID-19 attendances in the fortnight prior to 2 March 2020. While some services have been able to apply for the JobKeeper initiative to support their workforce or to apply for an Exceptional Circumstance Supplementary payment, others have not been eligible for these payments.

The government responded through additional measures announced on 30 April 2020. Yet more support is needed for child care providers and services to deal with the unintended consequences of disrupted supply and demand and income shortages.

NFAW is concerned that government support at this time may not be enough to prevent 'market failure' in the child care sector coming out of the COVID-19 pandemic. Parents may be left without care if their child care service ceases operation. Even if services remain open, families may not be able to afford child care if the Child Care Subsidy (CCS) system resumes and a larger proportion of families do not meet the activity test owing to changed working circumstances or unemployment. Families resuming care or seeking a place in child care for the first time may also find it difficult to get back to work, given the prioritisation of places to families currently using care.

The affordability of quality early education and care will be an issue that governments need to address soon, as well as the growing privatisation of the child care 'market' over the last 15-20 years. Going forward, business decisions by small and large child care providers may determine whether families have access to care or not – we need to consider whether that is what all levels of government and taxpayers in Australia want, and how to support this. NFAW is concerned that we may face a collapse similar to that of ABC Learning following the global financial crisis, affecting more than 600 services in Australia – this could potentially result in even greater consolidation in the market with larger for-profit companies taking over smaller operators (currently just over 80 per cent of the market).

NFAW is also aware that future wage cases will likely highlight the importance of child care to the economy and families, as well as educators' right to wage increases. This will likely have flow on consequences for a higher hourly rate of subsidy under various CCS payments, as wages make up a large proportion of child care operating costs, together with rent and overheads.

These are pressing issues that need to be considered by all levels of government in the near future.

NFAW recommends that the cooperation of the National Cabinet during the COVID-19 be extended post-COVID-19 (potentially through the Council of Australian Governments) to consider the viability and affordability of child care and early learning in Australia. This should include consultation with the sector and families and consideration of monitoring

and evaluation of outcomes the CCS system and Child Care Relief Package for families, providers and services.

## Recommendations

- 20) NFAW welcomes measures announced in the Australian Government's *Early Child Education and Child Care Relief Package* on 2 April 2020 to provide free child care for families, and increase the number of allowed absences from care during COVID-19, but is concerned about unintended consequences of the Relief Package. While this Package is in operation, NFAW strongly supports Early Childhood Australia's call<sup>4</sup> for the government to:
- Guarantee additional funding (via Exceptional Circumstance Supplementary Payments) to all approved child care providers that are ineligible for JobKeeper, including providers operated by state, territory and local governments.
  - Maintain free child care for families during this period.
  - Provide clear guidelines to early education and care providers on how to prioritise enrolments for the remainder of the Relief Package period and beyond, if the period of the Relief Package is extended.
  - Increase 'business continuity' payments to services that can maintain at least 50 per cent attendance as they transition back to the CCS system.
  - Allow services that have maintained or increased their attendances during the period of the Package over 50 per cent of pre-pandemic levels to access Exceptional Circumstance Supplementary Payments to maintain viability.
  - Design and implement a transition period, to realign demand, supply and funding before the Child Care Subsidy (CCS) system recommences.
- 21) With resumption of the CCS system, NFAW recommends that:
- The Activity Test be paused for at least six months beyond the end of the Relief Package and be reviewed to see how families and child care providers are managing in the post-COVID-19 circumstances.
    - The Activity Test can disproportionately affect women, who are often in part-time or casual jobs as the 'second earner' in the family, working fewer hours

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<sup>4</sup> Early Childhood Australia. (May 2020). Submission to the DESE's Review of the Child Care Relief Package. <http://www.earlychildhoodaustralia.org.au/wp-content/uploads/2020/05/ECEC-Relief-Package-Review-ECA-Submission-updated.pdf>

than men – their lower level of activity affects how many hours of subsidised child care a family can receive under the CCS system.

- Consideration be given to Early Childhood Australia’s recommendation that the Activity Text be suspended and every child be provided with an entitlement to 20 hours per week of fully funded or highly subsidised early education and care.<sup>5</sup>
- Special consideration be given to the needs of low income, vulnerable or disadvantaged families, particularly those who have had to disengage from early education or child care due to their circumstances – principally, through more funding for the Additional Child Care Subsidy (ACCS) and broader application of ACCS Wellbeing and Transition to Work payments to families in need of support.

22) A community-based response to child care funding be considered for certain population groups (such as Aboriginal and Torres Strait Islander communities), as recommended by Early Childhood Australia, rather than a funding model based on individual subsidies for families.

## 8. Young women

The COVID-19 pandemic is having particularly severe effects on young women in Australia. Young women are disproportionately affected by job and income loss, having both short-term impacts and the potential for ongoing impacts on employment, income and wealth throughout their lives. With an expectation, based on prior and emerging evidence, that violence against women will increase during the pandemic, the particular forms of violence experienced by young women and barriers to their accessing support are in focus. Finally, impacts of young women’s health must be addressed – including the accessibility of sexual and reproductive healthcare and impacts of mental health and wellbeing.

There is a strong need for the experiences and needs of young women to be a focus of policy development for the crisis response and recovery.

Issues of intergenerational equity have been prominent in Australian policy and budget debates over recent years. COVID-19 has brought these issues strongly into focus, as young people experience significant financial loss and impacts on their social lives and mental wellbeing as an effect of social distancing measures. The crisis raises questions as to how public policy measures in the short and medium term will ensure that all young people are supported and do not face further disadvantage that follows them throughout their lives.

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<sup>5</sup> Early Childhood Australia. (May 2020). Summary of ECA Response to the COVID-19 Select Committee. [http://www.earlychildhoodaustralia.org.au/wp-content/uploads/2020/05/ECA-Relief-package\\_-Submission-summary-Formatted-FINAL.pdf](http://www.earlychildhoodaustralia.org.au/wp-content/uploads/2020/05/ECA-Relief-package_-Submission-summary-Formatted-FINAL.pdf)

Young women can see the economic insecurity that older women currently face as a result of inequalities throughout their lives. What measures will be taken in order to prevent yet another generation of women experiencing these inequalities, particularly in the wake of a global pandemic that has had severe impacts on their economic prospects?

### Young women's economic security

Research indicates that young women will be among those hit hardest by the coronavirus related job losses, and young women have had less time to build up financial buffers and financial resilience. ABS data for the period 14 March – 2 May 2020 shows that young people's employment has been significantly affected by the pandemic. Jobs worked by people aged under 20 decreased by 14.6 per cent and by people aged 20-29 years have decreased by 10.7 per cent. Overall, women's jobs have decreased at a higher rate (7.1 per cent) than men's (6.9 per cent) in this period.<sup>6</sup>

Young women, at the beginning of their working lives, are particularly impacted by the economic fallout of COVID-19. Prior to COVID-19, young women were already facing significant barriers to secure employment and financial security. The casualisation of the workforce, high rates of under-employment and unemployment, increase in the gig economy and increasing unpaid internships make it difficult for young people to find steady, secure employment with access to paid leave and superannuation.<sup>7</sup> Young workers aged 15 to 24 years are much more likely to be casual workers than other age groups, and therefore not to have access to leave entitlements and job security.<sup>8</sup> Additionally, young women are disadvantaged by the gender pay gap from the beginning of their working lives.<sup>9</sup>

The JobSeeker payment has been supplemented by the Coronavirus supplement, increasing the previously inadequate rate<sup>10</sup> for six months which provides some short-term relief to recipients, but the financial shocks of the COVID-19 crisis are likely to be long lasting.<sup>11</sup> Of concern is the difficulty that young people may face in securing ongoing employment, given the high youth unemployment and underemployment prior to the crisis, and the context of

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<sup>6</sup> Australian Bureau of Statistics (19 May 2020) Weekly Payroll Jobs and Wages in Australia, Week ending 2 May 2020

<sup>7</sup> Brotherhood of St Laurence, March 2017), Generation Stalled: Young, underemployed and living precariously in Australia.

<sup>8</sup> Parliamentary Library. (January 2018). *Characteristics and use of casual employees in Australia*. Research paper series 2017-18

<sup>9</sup> Workplace Gender Equality Agency (20 February 2020) *Australia's Gender Pay Gap Statistics*

<sup>10</sup> Senate Community Affairs References Committee (April 2020) Adequacy of Newstart and related payments and alternative mechanisms to determine the level of income support payments in Australia

<sup>11</sup> Shane Wright, Sydney Morning Herald (7 April 2020) 'Virus will leave an economic impact for decades', <https://www.smh.com.au/politics/federal/virus-will-leave-an-economic-impact-for-decades-20200406-p54hk9.html>

a higher national unemployment rate overall as a result of the crisis. This highlights the need for social security payments to continue at a level that will provide material support to those who are unemployed.

Young people on Youth Allowance, Austudy and ABSTUDY Living Allowance are also eligible for the Coronavirus supplement. People aged 21 or younger who study full time, live away from home and have become unemployed due to the COVID-19 crisis, but are unable to meet the requirements for independence for Youth Allowance,<sup>12</sup> are likely to fall through the cracks of the current assistance package.

For young women who are employed, the JobKeeper payment will offer alternative relief for eligible workers and keep them in touch with their employers. This is crucial for remaining connected to employment as social distancing restrictions ease, and particularly important for young women who have been significantly impacted by job and income loss during the crisis. Additionally, many young people who work part-time are likely to benefit from an increased rate of pay through the flat-rate JobKeeper payment,<sup>13</sup> which will assist in meeting short-term costs as well as providing an opportunity to build up a financial buffer. However, many young women are excluded from the payment including those who are working on short-term casual contracts, temporary visa holders or completing unpaid work, and those working in universities and local councils.

Compounding these short-term impacts of the crisis, the financial decisions young women make now could last into retirement. As part of the early release of superannuation scheme, eligible individuals are able to access up to \$20,000 of their super over the 2019/20 and 2020-21 financial years. Evidence provided to this committee has shown that more than 1/3 of people requesting access to their superannuation under the COVID measures are under 30 years of age, and a further 18 per cent are aged between 31 and 35.<sup>14</sup> While this may provide immediate relief to young women, it could mean a much larger loss in retirement

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<sup>12</sup> See further: <https://www.servicesaustralia.gov.au/individuals/topics/youth-allowance-if-youre-independent/52411>

<sup>13</sup> Bankwest Curtin Economics Centre, *Research Brief COVID-19 #3 – JobKeepers and JobSeekers: How many workers will lose and how many will gain?* (March 2020) [https://bcec.edu.au/assets/2020/03/BCEC-COVID19-Brief-3-Job-Seekers-and-Keepers\\_FINAL-1.pdf](https://bcec.edu.au/assets/2020/03/BCEC-COVID19-Brief-3-Job-Seekers-and-Keepers_FINAL-1.pdf)

<sup>14</sup> ATO Evidence to Select Committee on COVID-19 Questions on Notice, Response 51 [https://www.aph.gov.au/Parliamentary\\_Business/Committees/Senate/COVID-19/COVID19/Additional\\_Documents?docType=Answer%20to%20Question%20on%20Notice](https://www.aph.gov.au/Parliamentary_Business/Committees/Senate/COVID-19/COVID19/Additional_Documents?docType=Answer%20to%20Question%20on%20Notice)

savings by retirement age,<sup>15</sup> and women already retire with 47 per cent less superannuation than men.<sup>16</sup>

The economic shocks of COVID-19, combined with young women's overrepresentation in the hardest hit sectors (including service sectors), the long-standing gender pay gap, and the already high youth un- and under-employment rates, mean that young women will face significant challenges in the short- and long-term aftermath of this crisis. It will be crucial that young women are supported with targeted stimulus and employment measures that reflect their position in the economy, in order to promote economic security and financial independence throughout their lives.

### Violence against young women

During natural disasters and crises, there is often an increase in violence against women (including domestic violence), as seen in the Australian context<sup>17</sup> and reflected internationally.<sup>18</sup>

In Australia, women aged 18 to 24 are at the highest risk of experiencing sexual violence compared to women in older age groups and men. Data from the ABS Personal Safety Survey found that approximately 1 in 20 women in this age group reported experiencing sexual assault in the last 12 months.<sup>19</sup> Research has shown that 24 per cent of young women aged 18-24 have had a nude or sexual photo/video posted online or sent on without their consent.<sup>20</sup> A significant portion, 53 per cent of women aged 18-29 years, have experienced workplace sexual harassment.<sup>21</sup> Young women also have the highest rate of assistance from Specialist Homelessness Services, with domestic, family and sexual violence cited as the main reasons for needing help.<sup>22</sup>

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<sup>15</sup> <http://www.powertopersuade.org.au/blog/superannuation-and-covid-19-what-does-early-access-mean-for-women/17/4/2020?rq=super>

<sup>16</sup> Women in Super, 'The facts about women and super', <https://www.womeninsuper.com.au/content/the-facts-about-women-and-super/gjumzs>

<sup>17</sup> Debra Parkinson (2014) Women's experiences of violence in the aftermath of the Black Saturday bushfires

<sup>18</sup> UN Women (2020) The first 100 days of COVID-19 in Asia and the Pacific: A gender lens

<sup>19</sup> Australia Bureau of Statistics, *Personal Safety Australia*, 2017.

<sup>20</sup> Office of the eSafety Commissioner, 2017, 'Image-based abuse: Prevalence & pathways', <https://www.esafety.gov.au/image-based-abuse/about/research/prevalence-pathways>

<sup>21</sup> Australian Human Rights Commission, Respect@Work: National Inquiry into Sexual Harassment in Australian Workplaces (2020)

<sup>22</sup> Homelessness Australia, 2016, <https://www.homelessnessaustralia.org.au/sites/homelessnessaus/files/2017-07/Young%20People.pdf>

Given this context, the expected increase in rates of violence against women during the pandemic are particularly concerning for young women.

The unique nature of the COVID-19 pandemic has meant anything more than the most basic access to the public sphere has been severely curtailed, including access to healthcare, support services, emergency housing and even work. The dramatic narrowing of the public sphere through movement restrictions and economic uncertainty, and the lockdown itself, have exacerbated the dangers of violence against women. For many young women, the COVID-19 crisis has meant being trapped in lockdown with their abuser, leading to significant risks to mental, physical and reproductive health.

1800 RESPECT, the national sexual assault, domestic and family violence counselling service, has reported a 38 per cent increase in the use of its online chat tool between March and April 2020.<sup>23</sup> Additionally, the eSafety Commissioner reports an 86 per cent increase in reports of image-based abuse in March 2020.<sup>24</sup>

Many of the protection and support mechanisms that young women have relied on are under unprecedented strain and may be less accessible to them at this time. Many vital services have had to drastically rethink how they support victims of violence, particularly in the health and wellbeing sectors. For example, Marie Stopes expects that the prevalence of sexual and reproductive coercion will increase and reports restricted access to sexual and reproductive healthcare including contraception and abortion.<sup>25</sup>

Young women on temporary visas, including international students, already face significant barriers to seeking support when experiencing violence.<sup>26</sup> They have been excluded from economic protections and can lack social and support networks. Loss of employment during the COVID-19 crisis, combined with their exclusion from the social security safety net and implications for visa status (for example, skilled migrants), means that leaving a violent partner is difficult and presents additional dangers.

For many LGBTI people, “violence or threats of violence often begin within the family context, and continues throughout their life course”.<sup>27</sup> For young lesbian, bisexual and

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<sup>23</sup> <https://www.abc.net.au/news/2020-05-23/coronavirus-lockdown-domestic-violence-spikes-in-australia/12238962>

<sup>24</sup> <https://www.abc.net.au/triplej/programs/hack/complaints-esafety-increase-341-percent-because-coronavirus/12174654>

<sup>25</sup> Marie Stopes International Australia (8 May 2020) Situational Report: Sexual and Reproductive Health Rights in Australia

<sup>26</sup> National Advocacy Group in Women on Temporary Visas Experiencing Violence (2018) *Path to Nowhere: Women on Temporary Visas Experiencing Violence and their Children*

<sup>27</sup> Our Watch (2017) Primary prevention of family violence against people from LGBTI communities: An analysis of existing research

transgender women where homophobia and transphobia is present in the family home, living at home during lockdown may not be safe and conducive to health and wellbeing, particularly because social distancing restrictions are requiring people to spend more time at home.

Many young women with disability, or those who are immunocompromised are under stricter isolation guidelines to protect their health, which could further isolate them from support networks needed when experiencing violence. As set out in an open letter to the National Cabinet, women and girls with disability are particularly at risk of all forms of violence and have considerably fewer pathways to safety.<sup>28</sup>

The government has recognised that the COVID-19 crisis and subsequent fallout would exacerbate the already high rates of domestic, family and sexual violence in Australia. An initial \$150 million has been announced to support Australians experiencing domestic, family and sexual violence due to the fallout from coronavirus. Additionally, \$63.3 million has been announced for frontline legal services to support Australians impacted by COVID-19 including \$20 million to assist those dealing with domestic violence matters.

The current crisis has highlighted the prevalence of violence against women and the importance of supporting young women experiencing violence. The commitments made so far by the government are important, but the government must remain alert to the changing dynamics of the situation caused by COVID-19 and the impacts on violence against women including prevalence of violence and the availability of supports. In particular, the forms of violence experienced by young women must be considered, including the concerning increase in reports of image-based abuse.

### Young women's mental health

The COVID-19 crisis poses unprecedented and significant concerns for the mental health of all Australians, including young women.

Alongside the physical health concerns of COVID-19, social distancing regulations to slow the spread of the virus have disrupted young women's lives and routines nearly overnight. The crisis has changed how schools and universities operate, with a rapid move to remote learning and public debate over the safety of face-to-face learning causing widespread confusion. Thousands of young people have experienced sudden unemployment and

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<sup>28</sup> An Open Letter to the National Cabinet: Immediate Actions Required for Australians with Disability in Response to Coronavirus (COVID19), [wwda.org.au/wp-content/uploads/2020/04/An-Open-Letter-to-The-National-Cabinet-Final-small.pdf](https://wwda.org.au/wp-content/uploads/2020/04/An-Open-Letter-to-The-National-Cabinet-Final-small.pdf)



underemployment; this will likely have significant implications with strong evidence that unemployment negatively impacts an individual's mental health and wellbeing.<sup>29</sup>

Closures or disruption to the access of schools, community groups of older Australians,<sup>30</sup> and essential disability services<sup>31</sup> will likely further increase women's caring responsibilities in the home, including young women, where women already do the majority of unpaid work.<sup>32</sup> Through these challenges, young women must navigate new ways to access their support systems, including healthcare and social networks.

Young women were already twice as likely as young men to be experiencing psychological distress,<sup>33</sup> and there are early signs that the COVID-19 crisis is having adverse effects on young women's health. Mental health services including Kids Helpline and Beyond Blue have noted increases in demand for their support online and over the phone,<sup>34</sup> though experts also describe the mental fatigue associated with social connection through telehealth or digital platforms.<sup>35</sup> Research shows that young people are feeling anxious, uncertain and scared about the crisis, and young women report specific concerns around their education and the health of their family.<sup>36</sup> Concerningly, there is evidence that these psychological responses to the crisis may last long after the immediate threat of COVID-19 passes.<sup>37</sup>

Broad and sustained responses are necessary to mitigate the mental health consequences of COVID-19. The government has announced an initial \$74 million mental health package

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<sup>29</sup> Qian, J., Riseley, E., & Barraket, J, Centre for Social Impact (2019) Do employment-focused social enterprises provide a pathway out of disadvantage? An evidence review

<sup>30</sup> SBS (2020) Older Australians are feeling increasingly lonely due to the closure of RSL and social clubs. <https://www.sbs.com.au/news/older-australians-are-feeling-increasingly-lonely-due-to-the-closure-of-rsl-and-social-clubs>

<sup>31</sup> Royal Commission into violence, abuse, neglect and exploitation of people with disability (2020) 'Statement of concern: The response to the COVID-19 pandemic for people with disability'

<sup>32</sup> Melbourne Institute: Applied Economic and Social Research (2019) The Household, Income and Labour Dynamics in Australia Survey: Selected Findings from Waves 1 to 17

<sup>33</sup> Mission Australia (2019) Can we talk? Seven year youth mental health report – 2012-2018

<sup>34</sup> SBS (2020) Coronavirus spurs more Australians to reach out for mental health services. <https://www.sbs.com.au/news/coronavirus-crisis-spurs-more-australians-to-reach-out-for-mental-health-services>

<sup>35</sup> BBC (2020) The reason Zoom calls drain your energy. <https://www.bbc.com/worklife/article/20200421-why-zoom-video-chats-are-so-exhausting>

<sup>36</sup> YouthInsight (2020). COVID-19: Youth understanding and sentiment. [https://studentedgecontent.azureedge.net/documents/youth-insight/coronavirus\\_youth-understanding-and-sentiment.pdf](https://studentedgecontent.azureedge.net/documents/youth-insight/coronavirus_youth-understanding-and-sentiment.pdf)

<sup>37</sup> Taylor, S (2020). For the generation shaped by coronavirus, life may never fully return to 'normal'. <https://www.theguardian.com/commentisfree/2020/apr/07/life-never-return-normal-coronavirus-shape-generation>

to help fund demand for key services. A further \$48.1 million has also been announced to support the Mental Health and Wellbeing Pandemic Response Plan.

To support the mental health and wellbeing of young women, it will be important that these initiatives target and engage them in ways that work for them,<sup>38</sup> and that funding and support for mental health services continues after this initial crisis and lockdown period ends.

Importantly, given the nature of the crisis and impacts on young women, gender should be recognised and centred as a social determinant of mental health, and effective gender sensitive approaches to mental health should be developed.<sup>39</sup>

### Young women's sexual and reproductive health

Several concerns have been raised around how the COVID-19 crisis will impact the sexual and reproductive health of young women, particularly around access to contraception and sexual and reproductive healthcare. The crisis will impact different groups of young women in different ways - Aboriginal and Torres Strait Islander women, those living in regional or remote areas, the LGBTIQ+ community, young women seeking asylum, and those with disability all face existing barriers to safe and comprehensive healthcare, and so are highly vulnerable to the sexual and reproductive health impacts of the current crisis.<sup>40</sup> The social distancing and lockdown measures driven by the crisis, coupled with changes in household behaviours, are expected to lead to increases in sexual contact.<sup>41</sup>

At this time, when young women need support in their sexual and reproductive decision-making, local general practices have reported large decreases in patient visits since lockdown measures came into place, suggesting that people may be unable or unwilling to visit their normal GP and access timely care.<sup>42</sup> Combined with an expected increase in domestic, family and sexual violence, young women are facing severe barriers in the access of safe and person-centred sexual and reproductive healthcare during the crisis.

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<sup>38</sup> For example: Staveland H, Redlich C and Peipers A. 2018. Engaging young people and their families in youth mental health: strategies and tips for mental health workers. Orygen, Melbourne.  
[https://www.orygen.org.au/About/Service-Development/Youth-Enhanced-Services-National-Programs/Primary-Health-Network-resources/ENGAGING-YOUNG-PEOPLE-AND-THEIR-FAMILIES-IN-YOUTH/orygen-Engaging-young-people-and-their-families-in.aspx?ext=.](https://www.orygen.org.au/About/Service-Development/Youth-Enhanced-Services-National-Programs/Primary-Health-Network-resources/ENGAGING-YOUNG-PEOPLE-AND-THEIR-FAMILIES-IN-YOUTH/orygen-Engaging-young-people-and-their-families-in.aspx?ext=)

<sup>39</sup> Statement from the Women's Mental Health Alliance (November 2018)  
[https://www.goodshep.org.au/media/2497/statement\\_20191127\\_womens-mental-health-alliance-statement\\_fulltext.pdf](https://www.goodshep.org.au/media/2497/statement_20191127_womens-mental-health-alliance-statement_fulltext.pdf)

<sup>40</sup> (Marie Stopes, 2020)

<sup>41</sup> (Marie Stopes, 2020)

<sup>42</sup> (Knaus & McGowan, 2020)

A reduction in ability to access normal care may lead to late presentation of sexually transmitted infections; changes in family planning choices, including an inability to access preferred contraception; and changes to pregnancy choices, including delayed or deferred access to abortion, or coercion to continue with an unplanned pregnancy.<sup>43</sup> Where young women are unable to choose the sexual and reproductive healthcare options that most make sense to them, there will be long-term consequences on their mental, physical and financial health.

Sexual and reproductive health, including the provision of accessible healthcare, must be a focus of health service planning during the pandemic. This planning should include a particular focus on the needs and experiences of young women.

It is crucial that the particular experiences and views of young women are included in government decision-making across the wide range of policy areas that affect the lives and futures of this cohort, particularly given the significant impacts of COVID-19 on young women. NFAW continues to emphasise the importance of coordinated government policy for young Australians, in combination with gendered budgeting, to ensure that young women are not left behind by government policy. This includes avenues for young people's voices and experiences to be part of national policy debate. The national peak body for young people has not been funded by the Australian Government since 2014, greatly reducing the availability of youth-informed policy advice to government and an avenue for young people's voices in federal policy.

## Recommendations

- 23) Funding should be made available for a national peak body for young people to support national youth policy, including in the critical crisis recovery period.
- 24) The economic shocks of COVID-19, combined with young women's overrepresentation in the hardest hit sectors, the long-standing gender pay gap, and the already high youth un- and under-employment rates, mean targeted stimulus and employment measures (including those relating Youth Allowance and other payments) should not be withdrawn or reduced except on firm evidence-based grounds. See recommendations relating to JobKeeper and to JobSeeker.
- 25) The government should address expected increases in violence against women, including young women, by including violence against women specialist organisations in planning and decision-making, engaging with organisations responding to violence to understand service needs, and addressing gaps in support systems to ensure that all women experiencing violence can access supports ( see recommendations x-y).

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<sup>43</sup> (Marie Stopes, 2020)

- 26) Sexual and reproductive health services and information should be recognised and prioritised as essential during the crisis, and service accessibility ensured.
- 27) The government should develop and implement effective gender sensitive approaches to mental health under the Mental Health and Wellbeing Pandemic Response Plan by engaging women's health organisations and relevant expertise in the design and implementation of measures.

## 9. COVID-19 and Domestic Violence

From the time the Prime Minister announced a policy of stringent social distancing and 'stay in place' over coming months, it was clear the negative impacts of this strategy to limit COVID-19 would fall more heavily on some parts of the Australian community. Women and their children struggling to live with an abusive partner and parent would be at significant risk.

Small breaks such as Christmas and public holidays produce major spikes in violence. Isolating women and children at home for weeks or months with their perpetrator, escalates their risk of abuse. Even when restrictions are lifted slowly, increased risks remain.

The [United Nations reports](#) violence, including both sexual abuse and domestic violence, against women and girls since COVID-19 has intensified globally - in France, Canada, Germany, Spain, the United Kingdom and the USA by up to 30%.

### Women's Safety Funding

Unfortunately, the Commonwealth isn't treating the problem of violence against women with the same sense of urgency and commitment that it shows for other COVID-19 matters. While the Prime Minister's announcement of a \$1.1b package for extra health and DV services initially appeared sufficient, at \$150m, anti-violence initiatives received less than 15% of the funding.

Despite the innovation in other areas such as National Cabinet and Job Seeker/Job Keeper, the only "new initiative" from the Commonwealth was an advertising campaign – a 'go to' measure for Coalition governments since the Howard government's "Australia says No".

Additional funding for women's safety was limited to existing programs including 1800RESPECT, Mensline, the Trafficked People Program and Fourth Action Plan initiatives. This enhanced 'business as usual' approach ran in the face of changing circumstances, as

State governments emptied their prisons of offenders and women faced weeks if not months of being isolated at home with a violent perpetrator, unable to hide to call for help.

Being under constant surveillance is not a new problem for women facing DV, however it was intensified as sharply reduced calls to helplines showed. Australian women need a better arrangement and the Commonwealth's fast development of the COVID-App is proof that new IT arrangements can be set in place quickly.

We recommend that the Commonwealth lead work on measures to enable women experiencing violence to call for help while under surveillance by a perpetrator.

### Other Commonwealth Funding

While additional funding was provided for specific women's safety initiatives - no extra funding was provided for broader Commonwealth agencies and programs with services critical to women trying to escape violence, apart from \$20 million for frontline legal services dealing with domestic violence matters spread nationally.

Underfunded Commonwealth agencies and community organisations are limited in the extent to which they can assist women experiencing violence. This causes major issues for women seeking to escape violence whether they need migrant services, housing, policing or Centrelink.

One clear example is the constant underfunding of the Family Court. The absence of appropriate of funding leads to long delays in resolving matters putting women and their children at greater risk.

A speedy process in the Family Court is critical to women seeking a permanent split from a violent partner. Yet the Commonwealth Government provided no additional funding to speed up processes in the court during COVID-19.

The Chief Justice of the Family Court has now stepped forward to establish new arrangements which prioritise women experiencing violence. However, without additional funding, this approach will create even longer delays for other families needing the Court.

The Commonwealth should ensure that the current review of the Family Court takes account of the need for effective and timely support for women and their children experiencing family violence in Court processes.

Nor was there additional funding for health or housing services – critical to women escaping violence. Nor did the package have extra support for the wide range of other community organisations from across the broad Australian community which wear the brunt of supporting women and their children who are victims of sexual abuse and family violence.

The Commonwealth should undertake an audit across all its services needed by women experiencing or escaping from violence, and publicly report on the current capacity, demand and funding levels.

Nor was there additional funding to identify and **reduce violence and abuse of older women or women with disability in institutions**. While patients in aged care dying from COVID-19 are prominent in the news, and recent Royal Commissions have shown major problems of violence and abuse in these two systems, there has not been an additional focus on the violence being experienced by vulnerable older women or women with disability in institutions during COVID-19. “Visitor programs” were stopped in many institutions.

The Commonwealth should publicly report on violence against women in aged care and disability homes during COVID-19.

The experience of groups of women at greater risk of domestic and/or family violence such as CALD, women with disabilities and older women during COVID-19 needs to be better understood. To date Australia’s Aboriginal and Torres Strait Islander communities appeared to have avoided the worst of COVID-19, by being isolated. However, many of these communities have very high levels of family violence. The situation in these remote communities needs to be explored particularly as the communities open up.

The Commonwealth should immediately reach out and work with:

- indigenous women’s groups to build an understanding of the issues of family violence in remote indigenous communities during COVID-19; and
- CALD communities to better understand their unique circumstances and needs during COVID-19, any remedial action needed and how they could be addressed in the future.

#### A National Effort – working with State and Territory Governments

Over a decade has passed since “The National Plan to Reduce Violence Against Women and their Children 2010-2022”, was agreed by all Australian governments. The Plan, led by the Commonwealth, has not met its stated objective of achieving a substantial and sustained reduction in violence against women within 12 years. Instead, after a decade of Commonwealth leadership, there is no reduction in violence against women.

Tightly targeted Commonwealth support may still leverage timely innovations in policy and service delivery across States and Territories, and amongst community organisations – developing new and more effective ways of working with both victims and perpetrators.

Of the total COVID-19 Commonwealth package, \$32.5million was set aside for State and Territory Governments which is yet to be allocated. This funding should not be shared out

on an historical basis - rather effectiveness and innovation, that best supports major improvements in outcomes for women and their children should be the key driver of expenditure.

The Commonwealth should call on the newly formed National Cabinet to establish a body to replace the former COAG Women's Safety Council to manage unallocated funds from the National Plan to Reduce Violence Against Women and their Children 2010-2022. Further, given that COVID-19 has led to extraordinary levels of national cooperation Australia-wide, NFAW urges parties to drive innovation through a more cooperative and adequately funded agreement between the Commonwealth, States and Territories, and civil society on reducing violence against women.

Global experts are clear that COVID 19 may be only the first in a long line of pandemics to be faced in a global world. It is critical that we better understand the impact of COVID-19 on violence against women – what changed? What stayed the same? What could have been done better?

ANROWS, the national research organisation for gender based sexual abuse and domestic violence, should be specifically funded to review the impact of COVID-19 on violence against women and their children across Australia, what worked and what was missing from the response and how we might better keep women and their children safe during pandemics in the future.

## Recommendations

- 35) We recommend that the Commonwealth lead work on measures to enable women experiencing violence to call for help while under surveillance by a perpetrator.
- 36) The Commonwealth should ensure that the current review of the Family Court takes account of the need for effective and timely support for women and their children experiencing family violence in Court processes.
- 37) The Commonwealth should undertake an audit across all its services needed by women experiencing or escaping from violence, and publicly report on the current capacity, demand and funding levels.
- 38) The Commonwealth should publicly report on violence against women in aged care and disability homes during COVID-19.
- 39) The Commonwealth should immediately reach out and work with:
  - indigenous women's groups to build an understanding of the issues of family violence in remote indigenous communities during COVID-19; and
  - CALD communities to better understand their unique circumstances and needs

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- 41) ANROWS, the national research organisation for gender based sexual abuse and domestic violence, should be specifically funded to review the impact of COVID-19 on violence against women and their children across Australia , what worked and what was missing from the response and how we might better keep women and their children safe during pandemics in the future.