

Australia

Women, Business and the Law 2020 presents an index covering 190 economies and structured around the life cycle of a working woman. In total, 35 questions are scored across the eight indicators. Overall scores are then calculated by taking the average of each indicator, with 100 representing the highest possible score. Data refer to the laws and regulations that are applicable to the main business city (Sydney). Different rules may apply in other jurisdictions so local legislation should be reviewed. Based on this approach, **Australia scores 96.9 out of 100**. The overall score for Australia is higher than the regional average observed across High income (OECD) countries (94.7).

Australia - Scores for Women, Business and the Law 2020



Relative Strengths

When it comes to constraints on freedom of movement, laws affecting women's decisions to work, laws affecting women's pay, constraints related to marriage, laws affecting women's work after having children, constraints on women's starting and running a business, and gender differences in property and inheritance, Australia gets a perfect score.

Areas for Improvement

However, when it comes to laws affecting the size of a women's pension, Australia could consider reforms to improve legal equality for women.

For example, one of the lowest scores for Australia is on the indicator related to laws affecting the size of a women's pension (the WBL2020 Pension Indicator). To improve on the Pension Indicator, Australia may wish to consider accounting for periods of absence from work due to childcare in pension benefits.

Recent Reforms (2018-2019)

No reforms impacting the WBL2020 indicators have been observed during the past two years.



	QUESTION	ANSWER	LEGAL BASIS
Mobility	Can a woman choose where to live in the same way as a man?	Yes	Domicile Act of 1982, Art. 6
	Can a woman travel outside her home in the same way as a man?	Yes	Family Law Act of 1975
	Can a woman apply for a passport in the same way as a man?	Yes	Passports Act of 2005, Art. 7
Workplace	Can a woman travel outside the country in the same way as a man?	Yes	Family Law Act of 1975
	Can a woman get a job in the same way as a man?	Yes	Family Law Act of 1975
	Does the law prohibit discrimination in employment based on gender?	Yes	Sex Discrimination Act 1984, Sec. 14
	Is there legislation on sexual harassment in employment?	Yes	Sex Discrimination Act, Sec. 28B; Anti-Discrimination Act, Secs. 22B and 22D
Pay	Are there criminal penalties or civil remedies for sexual harassment in employment?	Yes	<i>Criminal:</i> No applicable provisions could be located <i>Civil:</i> Anti-Discrimination Act, Sec. 108
	Does the law mandate equal remuneration for work of equal value?	Yes	Fair Work Act 2009, Secs. 300-306
	Can women work the same night hours as men?	Yes	No restrictions could be located
	Can women work in jobs dangerous in the same way as men?	Yes	Jobs deemed hazardous: No restrictions could be located Jobs deemed arduous: No restrictions could be located Jobs deemed morally inappropriate: No restrictions could be located
	Are women able to work in the same industries as men?	Yes	Mining: No restrictions could be located Construction: No restrictions could be located Factories: No restrictions could be located Agriculture: No restrictions could be located Energy: No restrictions could be located Water: No restrictions could be located Transportation: No restrictions could be located Other: No restrictions could be located
Marriage	Is there no legal provision that requires a married woman to obey her husband?	Yes	No applicable provisions could be located
	Can a woman be head of household in the same way as a man?	Yes	Family Law Act of 1975
	Is there legislation specifically addressing domestic violence?	Yes	Crimes (Domestic and Personal Violence) Act New South Wales; Family Law Act, Sec. 4AB
	Can a woman obtain a judgment of divorce in the same way as a man?	Yes	Family Law Act of 1975, Art. 48
Parenthood	Does a woman have the same rights to remarry as a man?	Yes	Marriage Act of 1961, Art. 42(10)
	Is paid leave of at least 14 weeks available to mothers?	Yes	No applicable provisions could be located
	Does the government pay 100% of maternity leave benefits?	Yes	Paid Parental Leave Act 2010, Secs. 72 and 84
	Is there paid paternity leave?	Yes	Paid Parental Leave and Other Legislation Amendment (Dad and Partner Pay and Other Measures) Act 2012, Sec. 10
	Is there paid parental leave?	Yes	Paid Parental Leave Act 2010, Sec. 11
Entrepreneurship	Is dismissal of pregnant workers prohibited?	Yes	Fair Work Act 2009, Secs. 342 and 351
	Does the law prohibit discrimination in access to credit based on gender?	Yes	Sex Discrimination Act of 1984, Art. 22
	Can a woman sign a contract in the same way as a man?	Yes	Family Law Act of 1975
	Can a woman register a business in the same way as a man?	Yes	Family Law Act of 1975
Assets	Can a woman open a bank account in the same way as a man?	Yes	Family Law Act of 1975
	Do men and women have equal ownership rights to immovable property?	Yes	Married Persons (Equality of Status) Act No. 96 of 1996, Art. 4
	Do sons and daughters have equal rights to inherit assets from their parents?	Yes	Succession Amendment (Intestacy) Act of 2009, Art. 127
	Do female and male surviving spouses have equal rights to inherit assets?	Yes	Succession Amendment (Intestacy) Act of 2009, Arts. 110-111
	Does the law grant spouses equal administrative authority over assets during marriage?	Yes	Married Persons (Equality of Status) Act No. 96 of 1996, Art. 4
Pension	Does the law provide for the valuation of nonmonetary contributions?	Yes	Family Law Act of 1975, Art. 79(4)
	Are the ages at which men and women can retire with full pension benefits equal?	Yes	Women: Social Security Act 1991 of 23 April 1991, Secs. 23(5A), (5B), (5C), (5D) and 43 Men: Social Security Act 1991 of 23 April 1991, Secs. 23(5A), (5B), (5C), (5D) and 43
	Are the ages at which men and women can retire with partial pension benefits equal?	Yes	Women: No applicable provisions could be located Men: No applicable provisions could be located
	Are the mandatory retirement ages for men and women equal?	Yes	Women: No applicable provisions could be located Men: No applicable provisions could be located
	Are periods of absence due to child care accounted for in pension benefits?	No	No applicable provisions could be located