

# Australia

*Women, Business and the Law 2023* (WBL2023) presents an index covering 190 economies and structured around the life cycle of a working woman. In total, 35 questions are scored across 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 OECD high-income economies (95.3). Within the OECD high-income region, there are 14 economies that score 100 out of 100.

## Australia - Scores for Women, Business and the Law 2023



## 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 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 woman'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 measuring laws affecting the size of a woman's pension (the WBL2023 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

No reforms were observed during the past year (October 2nd, 2021 – October 1st, 2022).



Further data details for Australia are available at:  
<https://wbl.worldbank.org/en/data/exploreconomies/australia/2023>



	QUESTION	ANSWER	LEGAL BASIS
Mobility	Can a woman choose where to live in the same way as a man?	Yes	Domicile Act 1982, Art. 6
	Can a woman travel outside her home in the same way as a man?	Yes	No restrictions could be located
	Can a woman apply for a passport in the same way as a man?	Yes	Australian Passports Act 2005, Art. 7
	Can a woman travel outside the country in the same way as a man?	Yes	Family Law Act 1975
Workplace	Can a woman get a job in the same way as a man?	Yes	Married Persons (Equality of Status) Act 1996, Art. 4
	Does the law 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
	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
Pay	Does the law mandate equal remuneration for work of equal value?	Yes	Fair Work Act 2009, Secs. 300-306
	Can a woman work at night in the same way as a man?	Yes	No restrictions could be located
	Can a woman work in a job deemed dangerous in the same way as a man?	Yes	No restrictions could be located
	Can a woman work in an industrial job in the same way as a man?	Yes	No restrictions could be located
Marriage	Is the law free of legal provisions that require a married woman to obey her husband?	Yes	No applicable provisions could be located
	Can a woman be head of household in the same way as a man?	Yes	Family Law Act 1975, Sec. 72
	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 1975, Art. 48
Parenthood	Does a woman have the same rights to remarry as a man?	Yes	Family Law Act 1975, Art. 59
	Is paid leave of at least 14 weeks available to mothers?	Yes	See parental leave
	Does the government pay 100% of maternity leave benefits?	Yes	No applicable provisions could be located
	Is paid leave available to fathers?	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
	Is dismissal of pregnant workers prohibited?	Yes	Fair Work Act 2009, Secs. 342 and 351
Entrepreneurship	Does the law prohibit discrimination in access to credit based on gender?	Yes	Sex Discrimination Act 1984, Art. 22; Anti-Discrimination Act 1977, Sec. 33
	Can a woman sign a contract in the same way as a man?	Yes	Married Persons (Equality of Status) Act 1996, Art. 4
	Can a woman register a business in the same way as a man?	Yes	Married Persons (Equality of Status) Act 1996, Art. 4
	Can a woman open a bank account in the same way as a man?	Yes	Married Persons (Equality of Status) Act 1996, Art. 4
Assets	Do men and women have equal ownership rights to immovable property?	Yes	Married Persons (Equality of Status) Act 1996, Art. 4
	Do sons and daughters have equal rights to inherit assets from their parents?	Yes	Succession Act 2006, Art. 127(1) and (3)
	Do female and male surviving spouses have equal rights to inherit assets?	Yes	Succession Act 2006, Arts. 110 and 111
	Does the law grant spouses equal administrative authority over assets during marriage?	Yes	Married Persons (Equality of Status) Act 1996, Art. 4
	Does the law provide for the valuation of nonmonetary contributions?	Yes	Family Law Act 1975, Art. 79(4)
	Is the age at which men and women can retire with full pension benefits the same?	Yes	Social Security Act of 23 April 1991, Secs. 23(5A), (5B), (5C), (5D) and 43
Pension	Is the age at which men and women can retire with partial pension benefits the same?	Yes	No applicable provisions could be located
	Is the mandatory retirement age for men and women the same?	Yes	No applicable provisions could be located
	Are periods of absence due to childcare accounted for in pension benefits?	No	No applicable provisions could be located