

Chapter 9 – Crime and Justice

Main findings



- Queensland women were less likely than their male counterparts to feel safe alone after dark.
- Young women aged under 20 years are the most frequent victims of personal crimes, including sexual offences.
- In 2006-07, female homicide victims were most likely to have been killed by an intimate partner (53%) or a family member (21%) while men were far more likely to be killed by a person unknown to them (25%) or by a friend or acquaintance (36%).
- Women form the majority of victims of domestic and family violence with Indigenous women experiencing higher levels of family violence than non-Indigenous women.
- Females are more likely than males to be victims of stalking offences, with women aged 30-39 years most likely to be victimised.
- 15.3% of complaints to the Queensland Anti-Discrimination Commission are about sexual harassment, mostly in the workplace.
- Women are substantially less likely than men to commit criminal offences and accordingly, represent a smaller proportion of Queensland's prisoners.

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Introduction

Crime statistics are generally informed by surveys in which respondents can self report experiences of crime, and by official statistics, such as those maintained by police, courts and corrective services. As statistics often rely on victim reporting, it is difficult to ascertain the actual level of victimisation and offending in society. However, available statistics do suggest that there are gendered patterns in crime. Women are more likely than men to experience victimisation for crimes such as sexual offences, stalking and domestic violence (including intimate partner homicide) and are also more likely to experience elder abuse. Overall, women are less likely than men to be perpetrators of crime and less than 10% of Queensland's prisoner population is female. Indigenous women are overrepresented as both victims and offenders in Queensland's criminal justice system, with recent initiatives such as Queensland's Murri Court^a targeting this overrepresentation.

Women and safety

The 2006 Australian Bureau of Statistics General Social Survey questioned respondents around feelings of safety after dark. Nationally, Queensland recorded the highest proportion of people who felt 'safe' or 'very safe' at home alone after dark (88.7% of all respondents).¹ However, Queensland females (8.4%) were more likely than their male counterparts (2.5%) to report feeling 'unsafe' or 'very unsafe'. Queenslanders reported feeling less safe walking alone in a local area after dark with less than half (47.6%) of all respondents reporting their feelings as being safe or very safe. Again, females (25.7%) were more likely than males (8.9%) to report feeling unsafe or very unsafe walking alone in their local area after dark.²

The survey also found that one parent families (11.2%) and those persons who were not in the labour force (14.2%), excluding retirees, were most likely to feel unsafe or very unsafe at home alone after dark.³ These findings are particularly relevant to women, who are overrepresented as both heads of one parent families and as persons who are not in the labour force (see Chapter 4 – Work, and Chapter 5 – Financial Security).

Victims of crime

Crime statistics reveal that Queensland females are more likely to be the victims of certain types of crimes and that age and sex are both factors which influence the extent to which a person is likely to experience victimisation. However, it should be noted that victim and offence statistics reflect only those crimes which are reported to the police. Accordingly, fluctuations in crime levels between years may not represent increases or decreases in the actual crime levels but instead may reflect changes in the public's reporting behaviours.⁴

'Offences Against the Person' includes broad Queensland Police Service offence categories of homicide, other homicide, assault, sexual offences, robbery, kidnapping and abduction, extortion, stalking and life endangering acts. In the

^a The Murri Court is a specialist Magistrates Court dealing with the sentencing Indigenous offenders. It allows for Aboriginal and Torres Strait Islander Respected Elders or respected persons to advise the magistrate on cultural issues and to input into the sentencing process.

2007-08 year in Queensland, males (53.1%) were more likely than females (46.9%) to be the victims^b of Offences Against the Person (see Table 9.1). However, females aged 15-19 years were most likely to experience victimisation, representing 10.2% of all victims recorded^c. Younger persons were generally more likely than their older counterparts to be the victims of these types of offences, with males and females aged 10-29 years accounting for more than half (54.8%) of all recorded victims. Women aged 55 years and over were the least likely victims of Offences Against the Person (1.45% of all victims).⁵

In 2007-08 Queensland females were least likely to be the victims of robbery (27.3% of victims) and assault (37.5% of victims) but were significantly overrepresented as victims of sexual offences (84.6% of victims) and stalking (76.0% of victims).⁶

Table 9.1
Queensland victims of Offences Against the Person by age, by sex, 2007-08

Offence	0-14 Years		15-19 Years		20-24 Years		25-29 Years		30-39 Years		40-49 Years		50+ Years		Not stated	
	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F
Homicide	6	4	1	1	2	3	4	2	8	5	2	1	7	5	0	0
Other homicide	5	11	3	2	7	2	8	4	11	4	9	3	10	8	0	0
Assault	1,404	1,067	1,657	1,360	1,674	1,049	1,560	930	2,880	1,436	1,672	883	1,177	471	49	37
Sexual offences	505	1,783	114	1,234	34	405	25	235	37	286	25	128	11	100	15	39
Robbery	62	19	297	73	202	74	112	55	108	53	81	32	81	48	1	1
Kidnapping and abduction	40	45	14	36	11	35	7	26	10	29	7	12	8	17	2	0
Extortion	1	0	3	2	3	1	5	0	5	6	11	4	8	5	0	0
Stalking	11	37	7	89	10	69	13	50	29	98	39	64	33	40	0	3
Life endangering acts	420	388	117	125	74	65	53	64	155	116	130	102	137	59	19	15
Total	2,454	3,354	2,213	2,922	2,017	1,703	1,787	1,366	3,243	2,033	1,976	1,229	1,472	753	86	95

Note: Those victims whose sex was not stated have not been included.

Source: Queensland Police Service, 2008, *Annual Statistical Review, 2007-08*, QPS, Brisbane.

Anonymous surveys in which respondents self report crime may be able to give a more accurate account of the actual levels of crime victimisation experienced in the community, as these figures often incorporate those instances in which the crime has not been reported to police and has therefore not been captured in official statistics. The 2006 General Social Survey revealed that in the 12 months prior to the survey, 13.5% of Queenslanders reported being victims of physical or threatened violence, the second highest of all states and territories after the Northern Territory.⁷ Queensland males (17.1%) reported higher levels of physical violence than did females (9.9%). However, one parent family households, which are more likely to be headed by a woman (refer Chapter 1 – Demographics) were the most likely of all household types to experience physical or threatened violence (27.2% of one parent households in 2006). The highest rates of violence victimisation were recorded amongst persons aged 18-24, while persons aged 65

^b Based on those victims whose sex was known. Queensland Police Service victim statistics do not represent a unique victim count, rather an individual may be counted more than once if they are the victim of multiple crimes in the same reporting period.

^c Based on those victims whose age and sex were known.

years and over were the least likely to experience real or threatened physical violence.⁸

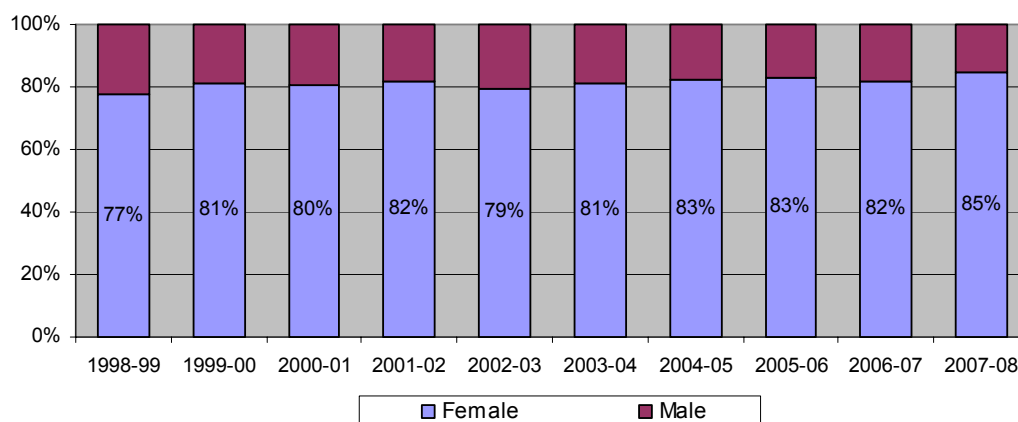
The General Social Survey also revealed that Queensland females (13.3%) were more likely than males (10.2%) to be the victims of actual or attempted break-ins, with females aged 18-24 years recording the highest levels of victimisation.⁹ Queenslanders recorded a higher level of victimisation for actual or attempted break-ins (11.7% of respondents) than Australians as a whole, with a national rate of 9.8% recorded in 2006.¹⁰

Sexual offences

Analysis of Queensland Police Service statistics reveals that in the 10 years from 1998-99 to 2007-08 there was a 7.4% decrease in the rate of sexual offences in Queensland, per 100,000 persons, from 175 offences in 1998-99 to 162 offences in 2007-08.¹¹ The category of sexual offences includes rape, attempted rape and other sexual offences and can be considered to incorporate any physical contact of a sexual nature directed towards another person where that person does not give consent, gives consent as a result of intimidation or fraud, or where consent is prescribed (where the victim is deemed legally incapable of giving consent because of youth, temporary/permanent mental incapacity or there is a familial relationship).

As detailed above, sexual offences as a crime category is unique in that female victims are significantly overrepresented (see Figure 9.1). Females aged 10 years and over constituted 88.3% of all sexual offence victims in 2007-08, and females at every age were significantly more likely to be victims than males. In 2007-08, Queensland females in the 10-19 years age group, who represented the majority of all sexual offence victims, were over seven times more likely than their male counterparts to be victims of this type of offence. The most recent figures published by the Queensland Police Service detailing offender/victim relationships suggest that for the majority of sexual offences reported to police, offenders were known to the victim.¹²

Figure 9.1
Percentage of sexual offence victims by sex, Queensland, 1998-99 to 2007-08



Note: Those victims whose sex was not stated have not been included.

Source: Queensland Police Service, 1999-2008, *Annual Statistical Reviews, 1998-99 to 2007-08*, QPS, Brisbane.

Queensland Police Service statistics reveal that over the last 10 years males have represented over 90% of sexual offenders in Queensland. In 2007-08, 4% of sexual offenders were female and these offenders were most likely to be aged 10-19 years. In contrast, male offenders were most likely to be aged 15-19 however there were substantial rates of offending at all ages, indicating that likelihood of offending did not decrease markedly with age (as is the case for most other types of offences).¹³

There have been few surveys conducted in recent years which question respondents around their experiences of sexual assault. In 2001, a national study estimated that one in seven females aged 12 to 20 (14%) had experienced rape or sexual assault in their lifetime.¹⁴ The Personal Safety Survey, last conducted in 2005, revealed that 1.9% (28,200) of Queensland women aged 18 years and over self reported experiencing sexual violence (including assaults and threats) in the 12 months prior to the survey. Approximately 24,000 respondents self reported having experienced sexual assault during this time.¹⁵ This contrasts with victim^d data recorded by the Queensland Police Service during the 2004-05 year, with only 1,288 female victims aged 18 and over recorded in official statistics, suggesting that many sexual offences go unreported.¹⁶ Available survey findings suggest 80% or more of all sexual assaults go unreported. This contrasts to the reporting rate for other types of personal crimes such as robbery (50%) and assault (31%).¹⁷

Similar to official statistics, data from the Personal Safety Survey also reveals that in 78.8% of all sexual assault incidences experienced by respondents, the offender was known to the victim, with 48.9% of sexual assaults committed by a family member or friend.¹⁸ National data reveals that the majority of sexual assaults occur in residential settings.¹⁹

Domestic and family violence

Domestic violence, where one member of an intimate family relationship attempts physically or psychologically to dominate and control another, is perpetrated mainly by people in, or separated from, intimate relationships. Domestic violence takes many forms, from physical and sexual violence, threats and intimidation through to emotional and social abuse and economic deprivation. Domestic violence is a gendered crime in which the majority of victims are women and the majority of perpetrators are male.²⁰

Protection from domestic violence is available through the *Domestic Violence Protection Act 1989*. Protection orders granted under this Act are civil orders but breach of a protection order is a criminal offence. Available data indicates that for the 2005-06 year, a total of 20,284 protection order applications were made in Queensland Magistrates Courts. Over half of these applications (62.4%) were initiated by the Queensland Police Service, rather than the aggrieved directly (or a person authorised by the aggrieved).²¹

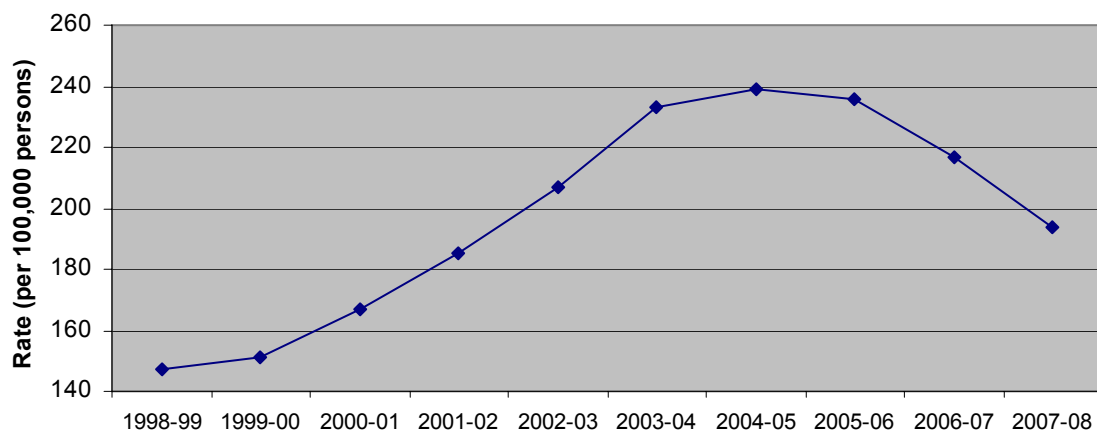
In 2007-08 males accounted for approximately 88% of offenders for the offence of 'breach domestic violence protection order', and the majority were aged between 20 and 39 years (69%)^e. Unlike many offence categories, a substantial

^d Queensland Police Service victim statistics do not represent a unique victim count, rather an individual may be counted more than once if they are the victim of multiple crimes in the same reporting period. Also, this number includes only those victims where age and sex was known.

^e Includes only those offenders where age was known.

proportion of offenders (25%) were in the older age groups, with over a quarter of all male offenders aged 40 years and over.²² As displayed in Figure 9.2, the number of breach domestic violence protection order offences in Queensland has been steadily decreasing over the past three years with a current rate of 194 breaches per 100,000 population. However, it should be noted that in most instances, the onus of reporting a breach is on the aggrieved. As with other types of offences, it is difficult to know the actual number instances where a breach occurs but is not officially reported.²³

Figure 9.2
Breach Domestic Violence Protection Order offences per 100,000 persons^(a), Queensland, 1998-99 to 2007-08



^(a) Rate is calculated based on the Queensland estimated resident population as at 30 June of each year.

Source: Queensland Police Service, 1999-2008, *Annual Statistical reviews 1998-99 to 2007-08*, QPS, Brisbane.

The 2005 Personal Safety Survey revealed that 18.2% (267,200) of Queensland women aged 18 years and over reported experiencing partner violence^f at some point after the age of 15 years.²⁴ Of these respondents, the majority were not in the labour force (40.5%), did not hold a non-school qualification^g (53.7%), and lived outside of Brisbane (62.7%).²⁵ Approximately 84.5% of female respondents reported that the partner violence that they experienced included physical assault and 27.2% had experienced sexual violence.²⁶

Additionally, 38.6% of Queensland women who had experienced partner violence in their lifetime reported that this violence had occurred during pregnancy.²⁷ Around 61.5% of women reporting partner violence also identified that they had a child/children in their care, and of these women, 61.2% advised that their child/children had witnessed partner violence.²⁸

While both men and women can perpetrate domestic violence, evidence shows that the nature of domestic violence actions may be gendered. In particular, violence perpetrated by males is more likely to result in severe injury or death.²⁹ At a national level, the Australian Institute of Criminology (AIC) found that in

^f Includes physical and sexual threats and assaults.

^g Australian Bureau of Statistics defines a non-school qualification as being an educational attainment/s other than those of pre-primary, primary or secondary education.

2006-07, one quarter of all 260 homicide incidents were perpetrated against and by, intimate partners. Twenty three males and 42 females were victims of intimate partner homicide during this time. AIC research reveals that in 2006-07, 43% of intimate partner homicides nationally involved victims and offenders with a known history of domestic violence.³⁰

In Queensland, 20% of victim-offender relationships were recorded as intimate partners, compared with the national average of 21%. In 2006-07, Australian women were most likely to be killed by an intimate partner (53%) or a family member (21%) while men were far more likely to be killed by a friend/acquaintance (36%) or by a person unknown to them (25%). Female offenders were twice as likely as their male counterparts to murder an intimate partner. However, the number of female victims of intimate partner homicide was substantially greater than that recorded for male victims. The AIC reported that 28% of all homicides perpetrated by Indigenous males in 2006-07 were against an intimate partner (compared with 18% for non-Indigenous males).³¹

Indigenous Australians are disproportionately represented as both offenders and victims in national homicide statistics. Based on 2006-07 data it is estimated that the national victimisation rate for Indigenous women was approximately nine times higher than their non-Indigenous counterparts. Indigenous women were more likely to be victims of intimate partner homicide (59% of Indigenous female victims compared with 53% of all female victims).³²

Similarly, research has suggested that Indigenous women living in rural and remote areas of Australia are 45 times more likely to be a victim of domestic violence than the non-Indigenous population.³³ Based on 2003-04 data, Indigenous females across Australia were 35 times more likely to be hospitalised due to family violence than their non-Indigenous counterparts. Further, around 50% of hospitalisations for Indigenous females were linked to family violence. It is estimated that 82% of these violence-related hospitalisations resulted from partner violence. In comparison, an estimated 38% of Indigenous males were hospitalised as a result of partner violence.³⁴

Stalking

Stalking is a specific form of harassment designed to intimidate, torment or cause fear in the victim and can include: following, loitering outside a home, interfering with property, making unwanted contact or threatening a person. Stalking has been a criminal offence in Queensland since 1993.³⁵

As highlighted previously, Queensland women are generally overrepresented as victims of stalking offences (refer Table 9.1), and males are significantly more likely to be offenders for this crime (85.8% of all stalking offenders in 2007-08). Females aged 30-39 years were most likely of all persons to be victims of stalking in 2007-08, comprising 21.9% of all victims where age and sex were known.³⁶

The 2005 Personal Safety Survey also questioned respondents around experiences of stalking^h. Approximately 52,400 (3.6%) Queensland women aged 18 years and over reported experiencing stalking behaviours in the 12 months prior to the survey. Of those respondents who identified that they had

^h The Personal Safety Survey defines stalking as various activities such as loitering and following, which the respondent believed were being undertaken with the intent to harm or frighten.

experienced stalking in their lifetime, the majority identified that the perpetrator had been a stranger (31.3%), a family member or friend (27.6%) or a previous partner (23.3%).³⁷ When asked if police were advised of the stalking experience, female respondents were more likely to have reported the incident when the perpetrator was female rather than male (47.3% compared with 39.1%). Irrespective of the perpetrator's sex, approximately 54% of respondents did not view the behaviour as being criminal.³⁸

Elder abuse

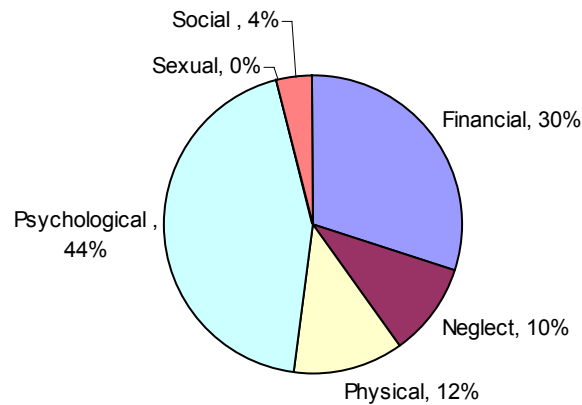
Elder abuse refers to acts occurring within a relationship where there is an implication of trust, which results in harm to an older person. Such relationships may include those that the elderly have with their adult children, spouses, carers or health professionals. Elder abuse can be of a physical, sexual, financial, psychological, or social nature and can include neglect. However, elder abuse does not include criminal acts by a stranger or self-neglect.³⁹

The Elder Abuse Prevention Unit (EAPU) in Queensland operates a statewide confidential telephone information, support and referral service for anyone experiencing or witnessing the abuse of an older person. In the 2007-08 year the Elder Abuse Prevention Helpline received 717 calls relating to elder abuse, representing a 91% increase in calls since 1999-00 when the EAPU service first began operation. As with crime rates, it is difficult to ascertain whether this increase represents a growing number of cases of elder abuse, or rather, changes in reporting behaviours. It has been suggested by EAPU however, that as Queensland's aging population grows, so too will the incidence of elder abuse.⁴⁰

Analysis of calls to the helpline during 2007-08 was consistent with previous years, with women substantially more likely to be recorded as victims of abuse (73%) than men (26%). This may be partially attributed to the greater ratio of elderly women to men in Queensland, as a result of women's greater longevity (see Chapter 1 – Demographics). Consistent with this assertion, EAPU reports that elder abuse tended to increase with age, with those persons aged 80-84 most at risk. Where sex of the alleged abuser was known, males (58%) were more likely than females (42%) to be reported to the helpline and alleged abusers were most likely aged between 50-54 years. EAPU results indicate that the majority of alleged abusers were identified as the son (30%) or daughter (23%) of the elderly person.⁴¹

The primary types of abuse recorded by EAPU in 2007-08 included psychological (44%), financial (30%) and physical (12%), with women more likely than men to report psychological abuse but less likely than men to report financial abuse. Other forms of abuse included neglect (12%) and social abuse (4%), with no reports of sexual abuse in the 2007-08 year (see Figure 9.3). EAPU findings suggest that while a case may present with a primary form of abuse, elderly persons often experience more than one type of abuse, with psychological and financial abuse also rating as the most common forms of secondary abuse.⁴²

Figure 9.3
Percentage of elder abuse cases by primary form of abuse, Queensland, 2007-08



Source: Elder Abuse Prevention Unit, 2008, *Elder Abuse Prevention Unit Annual Report 2007-08*, viewed 31 January 2009, http://www.eapu.com.au/Portals/o/Annual%20Reports/Annual%20Report%202008_with_Cover.pdf

Offenders

Women in all age groups have lower rates of offending than their male counterparts. As detailed in Table 9.2, Queensland Police Service statistics from 2007-08 show females were significantly less likely to be offenders (20.3% of all offenders) and examination of broad Queensland Police Service offence categories reveals that a greater number of males than females were represented as offenders across all offence categories. The only categories in which females were substantially represented as offenders included prostitution (45.8% of offenders), fraud (34.9% of offenders) and other theft (excluding unlawful entry) (36.2% of offenders), which consists of offences such as stealing from dwellings and vehicles, stealing from shops and other stealing. Male and female offenders were most likely to be aged 15-19 years, however female offenders comprised only 18.7% of all offenders in this age group.⁴³

Table 9.2
Offenders by age, by sex, Queensland, 2007-08

Age (years)	Sex	Offences Against the Person ^(a)	Offences Against Property ^(b)	Other Offences ^(c)
0-14	Male	947	7,618	2,045
	Female	381	2,961	654
15-19	Male	3,262	19,559	23,873
	Female	864	4,922	4,977
20-24	Male	2,346	8,384	29,534
	Female	527	2,545	6,053
25-29	Male	1,905	6,275	21,248
	Female	409	1,836	4,513
30-39	Male	2,889	7,766	27,368
	Female	807	2,488	7,171
40-49	Male	1,734	2,639	14,197
	Female	395	1,187	4,219
50+	Male	1,085	877	7,013
	Female	124	702	1,436
Total	Male	14,168	53,118	125,278
	Female	3,507	16,641	29,023

^(a) Includes offence categories of homicide, other homicide, assault, sexual offences, robbery, kidnapping and abduction, extortion, stalking, and life endangering acts.

^(b) Includes offences categories of unlawful entry, arson, other property damage, unlawful use of motor vehicle, other theft, fraud and handling stolen goods.

^(c) Unlike Offences Against the Person and Property, Other Offences are detected by police, rather than reported to police. Other Offences include offence categories such as, but not limited to, drug offences, prostitution, breach domestic violence protection order, good order offences, traffic and related offences and weapons act offences.

Note: QPS Offender statistics are based on offence counts and do not refer to individuals. One individual may be responsible for one or many offences. Only those offenders whose age and sex were known were included in totals.

Source: Queensland Police Service, 2008, *Annual Statistical Review 2007-08*, Queensland Police Service, Brisbane

Corrections

Queensland females are more likely to be on community supervision orders than serving a sentence in a correctional facility. The average number of community-based supervision orders has remained fairly steady since 2003-04 despite major population growth in Queensland. This may reflect the impact of the State Penalties Enforcement Register (SPER), which is responsible for collection and civil enforcement of penalty amounts. The average daily number of female offenders serving community-based supervision orders in Queensland during 2007-08 was 2,769 or 20.3% of all persons on orders. Of these females, 23.8% were of Aboriginal or Torres Strait Islander descent.⁴⁴

The proportion of female prisoners in Queensland has risen from 4.8% in 1998 to 7.7% in 2008. Figures nationally indicate that females constituted 5.7% of Australia's total prison population in 1998 and this has risen to 7.1% in 2008.⁴⁵ In Australia the median age for male prisoners was 33 years while the median age for female prisoners was 34 years. Indigenous prisoners tended to be younger than their non-Indigenous counterparts. The majority of prisoners (67.6% of men and 68.3% of women) were aged 20-39 years.⁴⁶ In the last decade, the female

prison population in Queensland increased at a much higher rate than the male population. Between 1998 and 2007 the male prison population in Queensland increased by approximately 20% while Queensland's female prison population increased by 99% during this time.⁴⁷

A report commissioned by the Department of Corrective Services in 2002 into the health of female prisoners revealed that a disproportionate number of these women have a history of violence and sexual abuse. Specifically, 42.5% of respondents reported being the victim of non-consensual sexual activity before the age of 16; 37.7% reported having been physically or emotionally abused before the age of 16; and 36.5% experienced actual or attempted intercourse on one or more occasions before the age of 10. Many female respondents also reported experiencing mental health issues (57.1%) and a history of poor physical health (including alcohol abuse, drug use and hepatitis C).

Additionally an investigation conducted by the Anti-Discrimination Commission Queensland (ADCQ) in 2006 found that female prisoners experienced a range of social disadvantage including low levels of educational attainment and literacy, and prior to entering custody, high levels of unemployment and inadequate housing.⁴⁸

In some circumstances children under five years may be housed with their mothers in correctional facilities throughout Queensland, however this is at the discretion of the manager of the relevant correctional facility and must be deemed in the best interests of the child. In 2006, ADCQ reported that with 30 women, up to six children could be accommodated at the low level security Helana Jones Centre, and that similar provisions existed for all other women's facilities in Queensland.⁴⁹

Indigenous women and the criminal justice system

Indigenous people are overrepresented as both victims and perpetrators in all forms of violent crime in Australia and, as detailed above, are particularly vulnerable to homicide and domestic and family violence. The impact of homicide and hospitalisations for assault extends beyond the offender and immediate victim. Families and communities are severely affected, and the effects may be felt from one generation to another. Indigenous homicides and assaults are frequently associated with substance misuse, including alcohol consumption. Social, economic and environmental conditions such as unemployment, low income and housing overcrowding can also contribute to violence.⁵⁰

Statistics reveal that Indigenous women are overrepresented in the prison system. Of Queensland's 425 female prisoners incarcerated at June 2008, 27.1% were Indigenous women, despite Indigenous women comprising only 3.6% of the State's female population at that time.⁵¹ In Australia, Indigenous imprisonment rates have increased by 32% between 2000 and 2006. Between 2002 and 2006 the rate of increase of Indigenous women in prison (34%) was higher than for Indigenous men (22%). In 2006, Indigenous people were 13 times more likely than non-Indigenous people to be imprisoned.⁵²

In the period January 2007 to July 2008, women and girls constituted 26.6% of the 1,296 offenders participating in the Murri Courts across Brisbane, Rockhampton, Caboolture, Townsville and Mt Isa Magistrates and Children's Courts.⁵³

Access to Legal Aid

Access to the justice system is recognised as one of the major issues affecting women, and is strongly related to economic disadvantage. Legal Aid Queensland is a major source of legal services, providing information, advice and representation in family, civil and criminal matters to financially and socially disadvantaged people. Women are less likely to ask for ongoing legal assistance, representing 38.0% of applications for Legal Aid. As shown in Table 9.3, women predominantly use Legal Aid for family law matters.⁵⁴

Table 9.3
Provision of legal advice, Legal Aid applications and Legal Aid approvals, by area of law, by gender, Queensland, 2005-06

Action	Area of law	Female (%)	Male (%)
Legal advice sought	Family law	53.5	30.0
	Civil law	31.8	25.5
	Criminal law	14.7	44.4
Applied for Legal Aid	Family law	51.7	17.7
	Civil law	19.6	7.6
	Criminal law	28.7	74.7
Legal Aid approved	Family law	44.4	13.2
	Civil law	20.7	5.8
	Criminal law	34.9	81.1

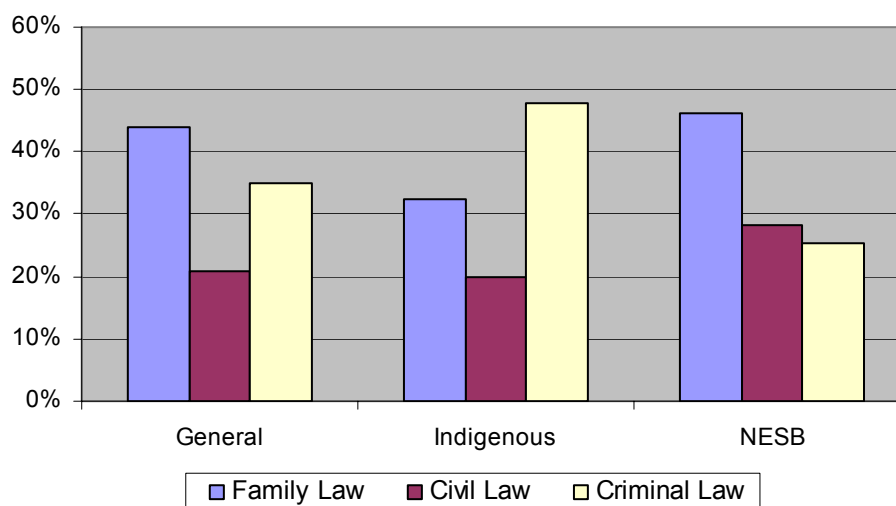
Note: Due to rounding, percentages may not add up to 100%

Source: Legal Aid Queensland, 2009, *Women's Legal Aid-Gender Equity Report 2006*, viewed 16 February 2008, <http://www.legalaid.qld.gov.au/Publications/Reports/Gender+Equity+Report/Appendices/>

Legal Aid Queensland reported that family and civil law matters accounted for 84.8% of all legal advice sought by Indigenous women in 2005-06. However, only 58.9% of applications for Legal Aid made by this subgroup were for family and civil matters. Family law and civil law matters had an approval rate of 68.6% and 75.6% respectively. Criminal law had an approval rate of 93.3% for Indigenous women, with 457 out of 490 applications for criminal law matters approved in 2005-06.⁵⁵

Family law was the most applied for (51.6%) area of law that women from non-English speaking backgrounds sought support for (see Figure 9.4). Application for aid in the area of civil law was higher for this group of women than for women in general (26.6% and 19.6% respectively). Aid for criminal law matters was sought at a lower rate for this group than for women in general (21.7% and 28.7% respectively).⁵⁶

Figure 9.4
Percentage of Legal Aid applications approved for all Queensland women, Indigenous women, women from non-English speaking backgrounds by area of law, 2005-06



Source: Legal Aid Queensland, 2009, *Women's Legal Aid-Gender Equity Report 2006*, viewed 16 February 2008, <http://www.legalaid.qld.gov.au/Publications/Reports/Gender+Equity+Report/Appendices/>

Unlawful discrimination

The Queensland *Anti-Discrimination Act 1991* is designed to protect people from unlawful discrimination, sexual harassment and public vilification. In 2007-08 the Queensland Anti-Discrimination Commission (ADCQ) accepted 667 complaints. Of these, 102 complaints were for sexual harassment, representing 15.3% of all accepted complaints.⁵⁷ Results of a national telephone survey on sexual harassment conducted in 2008 by the Australian Human Rights Commission revealed the women were around four times more likely than men to report experiencing sexual harassment in the workplace.⁵⁸

Illegal discrimination on the basis of pregnancy also accounted for 37 accepted complaints to the ADCQ (5.5%) in 2007-08. A further eight (1.2%) accepted complaints were made about illegal discrimination relating to parental status and five (0.5%) accepted complaints about breastfeeding. Ninety-eight complaints (14.7%) were made and accepted for discrimination on the basis of sex. Consistent with previous years, 2007-08 figures show that discrimination tends to occur in the work context (67.0% of all accepted complaints).⁵⁹

Complaints to the ADCQ are only one measure of illegal discrimination. Complaints relating to a workplace context may also be made internally to the employer, to unions and to the Queensland Industrial Relations Commission. At a Commonwealth level the Australian Human Rights Commission administers the *Racial Discrimination Act 1975*, *Sex Discrimination Act 1984*, *Human Rights & Equal Opportunity Commission Act 1986* and the *Disability Discrimination Act 1992*. In 2007-08, female complainants initiated 369 of the 438 complaints received by the Australian Human Rights Commission, which were lodged under the *Sex Discrimination Act*. Eighty-seven percent of complaints lodged under the

Sex Discrimination Act in 2007-08, were related to employment. The most common grounds for complaints made under the *Sex Discrimination Act* in 2007-08 included sex discrimination (47%), pregnancy (22%) and sexual harassment (18%).⁶⁰

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