



LEGISLATIVE ASSEMBLY
FOR THE AUSTRALIAN CAPITAL TERRITORY

STANDING COMMITTEE ON HEALTH AND COMMUNITY WELLBEING
MR JOHNATHAN DAVIS MLA (Chair), MR JAMES MILLIGAN MLA (Deputy Chair)
MR MICHAEL PETTERSSON MLA

Submission Cover Sheet

Inquiry into Period Products and Facilities (Access) Bill 2022

Submission Number: 9

Date Authorised for Publication: 13 September 2022

7 September 2022



**ACT HUMAN RIGHTS
COMMISSION**

Australian Capital Territory

The Committee Secretary
Select Committee on Health and Community Wellbeing
ACT Legislative Assembly
By email: LCommitteeHCW@parliament.act.gov.au

Inquiry into the Period Products and Facilities (Access) Bill 2022

Submission - ACT Discrimination, Health Services, Disability and Community Services Commissioner

Thank you for the opportunity to provide a submission to the Committee's inquiry into the *Period Products and Facilities (Access) Bill 2022* (the Bill).

I am grateful that the Committee's consideration inquiry of the Bill allows a broader consideration of the issues raised by menstruation and period poverty given it is generally not an issue that receives sufficient attention. I am not proposing to comment on the Bill itself other than to say broadly I support steps that could be taken by the ACT Government to make available and encourage the availability of period products and facilities as described in the Bill. I have endeavoured to address a number of the terms of reference in the context of the information and feedback I receive through the complaint handling process I administer under the *ACT Human Rights Commission Act 2005* ('HRC Act') in my role as Discrimination, Health Services, Disability and Community Services Commissioner in the ACT.

Background information

The ACT Human Rights Commission (ACT HRC) is an independent agency established by the HRC Act. The ACT HRC includes the President and Human Rights Commissioner, the Public Advocate and Children and Young People Commissioner, the Disability and Community Services Commissioner, the Discrimination Commissioner, the Health Services Commissioner, and the Victims of Crime Commissioner. The ACT HRC has a number of functions and responsibilities under the legislation it administers. This includes a wide range of complaints we can accept providing a remedy for concerns raised by the ACT community.

Under the HRC Act I can accept complaints across a broad range of complaint jurisdictions including

- discrimination, vilification & sexual harassment,
- health services & health records
- services for people with a disability and their carers
- services for children and young people
- services for older people and their carers including retirement villages

- vulnerable people complaints (i.e. complaints about abuse, neglect or exploitation of people with a disability or people over 60)
- veterinary services
- occupancy disputes
- Victims of Crime Charter of Rights
- Sexuality and Gender Identity Conversion Practices.

While access to period products is infrequently the specific subject of complaints and enquiries we receive, it is an issue that we know affects a cross section of our community including, young people. I am aware this issue may impact their attendance at school and other activities such as sport and attendance at and participation in the workplace. I am aware that the cost of period products is increasingly a concern for people on low and fixed incomes, young workers, students and families. A 2021 survey by Share the Dignity¹ found 1 in 5 Australians use unsuitable alternatives because they could not afford pads, tampons or other period products.

I have been contacted by community members, community groups and other stakeholders about potential direct and indirect discrimination issues that arise associated with menstruation and access to period products and facilities. It has also been raised in the context of services for children and young people, services for people with a disability and health service complaints.

While we are not aware of any specific research in the ACT regarding these issues, I have been made aware of a number of matters where young people have been unable to access appropriate products. Their access to period products was impacted by cost, cultural barriers, concerns of shame and stigma in accessing appropriate products, side effects of not using appropriate period products and safe, private and accessible means of disposing of period products. I have been told about the stigma that young people feel in accessing education when menstruating resulting in absenteeism. I have also been told that for people who experience period pain accessing appropriate medications can be difficult again due to cost, availability and stigma.

I have been made aware of a number of matters where students and employees have been queried about the basis for leave or leave patterns where they experience pain or other complications associated with menstruation. This could constitute sex discrimination under the *ACT Discrimination Act 1991* and so I would strongly support the Bills intention to have better information available from multiple sources that is accessible by both being readily available to community members across the ACT and is available in easy English and community based languages.

I note that period products have been made available in schools in NSW, Victoria, South Australia and Queensland by those state governments in recognition of the barrier access to period products can be in ensuring equality of access to education. I note that these states

¹ *Period Pride Report: Bloody Big Survey Findings*, Share the Dignity, 2021, www.sharethedignity.org.au

recognised that access to such products should be ensured by government rather than left to community based or voluntary programs.

I would also support consideration being given to broader consultation on the range of products that could be made available and where they should be located. I note a recent experience reported to us of difficulty accessing period products while an inpatient at a health service in the ACT. The health service assumed patients will know to bring a supply of period products with them and that inpatients will purchase additional products from a shop or through a family member if required. These assumptions are not always appropriate and can result in barriers to accessing products while an inpatient.. I note that in April 2022 NSW became the first state to offer free period products for people unable to supply their own while in healthcare facilities under the #PadUpPublicHealth campaign.

I am grateful that the Committee is conducting the inquiry, however noting the call for written submissions and the short reporting timeframe, I would encourage the Committee to consider alternative ways of promoting the inquiry and obtaining the views of affected people. This inquiry should include the experiences of young people, homeless people and people accessing crisis accommodation, people from culturally and linguistically diverse backgrounds, people with a disability, and people on fixed incomes. Alternatively, I would encourage the Committee to recommend that a broader consultation process to engage those groups within the ACT community be undertaken as the Bill progresses.

I appreciate the opportunity to provide this short submission. I would be pleased to discuss this submission and the issues raised in the inquiry with the Committee at a convenient opportunity.

Regards

A handwritten signature in black ink, appearing to read 'Karen Toohey', with a stylized, cursive script.

Karen Toohey
Discrimination, Health Services, Disability & Community Services Commissioner
ACT Human Rights Commission