



LEGISLATIVE ASSEMBLY
FOR THE AUSTRALIAN CAPITAL TERRITORY

STANDING COMMITTEE ON HEALTH AND COMMUNITY WELLBEING
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Submission Cover Sheet

Inquiry into Period Products and Facilities (Access) Bill 2022

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Dal Cuore welcomes the opportunity to make a submission to the Inquiry into Period Products and Facilities (Access) Bill 2022 and acknowledges the leadership being taken to address this important issue and support the policy intention behind the Bill to ensure free access to period products and information.

Who are we?

Dal Cuore from the heart is a group of diverse women who have come together to create a society that supports women's choices and needs and seeks to end discrimination based on biology. Dal Cuore promotes women's freedom to choose when and how they participate in education, work and society. We believe in gender equity and full participation for women in social, economic and political activities.

Comments on the proposed bill

While we commend the initiation of the Bill, it is equally important to get it right so as to prevent unintended consequences. Below is a list of our concerns about the proposed Bill in its current form.

Meaning of period poverty

1. We believe that the meaning of period poverty is overly broad and creates unintended barriers to accessing period products. Clause 6 of the Bill sets out the meaning of period poverty as:

“a person experiences period poverty if the person is in financial, social, cultural, or physical circumstances that prevent the person from accessing, when needed any of the following:

- (a) period products
- (b) menstrual hygiene information;
- (c) toilets;
- (d) hand washing facilities;
- (e) waste management facilities”

The objects of the Bill as set out in clause 5(2) are to reduce and prevent period poverty by providing free access to period products for people experiencing period poverty and providing publicly available information about menstruation and

menstrual hygiene. While we agree that access to appropriate toilets, and washing and waste management facilities are important aspects of menstrual health hygiene, making them an unnecessary addition to the definition of period poverty for the purposes of the Bill may have unintended consequences. We recommend that subclauses 6(c) (e) be removed as these matters are better dealt with by seeking amendments to the National Construction Code of Australia and Occupational Health and Safety Laws. We draw your attention to a 2018 Churchill Fellow, Katherine Weber's report "We need to talk about public toilets." This report found that the inappropriate location, design, and maintenance of public toilets have a disproportionate impact on women, among others, and may restrict the movements of menstruating people to known places that meet their needs (culturally, socially, and hygienically), which, as a result, may impact on their ability to fully participate in economic, social, and cultural life.

2. We are also concerned that a person's eligibility to access free period products is subject to an assessment of the person's "financial, social, cultural or physical circumstances." The Bill does not define these terms, and so they must be given their ordinary meaning. For example, the Oxford English Dictionary defines "financial" as connected with money and finance. Therefore, a person would only be eligible for period products if they were assessed as having insufficient money to purchase period products when needed. This raises the problem of the appropriate test to assess whether a person can afford to purchase period products. Is it assessed according to the Henderson Poverty Line, receipt of welfare payments or a measure of material deprivation? How will this test be applied – is it each time a person requests free period products or will it be a once off assessment or further will it be subject to other requirements such as being in receipt of welfare payment? The Productivity Commission in its Rising Inequality Report found that income poverty is a relatively common experience with approximately 50 per cent of Australians spending at least 12 months in income poverty between 2001 2016. This challenges the assumption underlying government policies that there is a readily identifiable and sizable group that consistently experiences poverty. There is also a broader group of people that experience material deprivation – when people do not have and cannot afford items widely regarded as essential for participating fully in society, such as period products. Material deprivation is not closely related to income poverty but is more a measure of households that have significant expenses but insufficient liquid assets to meet their living costs.

We strongly believe a requirement for a person to demonstrate that their "financial, social, cultural or physical circumstances" prevents them from accessing menstrual products when needed. It creates an unnecessary and insurmountable barrier for menstruating people who may already experience marginalisation, shame and embarrassment associated with their period which then leads to flow on effects in respect to their social and economic participation in the community. Some research undertaken in this area suggests installing vending machines has significant benefits over other distribution methods. We believe that this same rationale also holds true for adult women. As a result, a better approach is taken by the Government of

Scotland in that they provide universal free access to period products to everyone who needs to use them. Free period products are available from local councils, schools, universities, and some public places in Scotland. This ensures that menstruating people are treated with human dignity and reinforces the universal human rights of the right to health, education, work, non discrimination, and gender equality. Not providing free and easy access to menstrual products undermines these human rights.

Access to period products

3. We support access to period products being made available at public places in a range of geographical locations in the Australian Capital Territory. However, the Bill does not specify the requirement for the Director General to consult with the public and relevant organisations as to the places that should be added to the suitable places list. We believe that as menstruation can limit a person's participation in social, cultural, and economic life, menstruating people should be asked where they would be most comfortable accessing free period products and when. We believe in a consultative approach to determine the suitable places list. Consideration should be given to ensuring the suitable places list includes places that are accessible outside normal business hours to accommodate a broad range of needs, such as working single parents.

We seek clarification that access arrangements under clause 9 of the Bill will include a variety of ways in which a person may be able to access free period products, such as through the post or from a collection centre. In Scotland, a person may apply online to their local council and receive two months supply of period products, at any one time, through the post. Given the recent bushfires and COVID pandemic, we strongly advocate for the Bill to make an explicit provision for an online ordering and postal service and delivery of products through on the ground community services such as the State Emergency Service/Rural Fire Service. We also believe that an online ordering and postal delivery service will be a good starting point for ensuring that people with a disability, children home schooled, victims of family violence, and people embarrassed to access products at a suitable place or education providers premises, have access to period products in the privacy of their home. Further research also needs to be undertaken on how to ensure that period products reach people for whom postal delivery services are also a barrier.

Access for students

4. We support education providers being required to make free period products available to students. However, as previously stated we do not agree with the definition of period poverty. There should be universal access for students to period products to reduce the shame, social stigma and embarrassment students feel when required to ask a staff member for period products. Share the Dignity has noted that "school staff identified a stigma in schools and sometimes a negative attitude towards periods amongst students and male and female staff." Students should be able to access period products from various locations in a school, including bathrooms, and

female change rooms. We do not believe that having to access period products from the nurse, office or teachers ensures the dignity and privacy of the student.

Information dissemination

5. We support the information dissemination objective of the Bill as stated in 2(b). However, the Bill is vague on how this information will be developed or disseminated. Further consideration needs to be given on how to best to both consult and reach the most disenfranchised and marginalised people in our society suffering from period poverty.

2 September 2022

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