

NEW POLICY PROPOSAL

Cultural Work & Provenance

A proposed legislative framework for the formal recognition, certification, and economic protection of cultural work and cultural practitioners in Australia.

TITLE

The Australian Cultural Work & Provenance Act: Formal Recognition, Classification, Certification, and Economic Protection of Cultural Work and Cultural Practitioners

PURPOSE

A national legislative and governance intervention to establish the **Cultural Work & Provenance Sector** as a formally recognised economic and workforce domain — securing the classification, certification, registration, and economic protection of cultural practitioners, heritage skills, and cultural provenance in Australia, through a proposed **Australian Cultural Work & Provenance Act**, aligned with 75 years of international legislative precedent and actively pursuing UNESCO NGO accreditation.

Proponent

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PURPOSE AND SUMMARY

This Policy Proposal seeks government investment in and legislative consideration of a national intervention to address a foundational and documented governance failure: the absence of any formal classification, registration, certification, or economic protection framework for cultural work, cultural practitioners, and cultural provenance in Australia.

The **Cultural Work & Provenance Sector** is the largest unrecognised economic domain in the country. It encompasses the three fields through which cultural knowledge is generated, transmitted, and sustained: **Cultural Production** — the making, manufacturing, craft, design, and material practice through which cultural knowledge is expressed as physical output; **Cultural Knowledge** — the teaching, heritage practice, and intergenerational transmission of skill through which living cultural knowledge survives; and **Cultural Systems** — the community practice, social innovation, and cultural facilitation through which societies organise participation and continuity. Together these constitute a sector that contributes more than **\$122 billion annually** to the Australian economy and involves more than **640,000 practitioners** (ABS; Creative Australia) — 76% of whose foundational unpaid labour is performed by women (ABS 2022).

None of this work is formally classified. None of it operates under nationally recognised standards. None of the practitioners who carry it are registered, designated, or protected. The cultural goods it produces carry no legally enforced provenance mark. The skills it depends upon have no formal classification pathway. Australia is one of fewer than 15 of 195 UNESCO Member States that has not ratified the UNESCO Convention for the Safeguarding of the Intangible Cultural Heritage (2003) — the primary international framework that governs exactly this domain. This is not a peripheral gap. It is a systemic governance failure with compounding fiscal, health, manufacturing, and heritage consequences.

This proposal asks the Commonwealth to act on that failure — through **legislation, formal sector classification, and investment in the infrastructure the Creative Women's Association has already built** to establish and operationalise the Cultural Work & Provenance Sector. The CWA is not proposing a new idea. It is proposing that Australia do what 180 other countries have already done — and formalise what already exists.

The work is being done. The knowledge is being transmitted. The goods are being made. What is missing is the governance framework that makes all of it count.

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THE POLICY PROBLEM: A STRUCTURAL GOVERNANCE FAILURE

2.1 What Cultural Work Is — and What Governs It

Cultural work is not a supplementary activity. It is the foundational infrastructure through which societies organise knowledge, transmit skills, sustain communities, and produce the goods and practices that carry a culture's identity across time. Under the definitional framework of the UNESCO Convention for the Safeguarding of the Intangible Cultural Heritage (2003) — the international benchmark — it encompasses: social practices and community life; knowledge and practices concerning nature and the universe; oral traditions and expressions; performing arts; and **traditional craftsmanship**. This is precisely the domain in which the Cultural Work & Provenance Sector operates.

Australia has no legislative framework that governs this domain. The consequence is not symbolic. It is operational. In the absence of a governing Act, there is:

- **No formal sector classification** — cultural work is subsumed into creative industries datasets that do not distinguish between the structural and the expressive, the heritage and the commercial.
- **No national practitioner register** — the people who carry cultural knowledge have no formal recognition, no designation pathway, and no entitlement to economic protection for that work.
- **No national certification framework** — 0% of Australia's cultural workforce operates under nationally recognised standards (Creative Workforce Scoping Study 2025; CWI™, CWA 2026).
- **No provenance protection** — goods produced through cultural manufacturing carry no legally enforced mark of origin. Cultural material produced in Australia cannot be formally distinguished from imported product.
- **No UNESCO standing** — Australia has not ratified the 2003 Convention (confirmed: UNESCO, April 2026) and has no inscriptions on any UNESCO Intangible Cultural Heritage List. Of 195 UNESCO Member States, 181 have ratified. Australia is among the twelve that have not.

2.2 The Scale of the Failure: What Is Not Being Counted

The cultural workforce contributes **\$122 billion annually** to the Australian economy. It employs more than **640,000 Australians** (ABS; Creative Australia). Women perform **76% of Australia's unpaid domestic labour** and **71.8% of primary caregiving** (ABS 2022; WGEA 2024) — labour that, under the UNESCO definitional framework, constitutes intangible cultural heritage. Australia's unpaid care economy is conservatively valued at **\$650 billion annually** — equivalent to 50.6% of GDP (ABS 2020; Deloitte Access Economics 2020). None of this is classified. The superannuation gap stands at **31%**

(WGEA 2024). The replacement cost of a single practitioner's intangible cultural labour across a 40-year care lifespan exceeds **\$12.8 million at conservative market rates** (ILV Index, CWA 2026). The retrospective debt to Australian women for uncompensated cultural labour since the Equal Pay Case (1969) is calculated at **\$5.63 trillion on the conservative basis, accruing at \$502 million per day** (CWI™, CWA 2026).

These are not advocacy figures. They are calculations derived from established ABS, WGEA, OECD, and ILO data, using methodology consistent with ABS unpaid work satellite accounts. They establish that the cost of continued inaction is not neutral. It is cumulative, compounding, and measurable.

2.3 Heritage Skills: The Most Vulnerable Category

Heritage skills are the applied technical knowledge required to produce cloth, make garments, work leather, and craft objects of lasting quality through sustained manual practice. They span five fields: **Textile & Fibre Skills** (fleece assessment, wool preparation, spinning, weaving, finishing); **Garment & Pattern Skills** (pattern drafting, tailoring, bespoke construction, fitting); **Leather & Object Skills** (leatherwork, bookbinding, conservation); **Cultural Textile Arts** (embroidery, tapestry, lace); and **Repair & Continuation Skills** (visible mending, restoration, conservation).

These skills are irreplaceable once lost. They are held in **practitioners** — and those practitioners are aging without successors, operating without formal recognition, and retiring without transmission pathways. Australia exports **85–90% of its wool clip for offshore processing** (DAFF 2023). Geelong's wool textile industry once employed **~8,000 workers**. The capability has not disappeared because demand disappeared. It has diminished because the governance systems that would protect, certify, and sustain it do not exist.

2.4 Why Existing Policy Settings Cannot Solve This

Australia's existing cultural policy settings are designed to support cultural production, participation, and program delivery. They are not designed to perform workforce governance, provenance certification, or legislative protection. The Creative Workforce Scoping Study (2025) confirms this explicitly: project-based funding has become a de facto workforce mechanism not because it is optimal, but because no recognised workforce infrastructure exists through which cultural work can be organised, attributed, or protected. This cannot be corrected by more of the same. It requires a governing framework that does not currently exist.

► INTERNATIONAL PRECEDENT: THE GAP AUSTRALIA MUST CLOSE

Japan enacted the Law for the Protection of Cultural Properties (Act No. 214) in 1950. It established formal sector classification, a national bearer register, and mandatory annual government payment to designated practitioners — operating without interruption for 75 years. The Harris Tweed Act 1993 (UK) established statutory provenance certification with criminal penalties for misuse and produced 570% employment growth between 2009–2014. UNESCO's 2003 Convention has been

ratified by 181 countries. Australia has done none of this. The precedent is established. The cost is proven. The infrastructure is waiting.

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WHAT THE CWA HAS ALREADY BUILT

The Creative Women's Association is the **first organisation in Australia to name the Cultural Work & Provenance Sector, define its boundaries, and build the operational frameworks required for its formal recognition**. This is not a proposal to begin work. It is a proposal to legislate and resource work that is already underway. The CWA has established five operational or near-operational infrastructure components that constitute the practical architecture of the proposed Act.

Component 1 — The Cultural Practitioner Register

The **Cultural Practitioner Register** is a national record being established by the CWA to formally document women whose work constitutes cultural practice — encompassing the transmission of knowledge, skill, heritage, and cultural continuity. It is being developed in alignment with the safeguarding principles of the UNESCO 2003 Convention and informed by Japan's bearer designation framework under Act No. 214 (1950). The Register is currently in its establishment phase. Expressions of interest form the foundational record from which formal designations will be assessed when enabling legislation is in place. Under the proposed Act, registration would trigger four mandatory remuneration mechanisms: the Care Credit, the Replacement Cost Floor, the Provenance Premium, and the Retrospective Correction Fund.

Component 2 — Heritage Skills Classification and Protection

The CWA has established the **Heritage Skills Registry** — a verified national record of practitioners whose cultural, craft, and manufacturing knowledge meets the threshold for formal designation under the proposed Act. The Registry provides the evidentiary foundation for the **formal classification system** the proposed Act would create. The CWA has also published the **Minimum Standards for Cultural Work & Provenance** — the baseline conditions required for cultural work to be formally recognised, attributed, and protected. These Standards currently operate as voluntary sector endorsement. Under the proposed Act they become the legislative floor.

Component 3 — The Southern Cross Mark

The **Southern Cross Mark** is Australia's provenance certification for cloth physically milled in Australia, by known makers, to declared standards. It functions as the national equivalent of the Harris Tweed Orb mark — a visible, enforceable signal of origin that connects fibre, cloth, and maker. The Mark is operational and accepting applications. It establishes the certification infrastructure the proposed Act would make statutory — with criminal penalties for misuse, equivalent to the Harris Tweed Act 1993. The Harris Tweed Authority's reforms produced **570% employment growth** and **3,000% turnover growth** between 2009 and

2014. The same mechanism is available to Australia. The infrastructure already exists. What is required is the Act that makes it binding.

Component 4 — The Institute of Contemporary Culture

The **Institute of Contemporary Culture** is the professional education, certification, and leadership body within the CWA's framework. It supports practitioners through recognised professional pathways — including the **Certified Cultural Practitioner (CCP)** and **Certified Cultural Atelier (CCA)** designations — and through the Cultural Excellence Program and Cultural Impact Fellowship Program. The Institute houses the **Women in Culture Awards** — the only national recognition program for women whose work constitutes cultural practice across the three fields of the sector.

Component 5 — The Measurement Suite and Stepped Economic Model

The CWA has produced a **structural measurement suite** comprising four instruments: the **Domestic & Care Load (DCL) Index**; the **Intangible Labour Value (ILV) Index**; the **Cultural Workforce Index™ (CWI™)**; and the **Stepped Economic Participation Model (SEPM)** — a graduated economic participation framework modelled on the Mental Health Stepped Care system operated by Primary Health Networks. The SEPM maps each level of structural load to the appropriate level of cultural workforce support, enabling delivery through existing PHN, LGA, and community infrastructure without requiring new systems.

***Five infrastructure components. All operational or in active development.
All waiting for the Act that makes them official.***

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THE PROPOSED INTERVENTION: THE AUSTRALIAN CULTURAL WORK & PROVENANCE ACT

The proposed **Australian Cultural Work & Provenance Act** is the legislative instrument that converts the evidence into enforceable obligations and the existing infrastructure into a nationally operative system. It is not a new idea. It is the Australian equivalent of what Japan enacted in 1950, what the UK enacted in 1993, and what 181 countries ratified under UNESCO in 2003. The Act would establish the following.

4.1 Formal Sector Classification

The Act formally establishes the **Cultural Work & Provenance Sector** as a recognised economic and workforce classification, separate from creative industries. The Sector encompasses Cultural Production, Cultural Knowledge, and Cultural Systems as defined by the CWA's Cultural Work Theory, aligned with UNESCO's definitional domains. Formal sector classification is the foundational act from which all other provisions follow — it is the naming that makes governance possible.

4.2 The Cultural Practitioner Register

The Act establishes the **Cultural Practitioner Register** as a national public instrument — modelled on Japan's bearer designation system under Act No. 214 (1950) — providing formal state recognition for practitioners whose work constitutes cultural practice within the Sector's three fields. Registration is the legal event that triggers entitlement to all remuneration mechanisms. It cannot be revoked without due process. It is publicly searchable. The CWA operates the Register in its establishment phase; under the Act it becomes a statutory instrument.

4.3 Heritage Skills Classification and Protection

The Act establishes a **formal classification system for heritage skills** within the Sector — naming the five skill fields, establishing assessment criteria for designation, and creating the legal infrastructure through which heritage skill practitioners receive state recognition equivalent to Japan's bearer designation. Heritage skills that have no formal classification pathway under existing law become a protected and governable category under the Act.

4.4 The Southern Cross Mark — Statutory Provenance Certification

The Act gives statutory force to the **Southern Cross Mark** as Australia's national provenance certification mark for cultural goods — modelled on the Harris Tweed Act 1993. The Act makes it a **criminal offence** to apply the Mark to goods not meeting the statutory definition. The provenance premium commanded by certified goods becomes a legislatively protected economic entitlement of the practitioner.

4.5 The Minimum Standards — Legislative Floor

The Act adopts the CWA's **Minimum Standards for Cultural Work & Provenance** as the legislative baseline for the Sector. What currently operates as voluntary sector endorsement becomes the enforceable floor of the Act.

4.6 Four Mandatory Remuneration Mechanisms

The Act establishes four mandatory remuneration mechanisms, triggered by registration on the Cultural Practitioner Register. These are not subject to ministerial discretion, budget appropriation cycles, or voluntary uptake.

- **The Care Credit** — a legislated annual superannuation contribution paid by the Commonwealth to each registered practitioner's superannuation account, calculated at 11% of their annual ILV replacement cost. Japan's equivalent — ¥2 million per year — has been paid without interruption since 1950.
- **The Replacement Cost Floor** — a minimum payment rate for any institutional arrangement in which a registered practitioner's cultural labour is engaged, set at the market replacement cost of the work performed (minimum \$880/day conservative).
- **The Provenance Premium** — a mandatory 25% minimum price premium attached to any Southern Cross Mark certified output, payable to the practitioner at point of sale, non-negotiable and non-absorbable by the distributing institution.
- **The Retrospective Correction Fund** — a standing Commonwealth appropriation providing partial correction of the retrospective debt to women who demonstrate a minimum of 10 years' uncompensated cultural labour prior to the Act's commencement.

4.7 UNESCO NGO Accreditation

The Act creates the governance infrastructure required to support Australia's UNESCO accreditation pathway. The CWA is pursuing NGO accreditation under the 2003 Convention (pathway confirmed available: UNESCO, April 2026). Accreditation positions the CWA as a formally recognised safeguarding body for Australian cultural practice — connecting the domestic Act to the international framework within which 181 countries already operate.

4.8 The Stepped Economic Participation Model

The Act enables delivery of the **Stepped Economic Participation Model** — a graduated economic participation framework calibrated using the DCL Index score, delivering matched support at five levels through existing PHN, LGA, and community infrastructure. Initial pilot delivery is focused in South-West Sydney Local Government Areas. The model scales nationally through the same delivery architecture that made Mental Health Stepped Care nationally operative.

► **WHAT THIS ACT DOES THAT NOTHING ELSE CAN**

It names the sector. It registers the practitioners. It classifies the skills. It certifies the goods. It enforces the provenance. It remunerates the labour. It connects Australia to the international safeguarding framework. Each of these things requires legislation. None of them can be achieved through grants, programs, or voluntary endorsement. The Act is not one option among several. It is the only mechanism through which the structural failure described in this proposal can be corrected.

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EVIDENCE BASE AND INTERNATIONAL PRECEDENT

5.1 The Three-Instrument Evidential Framework

The CWA's structural measurement suite — the DCL Index, ILV Index, and CWI™ — provides the proposed evidential architecture for the Act. Together they constitute a framework that closes every analytical exit:

- **DCL Index** names the damage. Structural harm is measurable, reproducible, and not attributable to individual pathology. The Commonwealth has a documented obligation to act.
- **ILV Index** names the debt. The number is \$5.63 trillion on the conservative basis, accruing at \$502 million per day since 1969. It has a formula. It is not speculative.
- **CWI™** names the sector. Cultural work is classifiable, governable, and legislatable. 0% of the cultural workforce currently operates under nationally recognised standards. Japan proved the legislative pathway in 1950.

5.2 The Downstream Cascade: Why Health and DFV Systems Cannot Solve This

The structural harm cascade documented by the DCL Index runs directly into Australia's health, DFV, and income support systems. Women performing unrecognised cultural labour at high structural load present to clinical systems with symptoms misattributed to individual pathology — contributing to misdiagnosis rates, pharmaceutical intervention in lieu of structural support, and underutilised preventive health capacity (Hengartner 2017; WHO 2019; AIHW 2022). The same structural arrangement elevates DFV risk through financial precarity and coercive control of care burden (ANROWS 2021). These costs are currently being absorbed by systems not designed to address structural workforce exclusion. The Act addresses the source. Failure to legislate is not cost-neutral. It is cost-displacement — at a rate of \$502 million per day.

5.3 International Legislative Precedents

JAPAN — LAW FOR THE PROTECTION OF CULTURAL PROPERTIES (ACT NO. 214, 1950)

Formal sector classification of intangible cultural heritage. National bearer register. Mandatory annual government payment of ¥2 million per designated holder. Three categories of recognition: individual, collective, group. 371 individuals designated since enactment. Payment has operated without interruption for 75 years. 1975 amendment extended protection to folk cultural expressions — the everyday practices of ordinary communities. 2017 Basic Act revision established cultural policy as cross-sectoral economic infrastructure. Australia is currently in the position Japan was in before 1950.

UNITED KINGDOM — HARRIS TWEED ACT 1993

Statutory provenance certification mark. Criminal offence to misuse. Mandatory economic protection for cultural producers. Results: 570% employment growth 2009–2014; 3,000% turnover growth; majority of Outer Hebrides employment directly linked to certified production; access to export markets previously unavailable. These outcomes were produced by governance — standards enforcement, provenance protection, and inspection — not by increased cultural output.

UNESCO — CONVENTION FOR THE SAFEGUARDING OF THE INTANGIBLE CULTURAL HERITAGE (2003)

Ratified by 181 of 195 UNESCO Member States. Establishes the definitional and safeguarding framework for intangible cultural heritage. Australia has not ratified (confirmed: UNESCO, April 2026). CWA is pursuing NGO accreditation under the Convention — pathway confirmed available regardless of State Party status. The proposed Act is Australia's domestic equivalent of the Convention's safeguarding obligations.

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THE PROPOSED INTERVENTION: STRUCTURE AND INVESTMENT

6.1 What Is Being Asked For

This proposal asks the Commonwealth for three things, in order of logical sequence.

First: Legislative commitment to the Australian Cultural Work & Provenance Act — establishing the sector, the register, the classification system, the statutory certification mark, the Minimum Standards as legislative floor, and the four mandatory remuneration mechanisms.

Second: Governance investment in the CWA as the designated standards-setting and certification authority under the Act — funding the operationalisation of the Cultural Practitioner Register, the Heritage Skills Registry, the Southern Cross Mark statutory infrastructure, and the Institute's certification pathways.

Third: Delivery investment in the Stepped Economic Participation Model — funding the national rollout of the SEPM through PHN, LGA, and community infrastructure, beginning with the identified South-West Sydney pilot.

6.2 Indicative Investment

Preliminary analysis indicates that establishing national Cultural Work & Provenance infrastructure would require **moderate, time-limited public investment** consistent with comparable national workforce and standards measures. An indicative investment envelope of **\$10–15 million over three years** is proposed for Treasury consideration. This is infrastructure-creating expenditure, not consumption-based. For comparison: Japan's total bearer grant expenditure since 1950 is approximately ¥15 billion (≈ AUD \$160 million). Australia has accumulated an indicative \$5.63 trillion retrospective debt to unprotected practitioners over the same period. The cost of the Act is a fraction of the cost of its absence.

6.3 Implementation Phases

Phase 1 — Standards and Definition (Months 1–12): Legislation drafted and introduced. Sector formally classified. Minimum Standards adopted as legislative floor. CWA designated as standards-setting authority.

Phase 2 — Registration and Certification (Months 6–24): Cultural Practitioner Register opened for formal designations. Heritage Skills classification system operative. Southern Cross Mark given statutory force. Certification pathways through the Institute formally recognised.

Phase 3 — Economic Activation (Months 12–36): Care Credit activated through ATO infrastructure. Replacement Cost Floor operative for all institutional engagements.

Provenance Premium operative for all certified goods. Retrospective Correction Fund capitalised. SEPM pilot delivery commenced in South-West Sydney.

Phase 4 — National Scale (Year 3 onwards): SEPM scaled nationally through PHN and LGA delivery architecture. UNESCO NGO accreditation achieved. Australia's first inscriptions on UNESCO Intangible Cultural Heritage Lists prepared for submission.

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RISKS AND CONSEQUENCES OF INACTION

Inaction does not preserve the status quo. It compounds an already-documented failure at a measurable rate. The consequences of continued inaction include the following.

- **Irreversible heritage loss.** Heritage skills held by practitioners who retire without transmission pathways are lost permanently. They are not held in books or databases. They are held in people. When those people stop practising, the knowledge is gone. No legislation can restore it after the fact.
- **Compounding fiscal exposure.** The retrospective debt accrues at \$502 million per day. Every day without the Act is another \$502 million added to a liability that the Retrospective Correction Fund will eventually be required to address.
- **Continued health system absorption.** The structural harm cascade documented by the DCL Index continues to present in clinical systems as individual pathology, generating misdiagnosis, pharmaceutical over-intervention, and underutilised preventive health capacity — at a cost to health infrastructure that is preventable.
- **Manufacturing capability erosion.** Australia exports 85–90% of its wool clip for offshore processing. Without the provenance infrastructure and skill protection the Act would establish, domestic textile manufacturing capability continues to diminish. Geelong's wool industry once employed 8,000 workers. The trajectory without governance intervention is further contraction, not recovery.
- **UNESCO exclusion.** Australia remains among the twelve UNESCO Member States that have not ratified the 2003 Convention. Without domestic infrastructure, no pathway to ratification or accreditation exists.
- **Continued data invisibility.** Cultural work remains absent from workforce, productivity, and procurement datasets — preventing evidence-based policy, inhibiting public investment evaluation, and maintaining the structural conditions that produce the outcomes this proposal seeks to correct.

This is not a risk of failure. It is the ongoing cost of not acting. It is already accruing. The Act stops the clock.

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IMPLEMENTATION, GOVERNANCE, AND EVALUATION

8.1 Governance

The **Creative Women's Association** is the designated governance and standards authority for the Cultural Work & Provenance Sector. It is the only organisation in Australia that has named the sector, defined its boundaries, and built the infrastructure frameworks required for its formal recognition. The CWA operates as a **non-duplicating, non-displacing** governance body — it establishes regulatory and certification architecture alongside existing cultural institutions, not in competition with them.

8.2 Evaluation Framework

Evaluation would be embedded from commencement and structured in accordance with Treasury and Department of Finance guidance. The framework would assess:

- Workforce participation and practitioner registration rates within the Sector, disaggregated by gender, age, region, and cultural background.
- Heritage skills retention — number of designated practitioners, active transmission pathways, and skill categories at risk of loss.
- Southern Cross Mark certification volumes and economic outcomes for certified producers — income, export access, and premium capture.
- SEPM delivery outcomes — economic participation rates by DCL level, movement between levels, and income generation against baseline.
- Adjacent system indicators — primary health, DFV, and income support presentation rates for registered practitioners compared against non-registered cohorts.
- UNESCO accreditation progress and readiness for inscription submissions.

Findings reported annually. Scaling decisions informed by outcomes data. The model is adaptive by design.

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CONCLUSION: THE ACT IS WHAT COMES NEXT

The cultural work is being done. The knowledge is being transmitted. The goods are being made. The practitioners exist. The skills are real. The economic contribution is documented. The international precedent is 75 years old. The infrastructure is built.

What is missing is the legislation that names it, protects it, and pays for it.

Japan made that legislative decision in 1950 and has not stopped since. The United Kingdom made it in 1993. One hundred and eighty-one countries made it in 2003. Australia has not yet made it. The proposed **Australian Cultural Work & Provenance Act** is the decision Australia needs to make next.

The Creative Women's Association has built the infrastructure. It has named the sector. It has documented the practitioners. It has designed the certification mark, the practitioner register, the heritage skills registry, the classification system, the measurement instruments, and the delivery model. It has done all of this without legislation, without statutory authority, and without the economic protection framework it is now asking the Commonwealth to create.

The case is complete. The precedent is established. The evidence is grounded. The infrastructure is ready. The Act is what comes next.

DCL names the damage. ILV names the debt. CWI names the sector. The Act is the correction.

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