

## Gender Equality Legislation in Victoria: Submission from The Sexual Assault & Family Violence Centre (September 2018)

The Sexual Assault & Family Violence Centre (The Centre) welcomes the opportunity to provide feedback on the key elements in the Exposure Draft of Victoria's Gender Equality Bill. We congratulate the Victorian Government on its commitment to implementing the 227 recommendations from the Royal Commission into Family Violence and its intention to introduce Gender Equality legislation in Victoria.

### **About The Centre and our work**

The Centre is a community-based, not-for-profit organisation offering a comprehensive suite of services to clients and the community across the Barwon, Wimmera and Western Melbourne areas. We offer specialist sexual assault and family violence services and programs, including 24-hour crisis responses for people impacted by sexual assault and family violence, family violence case management support, therapeutic counselling and group programs, and early intervention programs for young people exhibiting sexually abusive behaviours or using violence against their parents/carers. In addition to our client services, we also deliver a range of training programs and community awareness activities as well as support a number of family violence and sexual assault prevention programs and activities.

The Centre was established following the 2016 merger between Barwon Centre Against Sexual Assault (CASA) and Minerva Community Services.

The Centre has a strong focus on the prevention of violence against women and family violence and has been working successfully in this area since 2011. Our work includes a focus on workplaces as key settings of change as they have significant reach and influence within our communities.

Violence against women and family violence in Australia is prevalent, serious and an abuse of human rights. The impact on individuals, families and communities is devastating and the broader social and economic costs are staggering. But what we know is that it does not have to be this way. Violence against women and family violence is preventable. We all need to work together across all settings, in our homes, workplaces schools and social groups to address its main driver – gender inequality.

One recent example of a 'whole of organisation' approach to primary prevention is our Partnership, Equality, Prevention project with the City of Greater Geelong (The City). This project, funded under the Victorian Government's Free from Violence strategy, has involved The Centre working with The City to strengthen and expand its efforts in promoting gender equity and preventing family violence and all forms of

violence against women and their children. Taking a 'whole of organisation' approach, we have engaged in activities including:

- Presentations on the rationale and importance of this project as key to increase gender equity practices across The City.
- Collaborating with The City to present Geelong's inaugural, fully subscribed, Gender Equity in the Workplace Forum in February 2018.
- Designing and delivering gender equity and unconscious bias training for The City's workforce.
- Engaging the workforce, including Chief Executive Officer, Executive Leadership Team, Senior Managers and staff across all directorates of The City, we have also delivered a training session to elected members of Council.

The Centre also offers a range of training programs, including training to support sector development in the primary prevention of violence against women and family violence. Our training is informed by extensive research to ensure that it reflects best practice together with our wealth of expertise and practical working knowledge, is contemporary with current reforms and practice, trauma informed and underpinned by a feminist philosophy that is empowering, respectful and inclusive.

### **Our commitment to achieving gender equality**

The Centre is deeply committed to achieving gender equality. Our vision is for a community free from sexual assault and family violence, and a society underpinned by the principles of gender equality, social justice and human rights.

The Centre is deeply committed to the primary prevention of violence against women and family violence, with one of our core aims being to design and implement effective evidence-based primary prevention of violence against women and family violence programs and initiatives.

We endorse a public health approach of working across the population, at the community, organisational, systemic, institutional and societal levels to challenge the gendered norms, practices and structures that drive and support this violence.

### **Victoria's proposed Gender Equality legislation: principles and outcomes**

The Centre encourages consideration to how monitoring of this Bill will be strengthened and learn from the Monitoring and Evaluation Framework for primary prevention work, currently in development, led by the Victorian State Government.

The establishment of Respect Victoria, Victoria's first dedicated agency in the prevention of family violence has created opportunity to strengthen primary prevention work in Victoria. With particular note to the 'research and evaluation' and 'engagement and communication with the community' pillars of the Free From Violence: Victoria's Strategy: to prevent family violence and all forms of violence against women, of which are deliverables of Respect Victoria.

To understand and measure the impact of the establishment and implementation of this Bill, evaluation is critical. Within the first tranche to Local Government and further phasing of implementation over subsequent years, communication and evaluation are imperative to its success. Success in terms of meeting set standards of the legislation, but furthermore, in achieving gender equality across the population.

The Centre urges that this Bill considers a public health approach, and not be considered a standalone piece of legislation to achieve gender equality. Gender Equality Action Plans alone will not achieve gender equality, if not mutually reinforced across all areas of community.

The Centre supports the following gender equality principles proposed under the Bill:

- All Victorians should live in a safe and equal society, have access to equal power, resources and opportunities and be treated with dignity, respect and fairness.
- Gender equality benefits all Victorians, regardless of gender.
- Gender equality is a human right and precondition to social justice.
- Gender equality brings significant economic, social and health benefits for Victoria.
- Gender equality is a precondition for the prevention of family violence and other forms of violence against women and girls.
- Advancing gender equality is a shared responsibility across the Victorian community.

We note that consultations to date on the Gender Equality Bill have identified a desire to achieve the following outcomes, which the Centre also supports:

- To align gender equality with the prevention of family violence and the wider family violence reform agenda.
- For Victoria to lead an ambitious and broad-reaching agenda that has the potential to address structural and systemic barriers impacting on women, as well as effect change in culture and norms.

The Centre understands that the proposed legislation does not seek to address all forms of gender inequality but rather primarily focuses on the inequalities that exist between men and women, including people who identify as men and women. At The Centre, we believe that gender inequality cannot be separated from other forms of inequality and that effort must be focused on the intersections between such inequalities. We adopt an intersectional approach informed by partnerships and initiatives that seek to challenge power, privilege and oppression that is reinforced by social systems and structures. This includes work to challenge forms of discrimination including homophobia and transphobia, racism, ableism, ageism and classism.

As noted by Our Watch, “it is increasingly evident that gender inequality also functions as a driver of violence against people within lesbian, gay, bisexual

transgender, intersex and queer (LGBTIQ) communities, albeit with a slightly more nuanced focus. Binary sex categorisations and rigid adherence to binary gender roles and stereotypes significantly impacts on how LGBTIQ people are treated – both structurally and individually”.<sup>1</sup>

The Centre does this by:

- Challenging the condoning of violence against women.
- Challenging harmful gender stereotypes and roles.
- Promoting women’s independence and decision-making.
- Strengthening positive, equal relationships based on respect.

We recommend that the Victorian Government embed an intersectional approach to this Bill. Gender equality is a whole of population responsibility. The current terminology used in this Bill is not reflective and inclusive of the LGBTIQ community and reinforces existing gender binary of women and men.

### **Gender Equality Action Plans**

Under the Gender Equality Bill, all public sector organisations will be expected to develop and report on a Gender Equality Action Plan. The proposed legislation suggests that these plans would include but not be limited to:

- Identifying strategies to promote workplace gender equality.
- Identifying strategies for the implementation or strengthening of gender impact analysis to ensure that the development of policies, programs and services considers the specific impacts on women and men.
- Reporting annually on the implementation of their Action Plan and against gender equality targets and indicators, to be included in the regulations.

The Bill also provides organisations with some guidance on proposed actions in the development of their Gender Equality Action Plan, including:

- Promoting and advancing gender equality.
- Making reasonable adjustments and taking special measures to achieve substantive gender equality.
- Having regard to the negative impacts of gender stereotypes on all Victorians and the importance of challenging gender stereotypes.
- Having regard to the fact that an individual’s experience of gender inequality may be compounded by other forms of discrimination and disadvantage.
- Acknowledging the importance of collecting gender-disaggregated data to measure progress towards achieving gender equality.

The Centre acknowledges that the implementation of action plans was a common proposal in previous consultations with stakeholders, with many suggesting that

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<sup>1</sup> *An analysis of existing research: Primary prevention of family violence against people from LGBTI communities. October 2017. Report commissioned by the Victorian State Government and was produced by OurWatch in partnership with Dr Philomena Horsely and GLHV@ARCSHS, La Trobe University.*

action plans should outline an approach to achieving gender equality in areas such as pay, representation across roles, and access to training and education opportunities. Whilst these are important considerations, we question whether these and the proposed actions are enough to achieve the overarching principles of the legislation.

In order to achieve real change in our community - where all Victorians live in a safe and equal society, have access to equal power, resources and opportunities and to be treated with dignity, respect and fairness – we need to look broader than workforce quotas and focus on the how we, as a community, view women. Gender inequality has many layers and genuine change will not be achieved if it is viewed in a narrow and simplistic way.

One key risk associated with this is the viewing of the legislation as just another reporting process that has to be done by public sector organisations or a mere ‘tick the box’ exercise. This risk is heightened if there is minimal implementation support, for organisations to build capacity to understand the rationale and benefit of developing and implementing gender equity action plans. This is particularly relevant as the Victorian Government proposes the integration of Gender Equality Action Plans into existing planning processes. We also understand that there may be some instances where organisations may be exempt from implementing an action plan. It is critical that any exemption processes are not seen as a loophole in the legislation.

The Centre also sees opportunities to clarify and strengthen some of the language of the proposed actions above. For example, ‘*making reasonable adjustments*’ and ‘*having regard to*’ are vague, creating unclear expectations. We are also unfamiliar with the term, ‘gender impact analysis’.

Measuring outcomes is key to understanding the impact of any new program, service or legislation. We see value in collecting gender-disaggregated data to measure progress towards achieving gender equality, however as a measure alone, this is limited and a narrow view of progress towards change. Greater consideration is needed on how the Victorian Government is capturing and measuring people’s values, beliefs and attitudes on gender equality and tracking these over time. This will provide rich qualitative data that will enhance understanding of whether there has been genuine change around gender equality in Victoria.

### **Monitoring and compliance**

The Bill proposes that the Department of Health and Human Services, primarily through the Office for Women, would monitor implementation of the legislation. This would involve the Department advising the Minister for Women on the compliance of all affected organisations. The Minister would have the discretion to name public sector organisations that do not comply with their obligations in her annual report on gender equality. Procedural fairness provisions would be in place for organisations proposed to be published as non-compliant.

The Centre does not believe that the proposed monitoring and compliance system will provide strong incentives for organisations to meet set targets (which are currently not specified in the Bill). The Centre recommends adopting incentives for compliance that highlight best practice and achievements, rather than deficits, as a way to move forward. Any monitoring activity needs to be reflective of the capacity of public sector organisations and targets should be set at both the State Government departmental and organisational levels. We also suggest that opportunities to monitor against action plans that are adapted for local use and have existing reporting requirements (for example, Municipal Health and Wellbeing Plans for Local Government) are utilised.

### **Ministerial Council on Women's Equality**

The Victorian Government is proposing the establishment of a Ministerial Council on Women's Equality to govern the implementation of the Gender Equality legislation. The Centre has concerns that this Council will report directly and only to the Minister for Women and will be segregated within the Victorian Government. This legislation should be actioned across portfolios to create change in reducing discrimination and oppression to provide further opportunity to achieve gender equality.

### **Actions necessary to support the success of the gender equality legislation**

The implementation of this Bill will not alone achieve gender equality. For long term, effective, culture change, efforts are to be strengthened across a whole of population. This is with understanding to the nuances and tailored approach necessary for key settings for primary prevention. As no individual is the same, nor is a community or organisation.

The Centre proposes that increasing awareness, understanding and knowledge that lead to the development and implementation of primary prevention practices are critical to the successful implementation of this Bill.

Providing information, resources and a platform to build knowledge through training and education are an important element to this work. It is through high quality, evidence informed training and resources, that the design and implementation of Gender Equality Action Plans can be realised.

The Centre urges that training and resources are developed to support and guide the implementation of this Bill, and that is done so by an experienced and reputable organisation.

There is a level of risk, with the sense of urgency felt for compliance, organisations will outsource training, education and development of Gender Equality Action Plans to any supplier. The effect of poor an ill-informed practice could do more damage than benefit to understanding and achieving gender equality.