

# Gender Equality Bill

## Consultation Feedback Report

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# Glossary

Australian Discrimination Law Experts Group  
Australian Family Association  
Australian Institute of Architects  
Business and Professional Women Victoria  
Country Fire Authority  
City of Greater Bendigo  
City of Monash  
City of Yarra  
Corangamite Shire  
COTA Victoria  
Darebin City Council  
Department of Economic Development, Jobs, Transport and Resources  
Diversity Council of Victoria  
Equal Workplaces Advisory Committee  
Gender Equality & Violence Prevention Consortium Loddon Region  
GenVic  
Hobsons Bay City Council  
Hume City Council  
JobWatch (Employment Rights Legal Centre)  
Maurice Blackburn  
Municipal Association of Victoria  
Merri Health  
Monash Health  
Moreland City Council Gender Equality Working Group  
Netball Victoria  
Respect Victoria Board of Directors and Chief Executive Officer  
The Australian Local Government Women's Association Victorian Branch (ALGWA Vic)  
The Ethnic Communities' Council of Victoria Inc. (ECCV)  
The National Council of Jewish Women of Australia (VIC) and Jewish Community Council of Victoria  
The Sexual Assault & Family Violence Centre  
Together for Equality & Respect and Women's Health East  
Victorian Council of Social Services  
Victim Survivors' Advisory Council  
Victorian Multicultural Commission  
Victorian Equal Opportunity and Human Rights Commission  
Victorian Trades Hall Council  
Victorian Women Lawyers  
Victorian Women's Trust  
Westjustice  
Women's Health in the North  
Women's Health in the South East  
Women's Health Loddon Mallee  
Women's Health Victoria  
Women's Health West  
Women's Melbourne Network (WMN)  
Youth Affairs Council of Victoria  
YWCA

# Executive Summary

An Exposure Draft of the Gender Equality Bill (the Bill) was publicly released in August 2018, with public consultation occurring from 21 August to 28 September 2018. Community and stakeholder engagement on the Bill was substantial, with 56 submissions received and 700 Victorians responding to the Bill via the Engage Victoria website. A citizens' jury was also held in September 2018 to deliberate the topic of gender-based quotas within legislation. Concurrent to these processes, a series of eight stakeholder forums and one targeted forum were also undertaken across metropolitan and regional Victoria. Over 179 individuals attended the forums, representing a wide range of public sector organisations including universities, local councils, police, emergency and essential services, women's health and legal organisations, multicultural and faith-based organisations and Victorian Government departments.

Stakeholders expressed strong support for the Gender Equality Bill and its role in achieving substantive gender equality in both Victorian public sector workplaces more broadly.

Key themes raised across the consultation process include:

- The proposed scope of the Bill, with some stakeholders recommending that the Bill's focus be expanded to include the private sector and volunteers and that the Bill should explicitly define which entities are covered as well as implementation dates.
- Stakeholders requested further clarity as to the responsibilities of defined entities.
- Further clarification on the Bill's intent to support gender non-binary Victorians was sought, with some stakeholders cautioning against a gender binary approach, while other submissions advocated strongly to increase the explicit focus of the Bill on improving the status of women.
- Some submissions suggested that the Bill's potential to support change in settings and sectors beyond the workplace could be strengthened by the addition of a positive 'general duty' to promote and take necessary action to achieve gender equality through policy and program development and service delivery.
- Submissions supported extending the Bill's capacity to influence the private and not-for-profit sector through its procurement provisions.
- There was broad agreement on the need for targets and quotas, with some submissions supporting in-principle the Citizens' Jury recommendation of 40:40:20 targets and quotas, however emphasising the need for a tailored approach depending on the entity or sector.
- Monitoring of the Gender Equality Bill was a key theme in most submissions, with some submissions advising that powers of monitoring and compliance of the Bill be vested in an independent statutory body, while others focused on strengthening the provisions currently included in the Bill by specifying the powers and functions of the responsible monitoring body.
- Most submissions highlighted the need for adequate resourcing to accompany the Bill, including in supporting entities to develop Gender Equality Action Plans, implement strategies set out in their plans, report, as well as for a central authority to meaningfully monitor and evaluate progress towards achieving the Bill's objectives.

# Report structure

This consultation feedback report provides an overview of the stakeholder consultations held over the period August to September 2018 about the Exposure Draft of the Bill. The findings are structured as follows:

**Chapter one** provides an overview of the policy context and outlines the purpose, methodology and consultation process.

**Chapter two** provides an analysis of the findings of consultation about the Exposure Draft organised under the following key areas:

- proposed scope;
- definitions and objects;
- principles and actions;
- Gender Equality Action Plans;
- indicators, targets and quotas;
- reporting;
- gender-ethical procurement guidelines;
- monitoring and compliance;
- Ministerial Council on Women's Equality;
- proposed implementation of the Bill;
- intersection of the Bill with other legislative and regulatory frameworks.

**Chapter three** provides a summary of the key considerations for the Bill, including how the Bill, regulations and implementation planning could address or respond to these issues.

**Chapter four** provides a summary of the Citizens' Jury process, their recommendations and the Victorian Government's response.

# 1. Background

Between August and September 2018, the Victorian Government undertook stakeholder consultation on the proposed model for gender equality legislation in Victoria. Vital feedback was provided by stakeholders from across Victoria's network of not-for-profit, government and private sector organisations. This paper provides an analysis of findings from the consultation process including a summary of the most important considerations for the legislative proposal, future guidelines and implementation.

## 1.1 Background to the reform

Despite the many advances made towards gender equality in recent decades, Australia is falling behind.

The International Gender Gap Index published by the World Economic Forum shows that Australia has gone backwards in a global measure of gender equality. In 2018, Australia dropped four places in the global rankings compared to its position in 2017, ranking 39 out of 144 nations on indicators for gender equality. This places Australia behind New Zealand, Lao PDR and the Philippines in the Asia-Pacific region.<sup>1</sup>

In Victoria, the evidence demonstrates that gender inequalities persist across many areas, including schools, workplaces, neighbourhoods, the media and sport, preventing women, men and gender diverse Victorians from achieving their full potential.

Two-thirds (69 per cent) of young women and girls think gender inequality is a problem in terms of discrimination and sexism at home, at school, and in their private and public lives<sup>2</sup>. Research also indicates that gender inequality in the workforce, including the gender pay gap, is also a significant and substantive issue. While the gender gap in workforce participation is decreasing, in Victoria women's workforce participation is still 14 per cent per cent lower than men's.<sup>3</sup> Women are over-represented in insecure work and the lower paid professions, commonly experience sexual harassment in the workplace (25 per cent),<sup>4</sup> and are often the subject of discrimination during pregnancy, parental leave or return to work.<sup>5</sup>

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<sup>1</sup> World Economic Forum (2018) 'The Global Gender Gap Report 2018', Geneva, viewed 24 May 2019: [www3.weforum.org/docs/WEF\\_GGGR\\_2018.pdf](http://www3.weforum.org/docs/WEF_GGGR_2018.pdf)

<sup>2</sup> OurWatch and Plan International, *Everyday Sexism: girls' and young women's views on gender inequality in Australia*, 2016. Viewed 14 April 2018: [www.ourwatch.org.au/General/The-Everyday-sexism-Girls-and-young-women-s-views](http://www.ourwatch.org.au/General/The-Everyday-sexism-Girls-and-young-women-s-views)

<sup>3</sup> Women's labour force participation in Victoria is at 65 per cent as at May 2019, compared to 79 per cent for men. Australian Bureau of Statistics (2019) 'Labour Force, Australia' Table 5. Labour force status by Sex, Victoria – Trend, Seasonally adjusted and Original. Analysis based on trend data.

<sup>4</sup> Australian Human Rights Commission (2012) 'Working Without Fear', Sydney, viewed 24 May 2019: [www.humanrights.gov.au/sites/default/files/content/sexualharassment/survey/SHSR\\_2012%20Web%20Version%20Final.pdf](http://www.humanrights.gov.au/sites/default/files/content/sexualharassment/survey/SHSR_2012%20Web%20Version%20Final.pdf)

<sup>5</sup> Sexual harassment is one of the most common issues reported to the Victorian Equal Opportunity and Human Rights Commission (VEOHRC). In 2017–18, they received 432 enquiries and 156 complaints about sexual harassment. VEOHRC (2019) 'Submission to the national inquiry into sexual harassment in Australian workplaces', viewed 24 May 2019: <https://humanrightscommission.vic.gov.au/policy-submissions/item/1797-submission-national-inquiry-into-sexual-harassment>

Despite having the necessary talent and ambition, women remain significantly underrepresented in senior leadership positions. Across Australia, women hold just 13.7 per cent of chair positions and 25.8 per cent of directorships, and represent 17.1 per cent of CEOs and 30.5 per cent of key management personnel.<sup>6</sup> In 2018, 35.2 per cent of boards and governing bodies had no women directors. By contrast, only 0.9 per cent had no men directors.<sup>7</sup> Underrepresentation in leadership is even more pronounced for women from culturally and linguistically diverse (CALD) communities, women with disability and LGBTI Victorians.

While women graduate in greater numbers from university than men, they can expect to receive a lower rate of pay upon graduation and throughout their lives. As at November 2018, the gender pay gap in Victoria stood at 9.3 per cent.<sup>8</sup> In 2018, Victorian men still earned \$151.10 more per week on average than Victorian women, who earned on average \$1466.70 per week.<sup>9</sup> Lower lifetime earnings, lower superannuation and lower savings contribute to an overall reduction in women's financial security in the long term, making women vulnerable to poverty upon retirement.<sup>10</sup>

Gender inequality exists in the Victorian public sector. Recent analysis by the Victorian Public Service Commission (VPSC) suggests that the public sector is segregated by occupation and there remains a gender pay gap of 11 per cent.<sup>11</sup> For example, parents who have taken an extended career break due to caring responsibilities often return to insecure, junior positions that do not provide opportunities for career progression. Women also earn less than men, largely owing to their concentration in lower paid occupations; and women are more likely to work part-time, with part-time employment associated with lower pay even when compared with full time equivalent salaries.

It is important to note that both the Victorian Public Service and local councils perform better than the Victorian Public sector as a whole and particularly when it comes to the gender pay

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<sup>6</sup> Workplace Gender Equality Agency 'WGEA' (2019) 'Gender workplace statistics at a glance 2017-18', webpage visited 24 May 2019: [www.wgea.gov.au/data/fact-sheets/gender-workplace-statistics-at-a-glance-2017-18](http://www.wgea.gov.au/data/fact-sheets/gender-workplace-statistics-at-a-glance-2017-18)

<sup>7</sup> Op. Cit. (WGEA, 2019)

<sup>8</sup> The percentage gap is calculated using the Australian Bureau of Statistics method which is based on the difference between male and female average earnings as a percentage of male average earnings. Australian Bureau of Statistics (2018), Average Weekly Earnings, Nov 2018, 'Table 11B: Average Weekly Earnings, Victoria (Dollars) – Trend', data cube: Excel spreadsheet, cat. no. 6302.0, viewed 24 May 2019: [www.abs.gov.au/ausstats/abs@.nsf/mf/6302.0](http://www.abs.gov.au/ausstats/abs@.nsf/mf/6302.0)

<sup>9</sup> Australian Bureau of Statistics (2018), Average Weekly Earnings, Nov 2018, 'Table 11B: Average Weekly Earnings, Victoria (Dollars) – Trend', data cube: Excel spreadsheet, cat. no. 6302.0, viewed 24 May 2019: [www.abs.gov.au/ausstats/abs@.nsf/mf/6302.0](http://www.abs.gov.au/ausstats/abs@.nsf/mf/6302.0)

<sup>10</sup> Approximately 29 per cent of older single women were living below the poverty line in 2015, compared to 25 per cent of single older men and 18 per cent of older couples. For older single women living outside the mainland capital cities, rates of poverty tend to be higher. University of Melbourne (2017), 'The Household, Income and Labour Dynamics in Australia Survey: Selected Findings from Waves 1 to 15', 'Table 5.6: Use of superannuation by persons who retired in the last four years, 2015', p72, viewed 24 May 2019: [https://melbourneinstitute.unimelb.edu.au/\\_data/assets/pdf\\_file/0010/2437426/HILDA-SR-med-res.pdf](https://melbourneinstitute.unimelb.edu.au/_data/assets/pdf_file/0010/2437426/HILDA-SR-med-res.pdf)

<sup>11</sup> Gender segregation is particularly present in police and emergency services, water and land management as well as public health care and government schools. Victorian Public Sector Commission (2019) 'The State of the Public Sector in Victoria 2017-2018' pp 76 – 79, viewed 24 May 2019: <https://vpsc.vic.gov.au/wp-content/uploads/2019/03/The-State-of-the-Public-Sector-Report-in-Victoria-2017-2018-.pdf>

gap<sup>12</sup>, occupational segregation and the proportion of employees, particularly men, who use flexible work arrangements<sup>13</sup>.

These issues have a negative impact on Victoria's economy, as well as contributing to lower levels of social cohesion in the Victorian community, including rates of anti-social behaviour, violence, disadvantage, and discrimination.

Gender equality has tangible benefits for social inclusion in Victoria, as more women are supported to reach their potential. Harnessing the potential of women will also have a positive impact on the Victorian economy. In Australia, the rise in women's employment rates relative to men since 1974 has increased Australia's GDP by around 22 per cent. Closing the employment gap completely would boost GDP by around 11 per cent.<sup>14</sup> It has been estimated that closing the gender productivity gap would raise this to 20 per cent.<sup>15</sup>

The Victorian Government has made significant efforts to reduce violence against women and promote gender equality and respect. However, approximately one in four Australian women over the age of 18 have experienced intimate partner violence since the age of 15, and one in five have experienced sexual violence.<sup>16</sup> Also, one in six Australian women have experienced stalking and more than half have experienced sexual harassment.<sup>17</sup>

Although gender inequality and violence against women happen across the social spectrum, they are both either more prevalent and/or more severe and prolonged among women with disabilities and women with limited access to resources such as education, housing, income and employment, as well as among women from Aboriginal and Torres Strait Islander, rural and regional, and some culturally and linguistically diverse communities.<sup>18,19</sup>

As acknowledged world-wide and by the Royal Commission into Family Violence (the Royal Commission), preventing violence against women and family violence relies on gender equality.<sup>20</sup> As highlighted in Our Watch's 'Change the Story', it is imperative that the gendered drivers of violence are addressed to reduce violence against women including:

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<sup>12</sup> According to the VPSC, as at June 2017, the overall pay gap in the Victorian Public Service sits at 4 per cent which is based on the male median full-time annualised base salary of \$82,307 and the female median full-time annualised base salary of \$78,773. However, the overall Executive pay gap remains at 7.5 per cent.

In the VPS structure, women comprise a significant majority of staff at the lower classifications, just over half of VPS 6 staff and now a majority at EO 3.

<sup>13</sup> Ibid.

<sup>14</sup> Goldman Sachs (2009) 'Australia's Hidden Resource: The Economic Case for Increasing Female Participation', viewed 24 May 2019:

[www.asx.com.au/documents/about/gsjbw\\_economic\\_case\\_for\\_increasing\\_female\\_participation.pdf](http://www.asx.com.au/documents/about/gsjbw_economic_case_for_increasing_female_participation.pdf)

<sup>15</sup> Ibid.

<sup>16</sup> Australian Bureau of Statistics (2017) 'Personal safety, Australia, 2016 (Cat. no. 4906.0)', viewed 24 May 2019: [www.abs.gov.au/ausstats/abs@.nsf/mf/4906.0](http://www.abs.gov.au/ausstats/abs@.nsf/mf/4906.0)

<sup>17</sup> Op. Cit. (Australian Human Rights Commission, 2012)

<sup>18</sup> Politoff, V., Crabbe, M., Honey, N., Mannix, S., Mickle, J., Morgan, J., Parkes, A., Powell, A., Stubbs, J., Ward, A., and Webster, K., (2019) 'Young Australians' attitudes to violence against women and gender equality: Findings from the 2017 National Community Attitudes towards Violence against Women Survey (NCAS) (ANROWS Insights, Issue 01/2019), Sydney: ANROWS

<sup>19</sup> Australian Institute of Health and Welfare (2018) 'Specialist homelessness services annual report 2016-17', Canberra: AIHW.

<sup>20</sup> There are consistently higher rates of violence against women in countries where women's economic, social and political rights are poorly protected, and where power and resources are unequally distributed between men and

- rigid gender roles and identities;
- condoning of violence against women;
- men’s control of decision-making and limits to women’s independence; and
- male peer relations that emphasise aggression and disrespect towards women.

## 1.2 Policy context

In 2015, the Royal Commission concluded that ‘family violence is a gendered crime’ and that ending violence against women requires addressing gender inequality in all its forms – in the workplace, school yards, on television screens and on sporting fields.

In November 2015, as part of the Victorian Government’s implementation of the 227 recommendations of the Royal Commission, the Government committed to developing Victoria’s first ever Gender Equality Strategy to highlight the link between violence and attitudes towards women and to guide the state’s actions for achieving equal social, civic and economic participation for women, men and gender diverse people in Victoria.

In December 2016, the Government released *Safe and Strong: A Victorian Gender Equality Strategy* that establishes a comprehensive framework for long-term action to improve gender equality in Victoria. Consultations undertaken as part of the development of *Safe and Strong* highlighted the Victorian community’s support for a bold strategy that would drive genuine, lasting change across all life-stages and settings. A key reform committed to in this strategy is the enactment of gender equality legislation that will promote and improve gender equality across government and public sector organisations.

In late 2018, the Victorian Government reaffirmed the commitment to introduce gender equality legislation as a means of eliminating the gender pay gap in the Victorian public sector.<sup>21</sup>

The intent of the proposed legislation is to:

- ensure that the structural and systemic causes of gender inequality are addressed;
- prevent gender inequality from arising in the first place;
- create shared responsibility amongst the Victorian Government, local government, private and not-for-profit sectors and local communities to promote and improve gender equality;
- contribute towards achieving a Victoria that is free from all forms of violence against women and children, through gender equality;
- sustain critical governance and accountability structures; and
- ultimately, deliver economic and social benefits for the state of Victoria.

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women. United Nations Women (2011) ‘In pursuit of justice: Progress of the world’s women’, viewed 4 July 2019: [www.unwomen.org/en/digital-library/publications/2011/7/progress-of-the-world-s-women-in-pursuit-of-justice](http://www.unwomen.org/en/digital-library/publications/2011/7/progress-of-the-world-s-women-in-pursuit-of-justice)

<sup>21</sup> Victorian Labor (2018) ‘Fact Sheet: Ensuring an efficient, fair and high quality public service’, p4, published on [www.DanAndrews.com.au](http://www.DanAndrews.com.au), viewed 20 June 2019: <https://static1.squarespace.com/static/5b46af5a55b02cea2a648e93/t/5bf630770ebbe88c33717353/1542860921457/ENSURING+AN+EFFICIENT%2C+FAIR+AND+HIGH+QUALITY+PUBLIC+SERVICE.pdf>

## 1.3 Why is dedicated gender equality legislation needed in Victoria?

Legislation that has a dedicated focus on gender equality and imposes positive duties on public authorities is an important tool for achieving the Victorian Government's objectives for systemic improvement on gender inequality. Four of the five top-rated countries in the World Economic Forum's 2018 Global Gender Gap Report have some form of gender equality legislation, which, in many cases, imposes positive obligations to work towards the achievement of gender equality.<sup>22</sup>

This is further supported by evidence from the Organisation for Economic Co-operation and Development (OECD) that confirms the critical importance of strong institutions and legal mechanisms for ensuring public sector accountability for implementing policies aimed at achieving gender equality, beyond the existence of anti-discrimination laws. UN Women also notes in its 2015-16 Report Progress on the World's Women that: "it would be hard to find a country in the world that has successfully tackled entrenched gender inequality without any constitutional or legal reform"<sup>23</sup>.

Gender equality legislation will support Victoria to fulfil national and international commitments, including the United Nations Convention on the Elimination of All Forms of Discrimination Against Women and the Beijing Declaration and Platform for Action. The Victorian Government has an important role to play in setting standards for acceptable behaviour and modelling good practice. Laws that establish equal rights and challenge the status quo provide an important means of demanding and achieving gender equality in practice. Laws can also influence policy shifts, social norms, cultural expectations and popular attitudes.

There are a number of existing legal frameworks designed to achieve gender equality. In Victoria, some of these include the *Victorian Charter of Human Rights and Responsibilities Act (2006)* and the *Equal Opportunity Act (2010)* (Vic). Currently, there is no legislation that requires public sector organisations to actively demonstrate progress towards improving gender equality. This is why the Victorian Government committed to enacting a Bill that will embed strong governance structures and promote and improve gender equality across government functions. The Bill will not duplicate the focus of, or replace, existing legislation.

## 1.4 Round one consultation process

Stakeholders were widely engaged in anticipation of the proposed gender equality legislation. In September and October 2017, the Department of Health and Human Services (DHHS) conducted targeted stakeholder consultations to gather views on the vision, principles and potential parameters for new gender equality legislation. Stakeholders consulted were drawn primarily from the members of the Ministerial Council on Women's Equality and the Equal Workplaces Advisory Council (EWAC). Collectively they represented women's health services; the business community; the fields of science, technology, engineering and mathematics; local

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<sup>22</sup> World Economic Forum (2018) 'The Global Gender Gap Report 2018', Geneva, viewed 24 May 2019: [www3.weforum.org/docs/WEF\\_GGGR\\_2018.pdf](http://www3.weforum.org/docs/WEF_GGGR_2018.pdf)

<sup>23</sup> UN Women 2015-2016 *Progress of the World's Women – In pursuit of Justice*, viewed 4 July 2019: [www.ohchr.org/documents/HRBodies/CEDAW/AccessstoJustice/UNWomen\\_Report.pdf](http://www.ohchr.org/documents/HRBodies/CEDAW/AccessstoJustice/UNWomen_Report.pdf)

government; unions; and not-for-profit organisations, including those focused on the prevention of family violence.

In order to gain a broader field of views, including from regional and rural Victoria, DHHS commissioned Nous Group to undertake 10 stakeholder workshops across regional and metropolitan Victoria. The workshops were held over December 2017 to February 2018 and involved over 100 stakeholders representing service providers across child, youth, family, community health and family violence areas; women's health, advocacy and legal services; local government including local government associations as well as regional, metropolitan and interface councils; multicultural and faith-based organisations; education providers and academics; and trade unions.

Collectively, the consultation undertaken by DHHS and Nous Group gleaned a diverse range of stakeholder perspectives on the potential development of gender equality legislation, including key areas that the legislation should address. Stakeholders were also encouraged to share their views on related initiatives that could operate alongside the Bill to support the Victorian Government's commitment to gender equality.

Stakeholders were asked to express their views on:

- the potential benefits of gender equality, and key outcomes of the legislation;
- the principles that should underpin legislation;
- whether, and what kinds of, positive gender equality obligations or duties should apply in Victoria, and if so, to whom they should apply; and
- the critical preconditions for the success of gender equality legislation.

Most stakeholders supported the inclusion of positive obligations and targets in gender equality legislation.

There was no consistent view on what positive obligations should apply to entities. Collectively, there was a desire to achieve the following outcomes:

- 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.

Specifically, stakeholders wanted the legislation to include, but not be limited to:

- gender representation targets;
- 'positive obligations' to promote gender equality, including design and implementation of Gender Equality Action Plans (GEAPs), commitment to procurement approaches consistent with gender equality goals, creation and adoption of more flexible work practices, and systematic analysis and audit of gender metrics; and
- clear parameters for strengthening governance and accountability in public sector organisations.

## 1.5 Round two consultation process

Following the first round of consultation articulated above, a second more extensive round of consultations has been held to inform the development of the Bill. The list of stakeholders who provided submissions to the Exposure Draft consultation is at **Appendix A**. As distinct from the first round of consultations undertaken in 2017 and early 2018, which was focused on key threshold questions and testing community support for gender equality legislation, the second round of consultations has centred on testing and validating the proposed legislative model (as set out in the Exposure Draft) and seeking stakeholder views on implementation considerations as well as possible content of the accompanying regulations and guidance materials.

### Purpose

The second consultation process sought to gather stakeholder perspectives on aspects of the proposed legislation and the associated implementation process, including discussion of any risks associated with the Bill and how these would be best mitigated. Specifically, the consultations sought to gather stakeholder views on the following components of the proposed Bill:

- the principles and actions;
- GEAPs;
- indicators and targets;
- reporting against key indicators and targets;
- gender-ethical procurement guidelines;
- monitoring and compliance;
- Ministerial Council on Women's Equality;
- proposed roll out of the Gender Equality Bill.

### Overview of the process

On 21 August 2018, DHHS released an exposure draft of the Bill and discussion paper for public consultation via the Engage Victoria website.

The second gender equality legislation consultation ran online for five weeks from 21 August – 28 September 2018. It was one of the most successful open consultations ever conducted by DHHS via the Engage Victoria website. The gender equality legislation page received 6,823 visits from 4,687 visitors over the six-week period. More than 700 Victorians contributed to the Bill consultation online by uploading submissions, answering survey questions, and responding to two visioning board questions that allowed participants to provide a short idea or thought on the consultation.

DHHS received 56 submissions against the Gender Equality Bill Discussion Paper (8 from individuals and 48 from organisations). Submissions are available at:

[www.engage.vic.gov.au/gender\\_equality](http://www.engage.vic.gov.au/gender_equality).

In conjunction with this submissions process, DHHS engaged MosaicLab to undertake a series of eight stakeholder forums and one targeted forum across metropolitan and regional Victoria to ensure a broad and diverse range of views were heard on the key components of the Exposure

Draft. The forums took place over a two-month period from August to September 2018 and were structured around the themes set out in the discussion paper. Over 179 individuals attended the forums, representing a wide range of public sector organisations including universities, councils, police, emergency and essential services, women's health and legal organisations, multicultural and faith-based organisations and Victorian Government departments. The list of organisations represented at the forums is provided in Appendix B. The key findings from the forums have been integrated into this report.<sup>24</sup>

In addition to the submissions process and the stakeholder forums, DHHS commissioned MosaicLab and an independent, non-partisan research organisation, newDemocracy Foundation to undertake a Citizens' Jury process<sup>25</sup> which was held over two days, 15-16 September 2018 in Melbourne. The Jury was asked to provide advice on the setting and implementation of targets and quotas proposed as part of the Discussion Paper. The key findings from the Jury have been integrated into this report.<sup>26</sup> The Victorian Government's response to the Citizens' Jury is set out in chapter four.

The extensive consultation process provided a diverse range of suggestions as to how the Bill can best meet community expectations.

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<sup>24</sup> The full report on the findings of the stakeholder forums is available at: [www.engage.vic.gov.au/gender\\_equality](http://www.engage.vic.gov.au/gender_equality)

<sup>25</sup> A citizens' jury is a group of people brought together to debate and discuss an important issue. It is a form of deliberative democracy – when citizens have a direct say on issues that affect them. The jury was selected through a randomised process to ensure a diverse demographic profile across gender identity, age, linguistic diversity, sexual orientation, disability and Aboriginal and Torres Strait Islander status.

<sup>26</sup> The full report on the findings of the citizens' jury is available at: [www.engage.vic.gov.au/gender\\_equality](http://www.engage.vic.gov.au/gender_equality)

## 2. What we heard

The feedback received through the submissions process was very positive. In their written submissions, stakeholders expressed strong support for the Bill, viewing the proposed legislation as a once in a generation reform opportunity to influence policy shifts, social norms, cultural expectations and attitudes across Victoria as well as set the standard on gender equality legislation for other jurisdictions in Australia and internationally.

This chapter provides an overview of the consultation findings, as informed by workshops, targeted consultations and written submissions. We have included indicative quotes from stakeholder submissions that provided their consent to be published in order to illuminate key points. We use the following language to give a sense of the weight of support for a particular view:

- 'one stakeholder' – one stakeholder voiced a perspective
- 'a few' – two stakeholders shared a view
- 'several/some' – up to five stakeholders shared a view
- 'many' – more than six stakeholders shared a view
- 'most/the majority' – almost all stakeholders

The following findings are structured in accordance with the major themes that were canvassed through consultation on the Exposure Draft.

### 2.1 The proposed scope of the Gender Equality Bill

Most stakeholders were comfortable with the draft list of proposed entities to have obligations under the Bill tested as part of the consultation:

- Victorian Government departments;
- public sector entities with over 100 full-time employees; and
- local government.

#### **Expanding the scope**

Several submissions however suggested bringing more organisations into scope. Submissions from the Victorian Trades Hall Council and Gender Equity Victoria recommended all public entities regardless of size be included within scope. Others, such as VCOSS, Together for Equality & Respect and Women's Health East proposed that public entities with 50 or more employees would be appropriate. Women's Health Victoria proposed that large private businesses in Victoria be required to comply with the Bill.

#### **Defining coverage of the Bill in legislation or in regulation**

Several stakeholders including the Victorian Trades Hall Council and the Australian Discrimination Law Experts Group noted that those entities required to comply with the Bill would be prescribed in regulation and that the Bill is silent on implementation dates. These

stakeholders proposed that providing for both components in the Bill itself as opposed to regulation would provide greater certainty and clarity to those organisations with obligations under the Bill.

## **Clarification about whether organisations with volunteers are in scope**

Australian Discrimination Law Experts Group and the Country Fire Authority sought clarification around whether public sector organisations with a volunteer workforce would be considered within the scope of the Bill. Country Fire Authority noted that it would be working under the assumption that it will be a defined entity under the Bill and recommended that the regulations specify the organisation as a defined entity for clarity. To this end, the Country Fire Authority also recommended that the Bill define 'workforce' to clarify whether the intent is to include volunteers within scope.

With a volunteer workforce of 1,511,500 Victorians, volunteers form a vital part of Victoria's social, economic, cultural and environmental fabric, and volunteering delivers immense value to Victoria, for communities, organisations and individuals. This includes an economic contribution to Victoria worth around \$23 billion in 2011; this contribution is set to reach \$42 billion by 2021.<sup>27</sup>

Volunteers undertake important and valuable work that improves social cohesion and makes our communities stronger, safer and more liveable. Harnessing the power of volunteers to contribute to gender equality outcomes, in addition to the important work they are already undertaking, recognises the immense value and contribution of volunteers as unpaid employees.

When it comes to volunteers in the public sector, while it is important to ensure organisations that take on volunteers are subject to the same policies, standards and responsibilities as the broader public sector, this must be balanced with recognising the additional burden this requirement would place on personnel and organisations with a primarily volunteer-driven workforce.

## **Clarification about whether Victorian universities are in scope**

The Australian Discrimination Law Experts Group noted that the Bill included universities within scope and sought clarification around whether universities would be required to report both under the Bill as well as the *Workplace Gender Equality Act 2010* (Cth) (WGE Act); suggesting the need to ensure consistency of reporting requirements to minimise regulatory burden. Reporting under both regimes was intended under the Bill. Though public education institutions employing 100 or more people are already subject to the requirements for data collection and reporting under the WGE Act, gender equality progress within some Victorian universities has not occurred at the anticipated rate. Additionally, requirements under the WGE Act are largely

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<sup>27</sup> Ministerial Council for Volunteers (2017) 'Volunteers in Victoria: Trends, Challenges and Opportunities', Department of Health and Human Services.

limited to reporting and do not require the development of plans or strategies to improve gender equality outcomes.

According to the Australian Human Rights Commission's 2017 National Report on Sexual Assault and Sexual Harassment at Australian Universities, 'Change the Course'<sup>28</sup>, one in two students have been sexually harassed on at least one occasion and one in four students have been sexually harassed in a university setting, with women students being more than three times as likely as men to have been sexually assaulted<sup>29</sup>.

According to data obtained by the Workplace Gender Equality Agency, in 2018, 72.3 per cent of Australian universities had an overall gender equality policy in place. In terms of the gender pay gap, only 59.6 per cent of Australian universities had a formal policy or formal strategy on remuneration. While 51.1 per cent of universities had conducted a remuneration gap analysis, only 32 per cent of universities took action as a result of conducting a remuneration gap analysis<sup>30</sup>.

In their role as workplaces as well as in the delivery of services to the community, public education institutions are key sites for influencing attitudes and behaviours as well as modelling gender equality. Maintaining universities within the scope of the Bill will drive further progress within public education institutions and support them to provide students with a safe, supportive learning environment that promotes inclusion and respect.

Further communication and engagement with stakeholders in relation to which organisations will be required to comply with the Bill and commencement timing will occur to support organisations to understand their new obligations under the Bill and facilitate timely implementation.

## 2.2 Definitions and objects

### Additional objectives

Several stakeholders including VEOHRC, Maurice Blackburn, Women's Health Victoria and Victorian Women's Trust expressed support for the objectives of the Bill. VEOHRC noted that the objectives align with the United Nations Convention on the Elimination of all forms of Discrimination Against Women (CEDAW) and leading best practice gender equality laws in other jurisdictions. VEOHRC also noted that:

The focus on women recognises that women have experienced, and continue to experience, widespread discrimination and inequality based on their sex and gender, despite existing legal protections. The focus on promoting and encouraging progress towards achieving gender equality strikes an important balance between recognising the need to address women's particular and entrenched experiences of discrimination and inequality as well as the disadvantage men can experience because of sex and gender.

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<sup>28</sup> Australian Human Rights Commission (2017) 'Change the Course: National Report on Sexual Assault and Sexual Harassment at Australian Universities', Canberra, Australia.

<sup>29</sup> Change the Course (2017) also found that 94 per cent of students who were sexually harassed and 87 per cent of students who were sexually assaulted did not make a report or complaint to their university.

<sup>30</sup> Workplace Gender Equality Agency (2018) Data Explorer tool based on reporting received from 2011 to 2018. Based on 'tertiary education (subdivision)'. As at 16 May 2019: <http://data.wgea.gov.au/home>.

Some stakeholders proposed additional objectives to ensure the Bill captures the Victorian Government's policy intent to make progress towards full and substantive gender equality across workplaces and the community.

In their submission, Maurice Blackburn suggested that the objectives be amended to:

promote, encourage and facilitate substantive progress towards achieving full gender equality and improving the status of women.

This was similar to the objective proposed by Victorian Women's Trust. While VEOHRC viewed the objectives as an important opportunity to align the Bill with other key legislative mechanisms for promoting gender equality in Victoria, suggesting that the objectives be amended to:

to further promote and protect the right to equality set out in the *Equal Opportunity Act 2010*, the *Charter of Human Rights and Responsibilities 2006* and the *Convention on the Elimination of All Forms of Discrimination against Women*

to promote recognition and acceptance in employment and in the workplace of the principle of the equality of women and men, noting that workplaces are both a site of inequality and can play an important role in achieving gender equality

to recognise that an individual's experience of gender inequality may be compounded by other forms of discrimination and disadvantage by virtue of other personal characteristics, such as race, religious belief or activity, disability, age, sexual orientation or gender identity

to encourage the identification of systemic drivers of gender inequality in employment and in the workplace, and support defined entities to address these drivers

to promote and facilitate gender equality, by recognising that:

(a) sex discrimination can cause social and economic disadvantage and that access to opportunities is not distributed equitably between women and men in society

(b) equal application of a rule to women and men can have unequal results or outcomes, when biologically, socially and culturally constructed differences between them are not taken into account

(c) the achievement of substantive equality between women and men in employment and in the workplace may require the making of reasonable adjustments and reasonable accommodation and the taking of special measures.

The objectives of the Bill will play an important role in guiding interpretation, application and eventually evaluation, it will therefore be important to ensure the objectives reflect the Victorian Government's overall policy intent for the Bill. While the Bill is intended to carry influence across employment and workplaces in recognition of the economic importance of equality at work for women, it is also intended to effect change across the community more broadly. The objects of the Bill should therefore reflect both focuses.

## Defining gender equality

How to define gender equality was a common theme across most submissions. Several submissions including the Victorian Trades Hall Council, VEOHRC, GenVic, Maurice Blackburn and Australian Discrimination Law Experts Group recommended amending the definition of gender equality to better reflect the concept of substantive gender equality and the importance

of using positive obligations to transform institutions, structures, systems, attitudes and beliefs, as contrasted to formal equality before the law. Australian Discrimination Law Experts Group noted that:

public and popular understandings of equality still focus on formal equality, which assumes that men and women should be treated the same in all situations, rather than a multi-dimensional substantive approach that redresses past disadvantage, accommodates difference and includes positive responsibilities (Fredman and Goldblatt (2015).

The Committee on the Elimination of all forms of Discrimination against Women – the UN treaty body responsible for monitoring compliance with CEDAW ('CEDAW Committee') – in its 2004 General Recommendation No. 25 used the term 'substantive equality' to move forward from formal approaches to equality that were not adequately ensuring the types of changes needed to overcome discrimination. This definition has since been followed by a number of other treaty committees and has been used by constitutional courts around the world. Substantive gender equality closely aligns with the Victorian Government's policy intent for the Bill as well as with Australian's international obligations.

Several submissions also proposed a variation of the definition of gender equality to more explicitly focus on intersectionality, a term used to describe the cumulative effects of multiple forms of discrimination and disadvantage.

The Australian Discrimination Law Experts Group suggested the following definition:

gender equality means substantive gender equality that:

(a) includes equality of rights, opportunities, responsibilities and outcomes between people of different genders;

(b) aims to redress disadvantage; address stigma, stereotyping, prejudice and violence; enhance participation; and accommodate difference by way of structural change; and

(c) may occur in combination with discrimination based on other attributes including but not limited to race, disability, sexual diversity and age, leading to intersectional or compound discrimination and inequality.

A few stakeholders proposed the inclusion of a definition of gender equity in addition to gender equality, suggesting that gender equity processes should be put in place before gender equality processes in order to overcome historical disadvantage and the inequitable distribution of power, money and resources between men and women as well as different groups of women. On this point, the Ethnic Communities' Council of Victoria provided that:

to achieve and create gender equality (as an end goal) in the workforce or at workplaces, equity issues, also need to be addressed, for example discrimination on the grounds of ethnicity (Ethnic Communities' Council of Victoria).

Given the valuable role a definition of gender equality would play in assisting with interpretation of the Bill, it will be important to ensure that any change to the definition of 'gender equality' within the Bill provides additional clarity and guidance as to the intended meaning of the term. The definition should not be inconsistent with definitions used in other Australian jurisdictions or as part of international agreements to which Australia is a party. At the same time, given the role legislation can play in shaping norms, popular opinion and understandings across the

community, the definition of gender equality represents an important opportunity to enshrine a contemporary understanding of – and vision for – gender equality in Victoria.

## **Recognising gender diversity while also acknowledging the disproportionate impact of gender inequality on women and girls**

Several stakeholders including Women's Health West, Gender Equity Victoria, Women's Health in the South East, Victorian Multicultural Commission and Women with Disabilities Victoria proposed that the Bill include a definition of 'gender' separate to the definition of 'gender equality'.

Women's Health in the South East proposed the definition be based on a definition employed by Our Watch: 'Gender is the socially learnt roles, behaviours, activities and attributes that any given society considers appropriate for men and women; gender defines masculinity and femininity. Gender expectations vary between cultures and can change over time'. Women with Disabilities Victoria also noted that commonly used definitions of gender could be more inclusive of people with disabilities.

Mixed responses were received across the submissions in relation to the Bill's balance between avoiding gender binary language while also acknowledging the impact of gender inequality on people who identify as women and girls. Many stakeholders including JobWatch, Darebin Council, Australian Discrimination Law Experts Group and ECCV recommended that the Bill should be more explicitly inclusive of gender diversity and acknowledge the non-binary nature of gender, as recognised by the High Court in Norrie's case<sup>31</sup>.

The Australian Discrimination Law Experts Group for example suggested that reporting under the Bill acknowledge wider categories of both sex (for example, intersex, uncategorised) and gender (for example, transgender, gender-diverse, non-binary) if data is available. This would require organisations to deal with that data if employees were prepared to provide it voluntarily, but not to compel employees to provide it.

Submissions from Women's Health Victoria and GenVic sought an increased focus on supporting equality for women and girls to protect against any future perverse interpretation of the legislation that would undermine the Bill's objective of improving outcomes for women and girls. Women's Health Victoria for example, recommends that the Bill:

*'explicitly recognise in its principles that women have been unfairly and profoundly limited by the discrimination they have collectively experienced on the basis of sex and gender, and that this requires targeted strategies to redress the imbalance and achieve 'women's equality'.*

It may be preferable to retain the definition of gender within state-wide policy. While the WGE Act defines the terms 'woman' and 'man' in order to clarify data collection, legislation across Australian jurisdictions has tended to be silent on a definition of gender which avoids inconsistency with the High Court of Australia's findings in the case of Norrie.<sup>32</sup> In Victoria, gender is defined in policy which allows for modifications based on the most contemporary

<sup>31</sup> New South Wales Registrar of Births, Deaths and Marriages v Norrie [2014] HCA 11.

<sup>32</sup> Ibid

research, inclusive language and case law. For example, in *Safe and Strong*, gender is defined as ‘the socially-constructed differences between men and women, as distinct from ‘sex’, which refers to their biological differences’.

## 2.3 The principles and actions

Most stakeholders were supportive of the inclusion of the following principles which were tested as part of the discussion paper. Stakeholders recognised the importance of clear principles in aiding statutory interpretation particularly in legislation aimed at driving social change:

- 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.

The Bill also proposed a series of actions for defined entities to give effect to the principles in the development of a GEAP:

- promote and advance gender equality
- make reasonable adjustments and take special measures to achieve substantive gender equality
- have regard to the negative impacts of gender stereotypes on all Victorians and the importance of challenging gender stereotypes
- have regard to the fact that an individual’s experience of gender inequality may be compounded by other forms of discrimination and disadvantage
- acknowledge the importance of collecting gender-disaggregated data to measure progress towards achieving gender equality.

## Additional principles proposed

Most stakeholders shared the view expressed by VCOSS that:

*The principles define gender equality as a shared community responsibility addressing equality of power, resources and opportunity, universal application, connection to human rights, social justice, and social, economic and health benefits.*

Most stakeholders agreed that the principles establish an important vision and pathway for ensuring the Victorian public sector takes positive action to promote and achieve gender equality.

At the same time, many stakeholders proposed to strengthen the Bill through additional principles which are explored below.

## Intersectionality

Most stakeholders proposed a separate principle to capture the concept of intersectionality which is currently captured in an action in the Exposure Draft. VEOHRC noted that CEDAW requires States Parties to 'legally recognise and prohibit such intersecting forms of discrimination and their compounded negative impact on the women concerned'. These stakeholders suggested that the intersectionality principle should capture the ways in which gender inequality interacts with and compounds other forms of discrimination, inequality and disadvantage experienced on the basis of Aboriginality, race, sex or gender identity, religious belief or activity, disability, age, sexual orientation.

COTA suggested that this principle should make particular reference to age in view of the need to prevent age-based discrimination and increase the visibility of issues affecting older women across the community. Women's Health Loddon Mallee suggested that the principles should also recognise rurality, childbearing/pregnancy status and economic disadvantage. The Ethnic Communities' Council of Victoria recommended that the principle should include reference to cultural diversity.

## Gender diversity and stereotypes

Some stakeholders including JobWatch, VCOSS, Darebin Council, Australian Discrimination Law Experts Group and ECCV noted that the Bill does not adequately recognise the gender inequality experienced by gender diverse people, with several stakeholders proposing that recognition could occur through an additional principle. Stakeholders suggested that an additional principle would enshrine the Victorian Government's recognition that gender is not binary and that rigid stereotypes surrounding gender roles are harmful.

Several submissions including VEOHRC, Women's Health Victoria, Respect Victoria and Darebin Council commended the action recognising the importance of eliminating gender stereotypes. These stakeholders suggested that this action would be more effective operating as a principle.

Darebin Council noted the way in which operating within a 'gender binary reinforces gender stereotypes and rigid gender roles, which are harmful to women, men and gender non-binary people'.

VEOHRC noted that gender stereotyping is one of the root causes of sex discrimination, gender inequality and other human rights violations. CEDAW recognises the harm that gender stereotypes can cause and therefore requires governments to modify or transform gender stereotypes and eliminate wrongful gender stereotyping<sup>33</sup>.

Importantly, the CEDAW Committee has characterised the obligation to address gender stereotypes/stereotyping as central to the elimination of all forms of discrimination against women and the achievement of substantive gender equality. It has clarified that efforts to eliminate discrimination and improve women's de facto position in society will be inadequate to achieve substantive equality, unless they are also accompanied by measures to transform structural inequality that stems from, among other things, stereotyping.

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<sup>33</sup> CEDAW preamble, arts 2(f), 5, 10(c).

## Temporary special measures

Several stakeholders supported the alignment between the Bill's principles and key legislative frameworks including the WGE Act, the *Equal Opportunity Act 2010 (Vic)* (the Equal Opportunity Act) and the *Sex Discrimination Act 1984 (Cth)*. VEOHRC and Hobsons Bay City Council commended the inclusion of an action requiring defined entities to take 'special measures' and further proposed that this action should underpin the legislation in its entirety as a principle.

VEOHRC's submission noted that both Australian and international law recognises that special measures are sometimes required to recognise and redress historical discrimination against women and gender inequality. The CEDAW Committee considers special measures to be 'part of a necessary strategy ... directed towards the achievement of de facto or substantive equality of women with men in the enjoyment of their human rights and fundamental freedoms'<sup>34</sup>.

In recommending the addition of 'special measures' as a principle of the Bill, it will be important for defined entities to understand what actions may qualify as special measures and are therefore not discriminatory under the Equal Opportunity Act. Canadian legal academic Rebecca J. Cook in a book chapter entitled 'Obligations to adopt temporary special measures under the Convention on the Elimination of All Forms of Discrimination against Women' (2003)<sup>35</sup> defines special measures as 'time-limited positive measures intended to enhance opportunities for historically and systematically disadvantaged groups, with a view to bringing group members into the mainstream of political, economic, social, cultural and civil life' which aligns with clause 12 of the Equal Opportunity Act.

These additional principles would aid in the realisation of the recommended objectives of the Bill, namely that the structural and systemic causes of gender inequality are addressed.

## Further additional principles

Djirra and Respect Victoria proposed that in addition to an intersectionality principle, the Bill acknowledge that measures aimed at addressing gender inequality may not have the same impact for women from Aboriginal and diverse backgrounds.

The Victorian Multicultural Commission recommended a separate principle that recognises the multicultural nature of Victoria's population, also in addition to an intersectionality principle.

Victorian Trades Hall Council proposed a range of additional principles including around equal pay for equal work, gender bias and discrimination in contributing to inequality, ending gendered violence, and recognising that better outcomes are achieved when workers are included in identifying, implementing and evaluating strategies to address gender inequality in the workplace.

Women's Health in the South East suggested that the current framing of the principles should be less focused on the benefits of gender equality, recommending the following additional

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<sup>34</sup> General Recommendation 25, UN Doc A/59/38, annex I [18].

<sup>35</sup> Rebecca J Cook, 'Obligations to adopt temporary special measures under the Convention on the Elimination of All Forms of Discrimination against Women' in Ineke Boerefijn et al (eds), *Temporary special measures: Accelerating de facto equality of women under Article 4(1) UN Convention on the Elimination of All Forms of Discrimination against Women* (2003) 111, 119.

principles: All Victorians, regardless of sex and gender, have the right to liberty and security of person; Women are entitled to the equal enjoyment and protection of all human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field; Women have a right to life and bodily integrity; Women have the right to just and favourable conditions of work.

The principles will be revised in light of this strong stakeholder feedback. Revision will be guided by legislative drafting principles that recommend avoiding jargon and negative framing to facilitate clear and unambiguous interpretation of legislation. Additional principles will clarify the Bill's intent and effect and provide important guidance to defined entities in discharging their obligations under the Bill. As the scope of the Bill extends beyond workplaces into the community through its focus on policy and service delivery, it will be important to ensure that any additional principles are not solely workplace focused.

## 2.4 Gender Equality Action Plans (GEAPs)

Stakeholder feedback was generally supportive of the Bill's requirement that defined entities must develop and report on GEAPs to demonstrate compliance with the actions set out above. The Exposure Draft proposed 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 the GEAP and against gender equality targets and indicators, to be included in regulations.

## Requirements on organisations – clarifications and additions

Submissions from EWAC, Australian Discrimination Law Experts Group, Maurice Blackburn as well as local government sought further clarification on the above GEAP requirements. While many submissions commended the inclusion of gender impact analysis, they recommended further detail be set out in the legislation on how to undertake and report on the requirement to undertake gender impact analysis which was proposed as part of the GEAP.

Some stakeholders suggested that mirroring the reporting obligations under the WGE Act through use of the same workplace gender equality indicators was an important means of ensuring ease of compliance. This would enable one set of standards against which entities are assessed for employment practices.<sup>36</sup>

Several stakeholders expressed concern that mirroring the exact language of the WGE Act's workplace gender equality indicators may limit the Bill's potential to create real organisational and cultural change. For this reason, several submissions recommended additional

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<sup>36</sup> It is important to note that Victorian universities are the only entities within scope of the Gender Equality Bill that are currently reporting under the WGE Act.

requirements in the development of GEAPs to ensure they are effective in assisting with the delivery of the Bill's objectives.

EWAC proposed the addition of requirements including the completion of a workplace gender audit as part of the development of the GEAP. The gender audit would be a diagnostic tool to assist organisations to establish the status of gender equality across the organisation; provide data upon which the GEAP and targets can be based; and provide a baseline on gender equality at the organisational level (which can then be aggregated to the sector/industry and whole of public sector levels) against which to measure gender equality progress across Victoria.

Several stakeholders including Victorian Trades Hall Council, Maurice Blackburn and Djirra proposed that defined entities collaborate with communities potentially impacted by their policies, programs and services in the development of their GEAPs. For example, public sector entities that fund programs in Aboriginal communities should work with those communities to understand whether their program are meeting the needs of Aboriginal women and men.

EWAC also proposed the requirement to consult with and educate staff about an organisation's GEAP, and establish governance measures to ensure that the development, implementation and ongoing monitoring of the GEAP is allocated adequate resourcing, implementation support and accountability within the organisation. Maurice Blackburn proposed to decrease the time frame mandated for implementing gender impact analysis to two years from four years.

The Australian Discrimination Law Experts also recommended including a provision to allow for a GEAP to be amended at any time within the four-year timeframe when it is necessary or desirable to do so.

## **Gender impact analysis provides an opportunity to strengthen the Bill's community focus**

The Exposure Draft tested stakeholder views on the requirement to undertake gender impact analysis. Submissions from the Victim Survivors' Advisory Council (VSAC), Australian Discrimination Law Experts and EWAC welcomed the inclusion of gender impact analysis as a requirement for action plans, but noted that more could be done to affirm the Bill's role in promoting gender equality in the wider community, and ensuring it is not perceived only as a workplace-focused Bill. Victorian Women Lawyers for example, proposed that the Bill should promote gender equality across policymaking processes.

The inclusion of a general duty for entities to consider gender equality issues in the exercise of their functions was raised by the Australian Discrimination Law Experts and EWAC. A general duty would be a mechanism to strengthen the Bill's focus on external functions of a defined entity such as service delivery and policy development (as opposed to an entity's internal workforce).

## **Specifying GEAP focus areas**

Stakeholders including EWAC, VEOHRC, Australian Discrimination Law Experts Group and Women's Health Victoria recommended that GEAPs should be developed across a range of focus areas, including pay equity, leadership, recruitment and promotion, flexible work, parental

and family violence leave and sexual harassment. The Citizens' Jury was particularly interested to ensure recruitment processes are changed to eliminate gender bias, with limited exceptions.

These focus areas align with and build upon the reporting requirements under the WGE Act and well-established international best practice on gender equality in the workplace. Specifying which subject areas organisations must cover in the development of a GEAP would ensure that organisations are adequately assessing and responding to gender inequality issues across all facets of the organisation.

## **Support for data collection**

The importance of data was affirmed by most stakeholders, with many submissions seeking a more explicit obligation for entities to collect sex-disaggregated and gender-disaggregated data as part of the development and reporting on GEAPs. The Australian Discrimination Law Experts Group proposed that data collected and reported under the Bill acknowledge wider categories of both sex (for example, intersex, uncategorised) and gender (for example, transgender, gender-diverse, non-binary) if data is available. This would require organisations to deal with that data if employees were prepared to provide it voluntarily, but not to compel employees to provide it.

Djirra and Australian Discrimination Law Experts Group also recommended a requirement to collect and report data disaggregated on the basis of Aboriginality and diversity characteristics including age, disability, culturally and linguistically diverse background, sexual orientation, and sex and gender identity, suggesting that this requirement could be phased in if defined entities do not currently collect this data.

It will be important to consider data security and privacy implications as part of implementation support and guidance.

## **Publication of the GEAP**

Most stakeholders including EWAC, Maurice Blackburn, Victorian Trades Hall Council, Australian Discrimination Law Experts Group, Women's Health Victoria, VCOSS and VEOHRC noted that the Bill is currently silent on the publication of defined entities' GEAPs and proposed that they should be published.

Stakeholders were of the view that requiring the publication of defined entities' GEAPs and reporting on their progress has clear benefits. Stakeholders in favour of this change suggested that it would enable the collection of meaningful data on public sector progress towards gender equality. EWAC's submission highlighted the importance of pay transparency, one of a number of key gender pay equity principles the Council published in 2018 for the Victorian Public Service and broader public sector. The Victorian Government has committed to ensuring any strategies to eliminate the pay gap developed under the Gender Equality Bill will reflect the gender pay equity principles developed by EWAC.

EWAC suggested that publicly establishing the extent and location of the gender pay gap across the public sector would ensure that defined entities are incentivised to develop initiatives to achieve pay equity.

Stakeholders agreed that this data would enable government to both understand the factors contributing to gender pay and wealth gaps as well as allow analysis of the barriers to women's labour market participation. This data will ensure government can develop policy responses addressing low female workforce participation despite high rates of tertiary education.

The publication of GEAPs would also have an impact on sexual harassment in the workplace incidence, policy and reporting. There is currently no requirement in any Australian jurisdiction for organisations to publicly report sexual harassment statistics and claims. Collecting and reporting this data to a monitoring agency would likely create significant cultural and behavioural change.

EWAC noted that this change would also align the Bill with the obligations imposed on private sector employers with 100 or more employees to report publicly (with limited exceptions) under the WGE Act. The recommended change would in turn allow benchmarks to be established which would enable an evidence-based approach to the establishment of gender equality targets for defined entities.

This issue is discussed in further detail under 'Monitoring and Compliance'.

## **The Structure of the Bill could be improved**

The Exposure Draft of the Bill sets out principles and actions to achieve gender equality, as well as requirements for Gender Equality Action Plans. To support clarity, some stakeholders including VEOHRC and EWAC suggested replacing the actions and GEAP requirements with one set of minimum requirements to ensure greater clarity.

In addition to providing certainty to defined entities, stakeholders suggested that consolidating these requirements for GEAPs into a single list of minimum requirements would facilitate more streamlined reporting processes. These minimum requirements would also provide meaningful and measurable actions against which progress can be analysed and tracked, and benchmarks can be established.

## **Support for State Gender Equality Action Plan**

Stakeholders expressed unanimous support for the proposal that the Minister for Women maintain a State GEAP that all organisations will need to align with in their respective GEAPs. Stakeholders underlined the importance of maintaining a consistent approach to gender equality across the state and were in agreement about the importance of a State GEAP. Most stakeholders also expressed strong support for the proposal that the State GEAP include an outcomes framework to ensure we have a mechanism to monitor our progress towards achieving gender equality. Stakeholders also expressed support for the development of an evaluation framework to monitor the impact of the Bill, this is discussed in further detail below under 'Monitoring and Compliance'.

## **Support for integration within existing planning processes**

Most stakeholders, and particularly the Municipal Association of Victoria (MAV), peak body for local government and most councils, expressed support for the proposal that the development

of GEAPs be integrated within existing planning processes to minimise administrative burden on organisations.

MAV and most local councils were in support of the proposal to integrate gender equality planning within Municipal Health and Wellbeing Plans or Council Plans, or any other prescribed gender equality planning requirements specified in the *Local Government Act 1989*.

It will be important to ensure there is a balance between meaningful reporting for the purposes of transparency and accountability while also recognising the additional burden on councils with obligations under multiple reporting frameworks. It will also be important to ensure the Bill requirements and the *Local Government Act 1989* requirements are consistent and that there is sufficient guidance material and communication to support councils with implementation of the Bill.

## 2.5 Indicators, targets and quotas

Targets and quotas were a key theme across discussions throughout the consultation process. Submissions were generally supportive of the proposal to set targets and quotas that would be implemented over time and that can be adjusted and adapted. Stakeholders viewed targets and quotas as useful mechanisms for facilitating organisational and cultural change in response to slow progress.

A range of views were expressed in relation to the process for developing and monitoring targets and quotas under the Bill. The Citizens' Jury recommended a 40:40:20 quota<sup>37</sup> for senior management and above as well as for recruitment processes including shortlisting and interviewing. The Citizens' Jury also recommended that implementation of quotas be tailored for the organisation and emphasised the need to ensure a sustainable pipeline of talent is maintained to support quotas to be achieved. The Citizens' Jury further recommended incentives for organisations to implement quotas as well as a process for ensuring public sector leaders are accountable for meeting quotas. A summary of the Citizens' Jury report and the Victorian Government response are set out in chapter four of this report.

Most submissions were in favour of a tailored approach to setting targets and quotas recognising for example, that some 50/50 targets established under *Safe and Strong* have already been met in the Victorian Public Service. Australian Discrimination Law Experts Group recommended consideration of the proportion of women in an organisation's workforce as part of the target setting approach, highlighting that unless this is done, a 40:40:20 target could actually reduce women's opportunities for advancement and leadership in strongly female workforces such as nursing or education.

Some submissions queried the use of the term 'targets' in the legislation, suggesting the use of quotas instead. Several submissions suggested using a combination of short-term quotas and long-term targets. Merri Health suggested that a quota might represent the minimum standard of compliance in the immediate future (for example, 30 per cent women in two years), whereas the target would represent the ideal circumstance.

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<sup>37</sup> By 40:40:20, the Citizens' Jury support a 40 per cent minimum representation of men and a 40 per cent minimum representation of women with a 20 per cent flexible quota for any gender.

Some submissions recommended avoiding use of a 50 per cent quota as it would imply a gender binary and would not be inclusive of people who are non-binary or agender.

Many submissions were in support of quotas and targets for women from diverse backgrounds, such as Aboriginal women, culturally diverse women and women with a disability. Others raised the way in which targets could be used effectively in procurement and funding by the Victorian Government, for example ensuring that 50 per cent of funding in the sport portfolio be allocated to support women in sport.

Submissions proposed a number of possible targets, including across leadership, recruitment, procurement (for example, supporting participation by small businesses owned and controlled by women), allocation of funding, pay equity, policy implementation (for example, flexible work take up), workplace culture (for example, the proportion of employees supportive of gender equality measures) among others.

By contrast, some interface and regional councils expressed significant concerns about the burden of implementing targets on smaller councils, suggesting that quotas could be viewed as discriminatory and inhibit councils from recruiting the most appropriately skilled employees.

A number of submissions also sought that further detail on targets be included in the legislation, rather than in regulations. While this would provide increased clarity to defined entities, it also has the potential to prevent a tailored approach to target setting. Any target-setting process would involve consultation, rigorous point-in-time data analysis and be grounded in international best practice approaches.

It will be important to ensure that any target or quota setting mechanism is appropriate for each industry and developed on the basis of data and evidence, and in consultation with stakeholders.

## 2.6 Reporting

The Discussion Paper tested stakeholder views on annual reporting on the implementation of GEAPs and against gender equality targets and indicators, to be included in regulations.

Overall, stakeholders were supportive of annual reporting. Some stakeholders who would have obligations under the Bill proposed 24 monthly instead of annual reporting. The Country Fire Authority, a public entity that would be a defined entity and required to comply with obligations under the Bill, proposed reporting every two years as the best balance between meaningful compliance and regulatory burden, while most others agreed that annual reporting would allow gender equality reporting to be streamlined with other annual reporting processes and support an appropriate level of accountability.

Women's Health Victoria, EWAC and the Australian Discrimination Law Experts Group among others noted the importance of meaningful reporting. These stakeholders highlighted the risk of simply requiring reporting on whether or not an organisation has a GEAP in place, noting that this could become a 'tick box' compliance exercise that does not lead to meaningful change. Instead, stakeholders recommended that organisations be required to provide evidence of implementation and progress such as uptake of relevant workplace policies or strategies outlined in GEAPs.

Several stakeholders suggested that the GEAPs should be linked to the completion of a gender audit which would provide evidence and data for the purpose of target setting.

The MAV stated in their submission that any reporting required under the Bill should not be overly cumbersome and sought further discussions with the Victorian Government regarding the requirements for local councils. Local councils also raised the need for reporting requirements to align with existing annual reporting so that single data sets can be collected.

Djirra proposed that the targets and indicators should be set out in the body of the Bill, rather than in regulation as this would provide transparency and accountability for Aboriginal women.

The Australian Discrimination Law Experts Group also noted the potential for reporting under the Bill to collect granular data where possible which would provide clearer information on progress, and allow for better evaluation of progress towards gender equality. The Australian Discrimination Law Experts Group noted that under the UK Public Sector Equality Duty, UK organisations in the public and private sector with 250 and more employees are required to publish on their website and report to the government on:

- mean gender pay gap in hourly pay
- median gender pay gap in hourly pay
- mean bonus gender pay gap
- median bonus gender pay gap
- proportion of males and females receiving a bonus payment
- proportion of males and females in each pay quartile.

## 2.7 Gender-ethical procurement guidelines

Stakeholders were generally supportive of the Bill's link to the Victorian Government procurement and funding system. The Exposure Draft proposed that guidelines will be developed to ensure that the Victorian Government promotes gender equality through procurement policies and practices. Stakeholders agreed that this will likely have a positive flow-on impact to businesses and not-for-profit organisations that are bidding for funding or contracts in a supply chain, as they change their practices to attract government funding.

Some stakeholders noted the intention set out in the Discussion Paper associated with the Exposure Draft, to include funding policies and practices in scope; these stakeholders recommended referring to funding guidelines in the Bill separately to procurement to ensure this intention is captured in the legislation. Stakeholders also noted the discretionary nature of the procurement provision, recommending that this be amended to ensure the Minister for Finance is required to develop and publish gender-ethical procurement guidelines.

The Victorian Trades Hall Council recommended that all Victorian Government suppliers, service providers and licensees, regardless of activity size, should have GEAPs and report on gender equality indicators as a requirement to receiving government licences or funding. However, this is in contrast to EWAC which suggested that a one-size-fits-all approach to procurement would not necessarily address underlying issues across all industries.

Any consideration of strengthening the procurement provisions of the Bill should be balanced with the view previously expressed by the Victorian Chamber of Commerce and Industry and

Small Business Victoria that gender equality legislation and regulation should not impose additional red tape on business or make it difficult for small businesses to compete for government contracts.

A number of organisations, including Respect Victoria, Women's Health Victoria, EWAC, Country Fire Authority and the Victorian Trades Hall Council requested to be consulted on the development of procurement guidelines. EWAC requested resources and support particularly for small and medium businesses to assist with implementation of the procurement guidelines.

## 2.8 Monitoring and compliance

Recommendations around how the Bill would be monitored were consistently raised in submissions. Many submissions discussed the need for an independent entity to monitor compliance with the Bill and provide support and education. This was raised by Women's Health Victoria, the Victorian Trades Hall Council, EWAC, Respect Victoria, Women's Health East, Maurice Blackburn, VEOHRC, the Victorian Disability Advisory Council as well as the majority of Citizens' Jury members. Some proposed an existing body be vested with powers under the Bill, such as VEOHRC or Respect Victoria, while others, including the Victorian Trades Hall Council proposed the establishment of a new Gender Equality Commission.

As discussed in chapter one, many submissions including EWAC, Maurice Blackburn, Victorian Trades Hall Council, Australian Discrimination Law Experts Group, Women's Health Victoria, VCOSS and VEOHRC called for the provisions in the Bill to ensure that a responsible monitoring agency has the power to analyse, publish and report on GEAP progress by entities. These stakeholders were of the view that this would incentivise increased compliance by defined entities by providing an important layer of transparency and accountability. It would also ensure responsibility for monitoring slow progress would sit with the responsible monitoring agency.

Others called for a system to enable the public to view data provided by entities, similar to the Workplace Gender Equality Agency's Data Explorer, to support accountability and transparency. Australian Discrimination Law Experts Group's submission recommended provisions to require a monitoring authority or agency to undertake analysis of data collected to understand trends and contribute to the evidence base. Some submissions, including the Victorian Trades Hall Council and the Australian Discrimination Law Experts, recommended including a requirement to consult with stakeholders, such as employees, employee associations, and those affected by the strategies set out in the plans such as service users, during the development of plans and to notify stakeholders when plans and report are published.

Consultation feedback also referred to ensuring accountability through the nomination of a particular leader or staff member at the defined entity who would be responsible for the development of GEAPs and reporting, or as a contact person. Some suggested that this should be included as a provision in the Bill itself.

Many stakeholders proposed greater consequences for those entities that either do not comply with their obligations under the Bill or fail to make progress against the indicators, targets or quotas.

Several stakeholder submissions, including the Victorian Trades Hall Council, Women's Health Victoria and Gender Equity Victoria proposed the ability to issue monetary penalties in instances of continued non-compliance with the Bill. Women's Health Victoria turned to international best practice to support this proposed mechanism, citing the case of Norway where for example, breach of gender quotas for public companies incurs the same penalties as breaking other Norwegian laws relating to company governance.

Merri Health recommended the inclusion of key performance indicators for management and leadership of defined entities to achieve minimum standards against their organisation's GEAP. Women's Health Loddon Mallee suggested that any consequences for non-compliance should be scaled to take into account the size of the entity.

Some stakeholders recommended that the Bill include enforcement mechanisms similar to those found in the *Equal Opportunity Act 2010*.

The Victorian Trades Hall Council recommended the introduction of investigative powers to allow the overseeing authority to investigate instances of non-compliance with the Bill and make recommendations for improvement, this is discussed in further detail below. Incentivising compliance was also a common theme in submissions, with suggestions to create gold and silver star gender equality ratings for defined entities. Many submissions emphasised the need for sufficient resourcing to accompany the Bill to ensure robust monitoring and analysis, as well as resourcing to support entities to comply with the Bill. Many noted that a lack of sufficient resourcing would pose a significant risk to the Bill's effectiveness to promote gender equality, this is discussed in further detail below.

## 2.9 Ministerial Council on Women's Equality

A number of submissions discussed the need for representation of a range of women on the Ministerial Council to ensure that the Council is representative of a diverse range of backgrounds and groups. This view was shared by stakeholders consulted as part of the stakeholder forums process. Djirra suggested that two positions be reserved for Aboriginal women to ensure cultural safety. Submissions also recommended that the Bill be amended to ensure that appointment and termination of members are transparent processes.

## 2.10 Proposed implementation of the Bill

### **Specifying start dates of the Bill in legislation or in regulation**

The question of whether to include more detail in the body of the legislation rather than in regulations was raised by several stakeholders including the Victorian Trades Hall Council and the Australian Discrimination Law Experts Group. Stakeholders recommended that the phased start dates should be set out in the legislation rather than in regulation. These stakeholders noted that this approach would provide greater certainty and clarity to those organisations required to comply with the Bill.

## Evaluation framework

Ensuring that the Bill is evaluated for its effectiveness and impact was a key theme among a number of submissions and stakeholder feedback. Some stakeholders suggested inclusion of a review clause, similar to sections 44 and 45 of the *Charter of Human Rights and Responsibilities*. Recommendations regarding the evaluation of the Bill also link with proposals for in-depth analysis of GEAP progress and reporting to be completed by the responsible monitoring agency.

Stakeholders including Women's Health Victoria noted the importance of ensuring that workplaces make genuine efforts to foster a safe, respectful and equal workplace culture, to create an enabling environment for policies relating to parental leave, flexible work, sexual harassment and the like to be implemented and taken up by staff. Implementation and uptake of policies and strategies can be measured in a range of ways, including through staff surveys which 'test' the workplace culture.

## Adequate resourcing is central to the Bill's success

Ensuring the Bill's implementation and ongoing monitoring is adequately resourced was a consistent theme across submissions and stakeholder forums on the Bill. Submissions discussed the requirement for resourcing for monitoring of the Bill. Adequate resourcing of the monitoring function would enable in-depth analysis of progress reporting, allowing for benchmarking and identification of areas for improvement.

A number of submissions raised the need to provide resourcing for entities to develop plans, implement them and report on progress. The MAV noted that support and guidance should recognise the various levels of readiness particularly of local councils. Others emphasised the need for support, including training and resources, to be tailored depending on the entity's context and size. Some submissions also sought recognition of the challenges and particular context of entities that are based in rural and regional Victoria.

Some submissions focused on who would be best placed to provide educational support and advice on the development of resources. Many from the women's health sector, such as Women's Health Victoria, affirmed the role that the network of women's health organisations could play in supporting the implementation of the Bill. Some stakeholders suggested that an existing public sector organisation such as the Victorian Public Sector Commission or the Department of Premier and Cabinet would be appropriately placed to build public sector capacity. Other stakeholders including VEOHRC themselves suggested that the Victorian Equal Opportunity and Human Rights Commission would be best placed to provide support in light of their existing education, monitoring and support functions under the *Equal Opportunity Act 2010*.

## Guidelines

Stakeholders expressed strong support for detailed explanatory guidance materials that provide clear advice on policy and program initiatives that defined entities can implement to ensure compliance with the Bill. Stakeholders suggested that guidelines should cover a range of areas including staff training and capacity building programs, policy and program case studies, and data collection and analysis guidance, in addition to more detailed information on how to

effectively undertake gender impact analysis and gender auditing and steps to take in response to the findings of these processes.

Respect Victoria recommended that guidance materials should be regularly updated as the evidence base grows around how organisations across industries can most effectively build gender equality, enabling a best practice repository that could be useful to other sectors not directly within the Bill's scope.

## Intersection of the Bill with other legislative and regulatory frameworks

A number of submissions discussed functions of other legislation in relation to the Bill. For example, the MAV noted the proposed Local Government Bill that requires council Chief Executive Officers to develop and maintain a workforce plan that sets out measures to ensure gender equality. The MAV also noted the requirements for councils to include measures to reduce family violence in Municipal Health and Wellbeing Plans as per the *Public Health and Wellbeing Act 2008*, suggesting that care should be taken to avoid duplicative reporting.

The Australian Discrimination Law Experts suggested additional clarification be provided on how the duties in the Bill interact with duties in other legislation, including:

- section 15 of the Equal Opportunity Act that imposes a duty to eliminate discrimination, sexual harassment or victimisation on any individual or organisation that could have potential liability under the Act
- section 8 of the *Charter of Human Rights and Responsibilities Act 2006* which sets out the right to equality.

A number of submissions recommended complementary changes be made to the Equal Opportunity Act, including:

- introduce new protected attributes; namely experience of family violence as well as intersex status
- introduce a broader definition of gender identity to recognise non-binary identity
- reinstate the broad public inquiry function that enables VEOHRC, with the Attorney-General's consent, to undertake public inquiries into serious matters of public interest concerning any matter relating to the operation of the Equal Opportunity Act. This broader function, if reinstated, would enable the Commission to conduct public inquiries that address systemic causes of discrimination including those related to gender equality in the workplace, to promote the progressive realisation of equality.
- remove thresholds associated with VEOHRC's investigative and enforcement powers.

The Bill will complement and strengthen existing legislative protections under the Equal Opportunity Act. It will also work to create the enabling environment necessary for achieving the objectives of the Equal Opportunity Act.

It is intended that the Bill will be consistent with existing regulatory frameworks in Victoria and nationally. It will be important to ensure that any additional positive duties developed as part of the Bill, such as a general duty, are clear in the requirements imposed on defined entities. It will

also be critical to avoid duplicative reporting requirements where possible recognising in particular the current reporting burden on local councils.

# 3. Summary of key considerations for the Gender Equality Bill

This section is a summary of the key considerations for the Gender Equality Bill that emerged through stakeholder consultation. It also considers how gender equality legislation could address or respond to these issues.

## 3.1 A stronger focus on intersectionality

Through their submissions on the Bill as well as participation in consultation forums, stakeholders communicated their strong support for amending the Bill to ensure a greater recognition of intersectionality. Intersectionality recognises that people may experience disadvantage and discrimination due to attributes such as Aboriginality, age, ethnicity, race, religion, sexual orientation, gender identity and disability in addition to gender inequality.<sup>38</sup>

Stakeholders proposed that support and guidance on how to ensure gender equality policies are intersectional should feature in guidance materials issued under the Bill. Stakeholders also suggested that the Bill include considerations of intersectionality in the:

- principles and objects
- development of GEAPs
- State Gender Equality Plan
- targets and quotas
- reporting and data requirements, for example requiring entities to collect data that is disaggregated not just by gender, but also by ethnicity, race, Aboriginality, disability and sexual orientation where possible.

The Victorian Government recognises that intersectional discrimination is prohibited under international law. The CEDAW Committee has explained for instance, that CEDAW requires States Parties to ‘legally recognise and prohibit such intersecting forms of discrimination and their compounded negative impact on the women concerned’.<sup>39</sup>

As a key tool for achieving gender equality for all Victorians, the Victorian Government supports in-principle the proposal to amend the Bill to place a stronger emphasis on intersectionality. It will be important to ensure the Bill adequately includes intersectionality considerations as both a tool for observation and analysis as well as action-based practice. This will ensure gender equality is achieved in a way that benefits the diversity of women across Victoria.

While data collected across a broad range of demographic categories would be of great benefit to understanding progress and areas requiring further work at a more granular level, we recognise that for some entities, this may require significantly more sophisticated data

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<sup>38</sup> The concept of intersectionality has a long history but the contemporary use of the term was sparked by legal academic Kimberle Crenshaw in the early 1990s.

<sup>39</sup> General Recommendation 28, UN Doc CEDAW/C/GC/28. See also General Recommendation 25, UN Doc A/59/38, annex I.

collection frameworks and systems than are currently available and that any reporting requiring data of this nature may take time to implement.

## 3.2 Strengthen the Bill's focus on gender equality in policy, programs and service delivery

Submissions noted that more could be done to affirm the Bill's role in promoting gender equality in the wider community, and ensuring it is not perceived as a workplace-focused Bill only.

A general duty would be a mechanism to strengthen the Bill's focus on the external functions of a defined entity such as service delivery and policy development (as opposed to an entity's internal workforce). This would ensure that the Bill is not perceived as being limited to a defined entity's workforce.

The Victorian Government supports in-principle the proposal to include a general duty in the Bill. Research indicates that improved policy and service delivery can have as impactful an effect on women's health, wellbeing and leadership outcomes as employment practices. Public sector policies, programs and services are often viewed as gender neutral and are assumed to benefit all members of the public equally. However, this approach does not take into account the reality of women and non-binary individuals who do not have equal access to, or control of their economic, political or social life. While a gender-neutral approach aims to treat everyone equally, in practice it reinforces inequalities and entrenches long-term social problems and costs.

A general duty would provide a structured mechanism to consider how policies, programs and services can most effectively reach and impact target groups. A general duty would also promote transparency in decision-making by encouraging policymakers to be involved with and accountable to end-users and community members when formulating policy, designing programs or delivering services.

Critically, a general duty would ensure for example that local government embeds gender equality promotion and action across all areas of its work with the Victorian community. Councils effect positive change through the immense range of community services they provide including maternal and child health, home and community care, emergency management recovery and local laws. A general duty would ensure all local councils and public sector bodies consider the ways in which their service delivery functions could better promote gender equality.

It will be important to communicate with stakeholders about how they will be required to demonstrate compliance with any general duty.

## 3.3 Clarify requirements on organisations required to comply with the Bill

While stakeholder feedback was supportive of the development of GEAPs and the requirement to undertake gender impact analysis, stakeholders recommended that the legislation should be clearer about what actions defined entities are required to undertake, what information they need to consider and how they should demonstrate compliance with the Bill.

It is of prime importance that defined entities are able to clearly understand their obligations under the Bill. The Victorian Government supports in-principle the proposal to amend the structure of the Bill to ensure that requirements imposed on defined entities are streamlined and easily understood.

Submissions also recommended providing further guidance as to the required content of the GEAPs. The Victorian Government supports this proposal in principle as it will ensure long-term consistency of the GEAPs as well as comparability of data and progress across and within industries. This will also facilitate close analysis of areas of slow and rapid progress to guide education and support efforts as well as contribute to a best practice repository.

### 3.4 Extend the Bill's influence beyond the public sector to influence private organisations and the not-for-profit sector

In their submissions, stakeholders noted the Minister's discretion to develop procurement guidelines that would require defined entities to promote gender equality and proposed that this component of the Bill be strengthened, which the Victorian Government supports in principle.

The Victorian Government recognises that gender-ethical procurement guidelines are a key lever in the promotion of gender equality beyond the public sector; in effect they extend the scope of the Bill to influence and improve gender equality outcomes in not-for profit and private organisations.

Importantly, the development of gender-ethical procurement guidelines would assist in the delivery of the Victorian Government's election commitment to achieve change on the gender pay gap.

Stakeholders also noted that while the Discussion Paper provided for the development of gender-ethical funding guidelines that would apply to funding, grants and service agreements, this was not explicitly provided for in the Exposure Draft of the Bill. Providing for the development of gender-ethical funding guidelines that would apply to grants and service agreements would also ensure that government funding is only directed to those organisations that conduct themselves in a manner consistent with government values and the Victorian Government's emphasis on gender equality.

Given the significant value of annual Victorian Government funding to organisations across Victoria – \$9.4 billion in output initiatives in 2018-19 alone – the development of separate gender-ethical funding guidelines in addition to gender-ethical procurement guidelines would ensure consistent practice across procurement and funding policies. Gender-ethical funding guidelines are considered to be international best practice when it comes to gender equality policy in government.

The Victorian Government recognises the complexity of this work and the need to undertake further scoping with a range of stakeholders to ensure any changes to procurement and funding guidelines achieve their intended purposes. The need to minimise the cost and administrative burden associated with the introduction of additional regulation on the not-for-profit and private sectors will be considered as part of this scoping work.

## 3.5 Ensure targets and quotas are tailored and reasonable

Stakeholders provided very clear support for the development of meaningful, tailored and ambitious targets and quotas, pointing to international examples of how targets and quotas have facilitated significant cultural shifts on gender equality. At the same time there was a strong recognition that blanket 40:40:20 requirements would not be effective – rather targets and quotas need to be set giving consideration to the status of individual sectors in terms of gender equality progress.

Introducing targets and quotas in regulation would provide the degree of flexibility required to ensure targets and quotas are appropriately tailored. The ability to tailor the targets and quotas would also ensure they are not overly burdensome particularly for smaller organisations and those based in regional Victoria.

Some stakeholders were concerned about the proposal to include targets and quotas in regulation as opposed to the body of the legislation. However, ensuring that targets and quotas are appropriately reflective of an industry's gender equality status at any one point in time will be particularly important for driving meaningful and sustainable progress over the long term. Targets and quotas should have regard to the industry in which an organisation operates and respond to the industry or sector's baseline position and the scale of change required.

Without these considerations, rigid targets and quotas may present a disincentive to substantive progress and, as raised by some stakeholders, may operate in unintended ways with negative impacts. For example, it will be important to consider the proportion of women in an organisation's workforce as part of the target and quota-setting approach, without which a 40:40:20 target may operate to reduce women's opportunities for advancement and leadership in strongly female workforces such as nursing or education.

It will also be important to ensure that targets and quotas are published and associated with appropriate accountability mechanisms. Ensuring the targets are developed across a number of areas such as equal remuneration, occupational segregation or flexible working arrangements, in addition to leadership, will facilitate long-term systemic change.

While there are many possible options for a target and quota-setting mechanism, two that are particularly relevant to the Gender Equality Bill include:

1. The responsible monitoring agency could use existing gender-disaggregated data relevant to Victoria, including the baseline data arising from the Victorian Public Service gender audit pilot, the Victorian Public Sector Commission State of the Public Sector report, data from the Workplace Gender Equality Agency as well as the Australian Bureau of Statistics. Provisional target ranges developed on the basis of this data could then be tested and finalised through consultation with peak and industry bodies, organisations with obligations under the Bill; or
2. Require entities to propose their own targets and quotas to the responsible monitoring agency on the basis of the first round of GEAP reporting, including gender audit data. This data could then be appropriately analysed and aggregated with regard to other performance data including from the Victorian Public Sector Commission State of the

Public Sector Report as well as comparable jurisdictions, with benchmarking and low to high ranges developed. In consultation with each industry, targets that are agreed on could be specified in the regulations. This would allow for targets and quotas to be revised every four years, or as appropriate.

There are also several options for how targets might operate. The targets could include growth targets where, for example, an organisation would be required to improve on the gender pay gap results published in their annual report by 5 per cent within four years.

Another option would be a combination of short-term quotas and long-term targets. For example, a quota might represent the minimum standard of compliance in the immediate future (for example, 30 per cent of women in certain leadership positions within two years), whereas the target would represent the ideal circumstance.

The Victorian Government recognises the importance of ensuring that the targets and quotas are developed on the basis of rigorous analysis and in consultation with organisations affected by the Bill. While targets and quotas should be both ambitious and tailored, particular attention must be paid to ensure a reasonable burden of compliance particularly for small and medium sized organisations.

### 3.6 Increase accountability and transparency

When it comes to monitoring progress, currently the Exposure Draft requires the publication of an annual report against the State GEAP. Stakeholders raised the concern that the Bill is currently silent on publication of defined entities' GEAPs, assessment of their progress as well as evaluation of the Bill. Stakeholders also requested clarity about the role and function of the responsible monitoring agency and proposed that the powers and responsibilities of the agency be explicitly articulated in the Bill.

The Victorian Government supports the proposal to ensure the responsible monitoring agency has the appropriate power to publish defined entities' GEAPs, analyse defined entities' progress against indicators, targets and quotas as well as evaluate compliance with the Bill's aims.

Requiring the publication of defined entities' GEAPs, reporting on their progress and evaluating compliance with the Bill's aims all have clear benefits. Publication of the GEAPs would incentivise increased compliance by defined entities by providing an important layer of transparency and accountability. Requiring reporting on progress would also ensure that responsibility for monitoring slow progress against defined entities' GEAPs would sit with the responsible monitoring agency. Importantly, this would also allow benchmarks to be established which would enable an evidence-based approach to the establishment of gender equality targets and quotas for defined entities.

This would also enable the collection of meaningful data on public sector progress towards gender equality. Pay transparency, for example, is one of EWAC's key gender pay equity principles. As an example, by publicly establishing the extent and location of the gender pay gap across the public sector, defined entities would be incentivised to develop initiatives to achieve pay equity.

In addition to understanding the factors contributing to gender pay and wealth gaps, this data would allow analysis of the barriers to women's labour market participation which will in turn allow government to develop policy responses addressing low female workforce participation despite high rates of tertiary education. As a second example, when it comes to sexual harassment in the workplace, there is currently no requirement in any Australian jurisdiction for organisations to publicly report sexual harassment statistics and claims. Collecting and reporting this data to a monitoring agency would likely create significant cultural and behavioural change.

Finally, this would also align the Bill with the obligations imposed on private sector employers with 100 or more employees to report publicly (with limited exceptions) under the WGE Act.

### 3.7 Guidance materials, implementation support and communications will be critical to the success of the Bill

The Victorian Government acknowledges stakeholder feedback underlining the critical importance of an appropriately resourced monitoring agency as well as adequate resourcing and support for entities with obligations under the Bill. In order to meet the Bill's objectives of achieving effective and sustainable cultural and organisational change on gender inequality, defined entities will need support in developing their GEAPs, undertaking other activities required by the Bill, meeting targets and quotas, as well as reporting. Submissions also highlighted the potential need for resourcing to support data systems to simplify the reporting burden.

It will also be important to ensure that support is appropriately tailored to the needs of each industry and is developed in consideration of the context and size of different entities, recognising the particular challenges faced by smaller organisations or those based in rural or regional Victoria.

Guidance material including tools, model policies and case studies should be regularly updated in response to emerging best practice. The private and not-for-profit sectors in particular will require specific guidance materials to ensure they are able to comply with procurement guidelines and are not disadvantaged in competing for government contracts and funding.

Stakeholders were generally in support of the proposed timing of implementation of the Bill provided adequate support is given. The Victorian Government recognises that the Bill may increase the administrative burden on public sector entities and intends to stagger implementation and reporting requirements in stages to assist defined entities to familiarise themselves with the Bill and guidance materials, identify necessary system and process changes, commence building internal and external partnerships and capacity as well as identify organisation-specific priorities and solutions in order to meet the Bill's requirements once in effect.

The way in which the Bill is communicated to entities and the wider public was seen by stakeholders as another critical component for the Bill's success and to ensure entity readiness to comply with obligations under the Bill. It will be important to ensure communication strategies and public awareness campaigns associated with the Bill highlight the broad range of

community and employer benefits associated with gender equality, while also being relevant to the local community in which an entity is based. Defined entities should also be provided with support to communicate with their workforce about the legislation and the role individual workers in organisations can play in seeing the objectives of the Bill realised.

It will also be important to engage men and boys as part of communications planning and community engagement while retaining the Bill's focus on improving the status of women.

# 4. Response to the Citizens' Jury

## 4.1 Introduction

On 15 and 16 September, the Victorian Government commissioned MosaicLab and an independent and non-partisan research organisation newDemocracy Foundation to run a Citizens' Jury<sup>40</sup> (jury) to help consider what gender equality quotas and targets would be fair for the Victorian public sector and how they can be best implemented. The Victorian Government adopted this pioneering approach because all Victorians benefit from gender equality and it was important to ensure Victorians had a voice on the changes we can all make to help achieve positive change. The jury process was highly successful and has enabled government to consider a range of perspectives in the development of the Bill. This ensures that our decisions best serve the whole Victorian community.

Below is a summary of the recommendations made by a very significant majority of the jury and the government's response to the recommendations. The jury's full report and recommendations can be viewed at: [www.engage.vic.gov.au/gender-equality](http://www.engage.vic.gov.au/gender-equality)

The jury was selected through a randomised process<sup>41</sup> and briefed on the legislation. The jury was presented with a challenging task in responding to the question of what public sector gender equality quotas would be fair.

The Victorian Government recognises that the jury debated this question over many hours and has made some difficult choices by considering what is in the best interests of the community. The Victorian Government commends the jury's goodwill and commitment to the service of their community. The jury should be applauded for their role in the development of this historic legislation by contributing their time, ideas and community knowledge.

## 4.2 Overview

The jury made eleven practical recommendations and four aspirational recommendations. The Victorian Government accepts the majority of the jury's practical recommendations. The table below summarises the Victorian Government's response to each of the jury's recommendations. The Victorian Government supports six recommendations (including both practical and aspirational recommendations), supports-in-principle seven recommendations and does not support two recommendations.

The level of support for recommendations reflects Victorian Government priorities as well as the timing required for potential implementation. 'Support' reflects a recommendation that government fully supports and is either already implemented at the policy level or could be implemented as part of the Gender Equality Bill process; 'In-principle support' reflects recommendations that the Government partially supports and/or that could be implemented

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<sup>40</sup> A citizens' jury is a group of people brought together to debate and discuss an important issue. It is a form of deliberative democracy where citizens have a direct say in issues that affect them.

<sup>41</sup> This ensured a diverse demographic profile across gender identity, age, linguistic diversity, sexual orientation, disability and Aboriginal and Torres Strait Islander status.

beyond 2019 to provide a supportive enabling environment for the Bill; and 'not support' reflects recommendations that will not be implemented at this time under the Bill.

Reference	Practical recommendation	Government support
1.	To establish an independent authority to oversee implementation of the bill	Support-in-principle
2.	Recruitment processes to eliminate gender bias	Support-in-principle
3.	Parental Leave for all Public Sector Employees	Support-in-principle
4.	Tailored transition support to implement quotas with incentives preferred, but sanctions as a last resort	Support
5.	Establish a sustainable pipeline of talent to address gender imbalance within the public sector	Support
6.	Implementation of incentives with a built-in timely compliance mechanism	Support-in-principle
7.	Leaders are held accountable for meeting quotas	Support-in-principle
8.	40/40/20 quota for senior management and above	Not support
9.	Establish an evaluation schedule to ensure ongoing effectiveness of the legislation	Support
10.	Compliance with quotas within 5 years, except in exceptional circumstances where compliance may be extended up to 10 years	Not support
11.	Collect and publish data for transparency and independent research	Support

Reference	Aspirational recommendation	Government support
1.	Mandate and promote flexible working practices for everyone in the public and private sector	Support-in-principle
2.	Ensure that all levels of the education system consciously promote individual choices without influence of gender bias	Support-in-principle
3.	Strategies are needed to ensure that organisational culture is supportive and enabling of gender equality	Support
4.	Encouraging workplaces to provide options for better work life balance, particularly in relation to care giving in all forms (including children, family members, and people with disability)	Support

### 4.3 Summary of the jury's practical recommendations

The 80-person jury delivered their recommendations for the Bill, with a significant majority in support of setting tailored<sup>42</sup> 40:40:20 quotas for leadership positions in the public sector which would comprise 40 per cent women, 40 per cent men, and 20 per cent of any gender.

The jury also provided recommendations on how to best tailor and transition to quota implementation, including through the use of incentives, elimination of gender bias in recruitment, paid parental leave for all public sector employees and investment in building a sustainable pipeline of talent. Further recommendations on how to ensure quotas are effective included establishing an independent monitoring authority with appropriate accountability mechanisms and powers including the capacity to collect and publish progress data for transparency, evaluate compliance and make recommendations.

The jury also recommended that defined entities should have five years to comply with quotas, with the possibility of an extension to ten years in exceptional circumstances, with sanctions employed as a last resort. The jury further recommended that the Bill include an evaluation schedule to ensure the ongoing effectiveness of the legislation.

### 4.4 Summary of the Victorian Government's response

The Victorian Government has considered the Final Report and recommendations of the jury as committed to by the Minister for Women at the beginning of the engagement process. Considerable weight has been given to the recommendations made by the jury, especially in terms of a quota-setting mechanism and implementation support.

The Victorian Government is committed to ensuring public sector entities with obligations under the Bill are supported with appropriate guidance materials, tools and advice. In 2019, the Victorian Government is implementing support pilots that will enable up to 20 local councils and public entities to trial workplace gender auditing and gender impact analysis tools and processes. The results of the pilot including feedback from participating organisations will be used to inform the broader roll out of the tools as part of implementation of the Gender Equality Bill.

The Victorian Government is not in support of the jury's recommendations that compliance with quotas occur within five years to ten years or the recommendation of a 40:40:20 quota for senior management and above. Quotas and associated timeframes will be developed with reference to point-in-time data, baseline positioning and research on an appropriate scale and pace of change across organisations, industries and sectors. Mandating inflexible quotas across all public sector organisations is not in keeping with best practice policy-making and risks low compliance, negative backlash and unintended outcomes.

In developing targets and quotas, the Victorian Government will ensure they are:

- developed in consultation with stakeholders

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<sup>42</sup> The Jury found that tailoring should include an individualised implementation plan which reflects baseline figures on gender balance and may include varied timeframes, milestone progress reporting, incentives for meeting timeframes, additional support where timeframes are not met and, where necessary, sanctions after a grace period.

- based on rigorous research, evidence and analysis
- tailored to the individual sectors and industries' gender equality baseline position and the scale of change required
- associated with appropriate accountability and transparency mechanisms that focus on building evidence and encouraging reasonable and sustainable long-term change
- associated with appropriate guidance materials, tools, educational programs and tailored support
- not overly burdensome particularly for smaller organisations and those based in regional Victoria
- not overly rigid in their application.

To support defined entities to achieve targets and quotas, tailored guidance material including tools, model policies and case studies will be developed reflecting emerging best practice. Communication and education campaigns will all support timely implementation of the Bill.

The Victorian Government recognises that initiatives such as targets and quotas that operate at the structural level must be supported by programs that support women's workforce participation and leadership. *Safe and Strong* provides a robust framework for achieving gender equality including by supporting women's leadership, eliminating gender bias and establishing a pipeline of talent. Through *Safe and Strong*, the Victorian Government has made significant investments in a range of important initiatives. Programs such as the Victorian Honour Roll of Women, the Women's Board Leadership Program and the Joan Kirner Young and Emerging Women's Leadership Program will support the introduction of targets and quotas.

The Victorian Government supports the jury's recommendation to ensure the responsible monitoring agency has the appropriate power to publish defined entities' GEAPs, collect appropriate data, analyse defined entities' progress against indicators, targets and quotas as well as evaluate compliance with the Bill's aims.

The Victorian Government also supports in-principle the jury's recommendations for appropriate sanctions and leadership accountability for meeting targets and quotas, however this should occur at the organisational level. The Bill will contain a range of compliance mechanisms for failure to comply with the Bill's requirements including progress against targets and quotas. Compliance mechanisms may include publishing the name of non-compliant entities, enforceable undertakings and the power to exclude a non-compliant defined entity from receiving the Minister's funding or grants.

The Victorian Government supports in-principle the jury's recommendation for parental leave for all Victorian public sector employees as a means of achieving greater balance in caring and domestic responsibilities which can have an impact on women's career progression. The Victorian Public Service is leading the way on paid parental leave entitlements. In January 2019, the Victorian Government removed the existing 12-month qualifying period for accessing paid parental leave entitlements, and doubled the secondary caregiver parental leave entitlement from two to four weeks, for employees covered by the Victorian Public Service enterprise agreement. This important policy reform was aimed at supporting new parents and encouraging fathers to assume a greater share of caring responsibilities and will provide a good practice model for the broader public sector to follow.

The Victorian Government also recognises the impact that a lack of support during pregnancy, parental leave and return to work can have on women's and men's workforce participation. To address this, in 2018, the Victorian Government funded a pilot of an online parental support program, Grace Papers, in the Victorian Public Sector by the Departments of Health and Human Services, Department of Education and Training, Victorian Public Sector Commission and VicPol. Grace Papers supports parents and their managers to navigate pregnancy, parental leave, and return to work. The program also helps managers to have constructive career planning conversations with staff, including fathers who are primary carers.

The Victorian Government supports the jury's recommendation to encourage workplaces to provide options for better work life balance, and supports in-principle the recommendation to mandate and promote flexible working practices for everyone in the public and private sector. The Victorian Government is already undertaking a significant body of work to support workplace gender equality in the public sector. This body of work serves as an important model for private and not-for-profit sectors to model.

In September 2016, the Victorian Secretaries Board committed to 'All Roles Flex', a recommendation that provides for mainstream implementation of flexible working arrangements across the VPS. Following this commitment, over 51 per cent of the VPS now use flexible working arrangements.<sup>43</sup> This means that flexible work practices are now embedded as normal practice in the public service, enabling both women and men to perform caring responsibilities without limiting career and promotion opportunities.

As a founding reform of *Safe and Strong*, in 2018, the Victorian Government commissioned Nous Group to develop a business case and return on investment of flexible work calculator. The business case sets out the potential savings of flexible work arrangements using three case study organisations (Department of Environment, Land, Water and Planning, Wannon Water and Mercy Health). The report found that flexible work delivers a net cost saving for all three organisations. For example, the Department of Environment, Land, Water and planning saves \$31 million annually, representing a 2.25 per cent annual net impact. The business case includes a modelling tool that other organisations can use to calculate the potential return on investment in their own settings.

The Victorian Government supports the jury's recommendation to implement strategies to ensure public sector organisational culture is supportive and enabling of gender equality. The Victorian Government has commissioned the development and pilot of 'Raise It Conversation Toolkits' which support workplace conversations about sexism and sexual harassment, and fosters safe, inclusive work environments with active bystanders and reporting of poor behaviour.

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# Appendix A

The following organisations provided written submissions as part of the second round of consultations:

Australian Discrimination Law Experts Group	JobWatch (Employment Rights Legal Centre)	Victorian Council of Social Services (VCOSS)
Australian Family Association	Linda Bennett	Victorian Disability Advisory Council (VDAC)
Australian Institute of Architects	Lucy Menezes	The Victorian Equal Opportunity and Human Rights Commission (VEOHRC)
Business and Professional Women Victoria	Madge Fahy	Victim Survivors' Advisory Council
Country Fire Authority	Maurice Blackburn	Victorian Multicultural Commission
City of Greater Bendigo	MAV	Victorian Trades Hall Council
City of Monash	Merri Health	Victorian Women Lawyers
City of Yarra	Monash Health	Victorian Women's Trust
Corangamite Shire	Moreland City Council	Westjustice
Council on the Aging (COTA)	Gender Equality Working Group	Women with Disabilities Victoria
Darebin City Council	Netball Victoria	Women's Health in the North
Department of Economic Development, Jobs, Transport and Resources	Pete Dowe	Women's Health in the South East
Diversity Council of Victoria	Respect Victoria Board	Women's Health Loddon Mallee
Djirra	Small Suffragettes	Women's Health Victoria
Equal Workplaces Advisory Council (EWAC)	The Australian Local Government Women's Association Victorian Branch (ALGWA Vic)	Women's Health West
Gender Equality & Violence Prevention Consortium Loddon Region	The Ethnic Communities' Council of Victoria Inc. (ECCV)	Women's Melbourne Network (WMN)
Gender Equity Victoria	The National Council of Jewish Women of Australia (VIC) and Jewish Community Council of Victoria	Youth Affairs Council of Victoria
Gerard Flood	The Sexual Assault & family Violence Centre	YWCA
Hobsons Bay City Council	Together for Equality & Respect and Women's Health East	
Hume City Council		

# Appendix B

Representatives from the following organisations attended the stakeholder consultation forums:

Access Health and Community	Greater Dandenong City Council	Southern Alpine Resort Management Board
Alfred Health	Greater Shepparton City Council	South Gippsland Shire Council
Ambulance Victoria	Gunitjmara Aboriginal Cooperative	Sport and Recreation Victoria
Arts Centre Melbourne	Hobsons Bay City Council	South West Primary Care Partnership
Barwon Health	Independent Broad-based Anti-Corruption Commission	Terang and Mortlake Health Service
Barwon Water	Kooweerup Regional Health Service	The Sexual Assault & Family Violence Centre
Bayside City Council	La Trobe University	Transport Accident Commission
Bendigo Health	Latrobe City Council	Uniting Vic/Tas
Brimbank City Council	Latrobe Health Advocate	University of Melbourne
Campaspe Shire Council	Local Government Victoria	VicHealth (Victorian Health Promotion Foundation)
Cardinia Shire Council	Macedon Ranges Shire Council	Victorian Council of Social Services
Carrington Health	Manningham City Council	Victoria Police
Central Gippsland Health	Maribyrnong City Council	Victoria University
City of Boroondara	Maroondah City Council	Victorian Legal Services Board and Commissioner
City of Casey	Melton City Council	Victorian Ombudsman
City of Greater Dandenong	Mercy Health	Victorian Planning Authority
City of Greater Geelong	Mitchell Shire Council	Wannon Water
City of Whitehorse	Monash Council	Wathaurong Aboriginal Cooperative
City of Whittlesea	Monash Health	Wellington Shire Council
City of Yarra	Monash Sustainable Development Institute	West Gippsland Healthcare Group
Corangamite Shire Council	Monash University	Western Victoria Primary Health Network
Country Fire Authority	Moreland City Council	WHISE: Women's Health in the South East
Darebin City Council	Mpower	Whitehorse City Council
Deakin University	Municipal Association of Victoria	Wimmera and South West Family Violence Partnership
Department of Education and Training	Outer East Primary Care Partnership	Wodonga Council
Department of Health and Human Services	Parliament of Victoria	Women's Health East
Eastern Access Community Health (EACH)	Patricia Malowney Consultancy	Women's Health Goulburn North East
Eastern Health	Portland District Health	Women's Health in the North
Essential Services Commission	Queen Elizabeth Centre	Women's Health Victoria
Ethnic Communities' Council of Victoria (ECCV)	Shepparton Interfaith Network	Women's Legal Service Victoria
Foundation House	Royal Melbourne Institute of Technology	Yarra Ranges Council
G21	Shire of Strathbogie	
Gender Equity Victoria, GEN VIC	South Coast Primary Care Partnership	
Gippsland Centre Against Sexual Assault	South Gippsland Shire Council	
Gippsland Women's Health Service		
Girl Guides Victoria		
Glen Eira City Council		

