

Submission to the Discussion Paper on the Gender Equality Bill Exposure Draft.

From

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About the Australian Family Association

The Australian Family Association (AFA), as an interested organisation with members in Victoria and across Australia, welcomes the opportunity to make comment on the Gender Equality Bill Exposure Draft.

The Australian Family Association (AFA) is a voluntary, ecumenical, non-party political organisation.

The AFA holds that the family is the basic unit on which human societies are built and that the binary, biological nature of human sexual identity, as male and female, is fundamental to the formation of the family.

In pursuance of its objectives therefore the AFA has an interest in the matters raised by the Gender Equality Bill Exposure Draft and makes the following Submission.

Recommendations:

- 1.** The Gender Equality Bill Exposure Draft does not, as is claimed, advance the status of women in the workplace because “woman” is not defined. This Bill could in fact advance the position of men identifying as women who could claim women-only positions under

“affirmative action” or mandated quotas for people who do not identify as male or female. The Bill must at least define biological women as being the object of so-called “gender equality”.

2. Quotas or affirmative action for women in the workplace do not progress the position of women. Rather, they diminish it by stating that women cannot be employed on the basis of their merit or their abilities, but merely on the fact that they are female. This deeply degrades the status of women. It is an insult to their intelligence. Quotas for female employees in the workplace are counterproductive. They should not be used to counter a so-called “gender pay gap”.

3.

Scope of the *Gender Equality Bill*

Which employers will be affected by the *Gender Equality Bill*?

According to the *Gender Equality Bill Exposure Draft*, **Defined entities** must advance and promote gender equality.

These **Defined entities** are listed as follows:

- (a) a public service body;
- (b) a public entity;
- (c) a special body;
- (d) a Council within the meaning of the **Local Government Act 1989**;
- (e) Court Services Victoria established under section 5 of the **Court Services Victoria Act 2014**;
- (f) a university within the meaning of the **Education and Training Reform Act 2006**;
- (g) the Office of Public Prosecutions within the meaning of the **Public Prosecutions Act 1994**.

Addressing aspects of the Bill:

The *Gender Equality Bill Exposure Draft* states the *Object of Act* to be the following:

*The object of this Act is to promote and encourage progress towards achieving gender equality **and** improving the status of women.*

But what does gender equality mean? According to the definitions in the exposure draft:

gender equality means equality of rights, opportunities, responsibilities and outcomes between people of different genders;

So, what exactly is meant by *different genders*? Given that man and woman are not defined in the Bill, does this mean that the Bill will look to create affirmative action or quotas for “gender diverse” people when addressing the “gender composition” of the workforce? Will **defined entities** be required to adhere to quotas when employing people that not only identify as male or female, but as transgender or gender-fluid?

Will representations of all other gender identities — genderqueer, androgynous, pangender, omnigender, genderfuzz, exgender, demiflux or any of the dozens of other so-called “genders” — be required? Will these stipulations be forced upon **defined entities**, when adhering to the requirements of the “gender composition” aspect of the Gender Equality Bill?

The government’s argument for legislating this Bill is that there is a “gender pay gap”. Does the “gender pay gap” mean differences between men and women’s pay or does it also mean pay rates of transgenders versus the rest of the population?

Page 10 of the *Gender Equality Bill Exposure Draft Discussion Paper* says: “This Bill primarily focuses on the inequalities that exist between men and women, **including people who identify as men and women**”.

With that in mind, will women be discriminated against when applying for positions within the prescribed **defined entities** by men who identify as women? Could a man identifying as a woman fill a position in a quota of female employees?

Over 300 women [resigned from the British Labour Party](#) over its position of allowing a man who identified as a woman to be on all-women shortlists. Is this what we can expect from passage of the Gender Equality Bill in Victoria?

Quotas and affirmative action in relation to the “gender composition” of the workforce do not progress the position of women in the workplace. Rather, they diminish it by stating that women cannot be employed on the basis of their merit or their abilities, but merely on the fact that they are female. This deeply degrades the status of women. It re-enforces a view that women have no inherent value other than their sex, because they are employed

solely on the basis of their sex, not their ability. It is an insult to their intelligence and their womanhood.

Other aspects of the bill:

On page 6 of the Gender Equality Bill Exposure Draft under the heading:

8 Actions for achieving gender equality

the Bill states:

The actions that defined entities must consider including in their Gender Equality Action Plans for the purpose of achieving gender equality are as follows— ...

...

...

(d) having regard to—

*(i) the negative impacts of gender stereotypes on all Victorians;
and*

(iii) the importance of challenging gender stereotypes;

Exactly what *gender stereotypes* have a “negative impact” upon “all Victorians”?

Does this mean workplaces will be forced to accept gender-fluid ideology, whereby the terms man and woman or husband and wife or other gendered terms such as son, daughter, mother, father and so on are banned as permitted language in the workplace because they are deemed “gender stereotyping”?

Already, [Victorian government guidelines](#) state that gender-neutral language is to be used in government workplaces and terms to describe the biological sexes, man and woman should be avoided. Will this Bill go one step further in “*challenging gender stereotypes*” and regard sex-specific language as perpetuating “negative and harmful gender stereotypes” and penalise (possibly through termination of employment) those who do not comply with using gender-neutral language? Will contractual agreements stipulate that prospective employees only use gender-neutral language, or they will not be employed?

How does banning the use of language describing the biological reality of male and female remedy supposed “gender inequality” in the workplace? Will gender-neutral toilets and changerooms be installed in all government workplaces in place of men’s and women’s toilets in order to “*challenge gender stereotypes*”? Does the Bill reflect a government ideology that the separation of the sexes into male and female toilets is perpetuating “negative gender stereotypes”?

What is the definition of “gender stereotypes”?

“Gender stereotypes” could arguably be described as the biological and chemical differences and distinctions between males and females.

Violence against women stems from a distorted view or lack of respect of the value of women. It is not because of fulfilling roles traditionally held by men and women such as the mother as caregiver and father as breadwinner. Of course, sometimes these roles are reversed through economic necessity, but the fact remains that the mother is the one who can nourish the newborn child naturally and this means she is more likely to leave the workplace during this time and affect more broadly the number of women participating in an uninterrupted fashion in the workforce, therefore meaning they do not progress up the work ladder, so to speak, at the same rate as men.

This in essence, is the reason for the lower numbers of women and lower rates of pay of women in the workforce. The Gender Equality Bill Exposure Draft does not address this but merely ignores it, preferring to blame some mythical sexism of employers for the lower numbers of women in the workforce (although some jobs, e.g., nursing and primary school teaching and some government departments, e.g., social services, would have higher numbers of women employees than men) and overall lower rates of pay than men.

Added burden/ expense to employers complying with the Act.

The amount of time and resources employed in order for **defined entities** to comply with all aspects of the *Act* will take away from the effectiveness of the service that these entities provide. While government bureaucracy is already weighed down by red tape, introducing another level of unnecessary compliance creates problems that will ultimately be borne by the taxpayers of Victoria, through higher taxes and less services.

According to page 10 of the *Gender Equality Bill Exposure Draft Discussion Paper* the main obligations of the Bill include:

*Develop[ing] a **Gender Equality Action Plan** that encapsulates:*

- 2. Promot[ing] gender equality in not-for-profit and private organisations through **procurement guidelines**.*

This will burden the private and not-for-profit sector including religious charities/organisations with more expense/red tape and force them to accept the notion that “gender inequality” is countered by removing gender stereotypes, which could involve acting against their religious doctrines/tenets/beliefs in terms of being prevented from affirming the biological fact of male and female and their different but complementary roles.

Conclusion

Therefore, it is the opinion of the Australian Family Association that the Gender Equality Bill Exposure Draft is a solution looking for a problem. It does not address the real issues affecting women.