

Gender Equality Bill exposure draft

Discussion paper

To receive this publication in an accessible format [email the Gender Equality team](mailto:gender.equality@dhhs.vic.gov.au)
<gender.equality@dhhs.vic.gov.au>

Authorised and published by the Victorian Government, 1 Treasury Place, Melbourne.

© State of Victoria, Department of Health and Human Services, August 2018.

Where the term 'Aboriginal' is used it refers to both Aboriginal and Torres Strait Islander people.
Indigenous is retained when it is part of the title of a report, program or quotation.

Available at [Engage Victoria](https://engage.vic.gov.au/gender-equality) <engage.vic.gov.au/gender-equality>

Message from the Minister

The Andrews Labor Government is committed to achieving gender equality in Victoria. In December 2016, we released Safe and Strong, Victoria's first gender equality strategy. Safe and Strong sets out a vision for all Victorians to live in a safe and equal society, have access to equal power, resources and opportunities, and are treated with dignity respect and fairness. We are committed to ensuring Victoria leads the way in gender equality with sustained, enduring and measurable action.

That is why we have drafted the Gender Equality Bill, an Australian first, to ensure that our public sector takes active steps to promote gender equality. This paper sets out the key reforms proposed by the Gender Equality Bill.

Despite many advances in recent decades, gender inequality still persists in Victoria. The evidence is clear. We need a Gender Equality Act to ensure change is quick, focused and maintained over time.

For change to be realised, it will take successive generations of Victorians and governments to maintain focus, funding and effort on gender equality. The Gender Equality Bill will support sustained action and ensure that we have the mechanisms in place to plan, measure and track our progress towards achieving gender equality.

At the end of this paper, we explain how you can involve yourself in this conversation. I invite the Victorian community to have their say on the proposed Gender Equality Bill. I know that together, we can achieve the vision of a Victoria that is free from gender inequality.

The Honourable Natalie Hutchins MP
Minister for Women

Contents

Message from the Minister	3
Introduction	5
Background and context	6
Community consultation in shaping <i>Safe and Strong: A Victorian Gender Equality Strategy</i>	7
Consultation to date on the Gender Equality Bill	8
Why is Gender Equality legislation necessary?	9
Gender diversity	10
The proposed Gender Equality Bill	10
The principles of the legislation	11
Gender Equality Action Plans	13
Setting indicators and targets	14
Reporting against key indicators and targets	15
Gender-ethical procurement guidelines	16
Monitoring and compliance	18
Ministerial Council on Women’s Equality	19
Proposed roll out of the Gender Equality Bill	20
Gender Equality Bill Consultations 2018	22
Get involved	23
Next steps	24

Introduction

In 2015, the Royal Commission into Family Violence (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. A key reform of this strategy is to enact a *Gender Equality Act*, legislation that will promote and improve gender equality across the Government and public sector organisations.

The Gender Equality Bill is part of a broader reform agenda across Victoria that looks to address system-wide issues, including across social and justice sectors.

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 sector, not-for-profits 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
- Ultimately, deliver economic and social benefit for the state of Victoria.

We want you to have your say on the future of Gender Equality legislation in Victoria

You are invited to provide feedback on the key elements in the Exposure Draft of the Gender Equality Bill. Please note that feedback that does not specifically address the topic of gender equality legislation may not be considered.

The key elements of the Bill are described in this paper, along with a series of questions to consider and guide discussion. This document should be read in conjunction with the Exposure Draft of the Gender Equality Bill.

In particular, this Discussion Paper seeks your input on practical considerations and issues to ensure that the legislation is implemented in a way that best supports lasting social change. All submissions will be made publicly available on [Women Victoria](https://www.vic.gov.au/women) <<https://www.vic.gov.au/women>>, unless a specific request has been made to the Department of Health and Human Services.

The Victorian Government is inviting submissions via [email to the Gender Equality unit](mailto:gender.equality@dhhs.vic.gov.au) <gender.equality@dhhs.vic.gov.au> and/or feedback via [Engage Victoria](https://engage.vic.gov.au/gender-equality) <engage.vic.gov.au/gender-equality> from 20 August 2018 to 28 September 2018.

Background and context

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 while there have been some positive gains in recent years, over the past decade Australia has gone backwards in a global measure of gender equality. This means Australia has placed below New Zealand and the Philippines in the Asia-Pacific region. The World Economic Forum also estimates that at current rates, the global economic gender gap would not be closed for another 217 years.

In Victoria, evidence demonstrates that gender inequality persists across many areas including schools, workplaces, neighbourhoods, the media, and sport. It affects all Victorians in a myriad of ways, including but not limited to:

- gender stereotypes shaping children's sense of self understanding, becoming reflected in their behaviour, study choices, ambitions, and views about relationships
- women remaining under-represented in senior leadership positions
- persistence of the gender pay gap despite equality in skill and tertiary education

As at November 2017, the gender pay gap in Victoria stood at 12.2 per cent. In 2017, on average Victorian men still earned \$193.40 more per week than Victorian women. These issues contribute to a negative drain on Victoria's economy, as well as lower levels of social cohesion that subsequently contribute to higher rates of anti-social behaviour, violence, disadvantage, and discrimination. Improving gender equality delivers significant economic benefits to the state of Victoria. Harnessing the potential of women benefits the Victorian economy. Closing Australia's gender employment gap would boost GDP by around 11 per cent and by 20 per cent if the productivity gap were also addressed. There are also significant benefits associated with reduced government spending on family violence, mental health and related services.

In December 2016, the Victorian Government introduced *Safe and Strong*, Victoria's first gender equality strategy. *Safe and Strong* establishes a framework for the systemic and cultural change required to achieve gender equality in Victoria, and has four key focus areas:

- Leadership, empowerment and cultural change
- Safety and freedom from gender-based violence
- Economic security
- Health and wellbeing

Community consultation in shaping *Safe and Strong: A Victorian Gender Equality Strategy*

More than 1,200 Victorians have shared their diverse voices and experiences by participating in consultations to inform the development of the *Safe and Strong: A Victorian Gender Equality Strategy*. These consultations highlighted the challenges and opportunities that gender equality presents, while identifying local strategies and initiatives that succeed in changing community attitudes.

Over 200 written submissions were received canvassing priorities and strategies, best practice research and experiences of diversity and disadvantage.

In addition to metropolitan consultations, eight regional consultations were held in Geelong, Shepparton, Wangaratta, Mildura, Ararat, Warrnambool, Sale and Bendigo. Consultations were also held with specific groups and communities, including Aboriginal communities, people with disability, seniors, young people, culturally diverse communities and lesbian, gay, bisexual, transgender and intersex (LGBTI) Victorians. Further consultations were held with the corporate sector, women in leadership, women in small business, innovation, Science, Technology, Engineering, Medicine and Mathematics (STEMM) organisations, the legal sector, sporting associations, philanthropic organisations and the media, arts and entertainment industries.

Victorians across the state told us of their support for a bold strategy that would drive genuine, lasting change across all life-stages and settings.

Key discussion points included:

- the importance of leadership by the Victorian Government
- promoting genuine engagement with boys and men
- drawing on strategic partnerships, including the power of the media
- the rate of violence against women and addressing unconscious bias.

There was also broad agreement that early childhood education and schools have an important role to play in challenging negative attitudes and behaviours towards women and girls. Participants also called for a strong focus on leadership, workforce participation and financial security to empower women across all stages of their lives.

Consultation with Aboriginal communities emphasised the connection between gender inequality and dispossession; the intergenerational consequences of a lost connection to land; and the importance of recognition and respect for culture and healing for Aboriginal people. Practices of forced removal of children from their families by successive governments were explored and the connection between racism, sexism and colonialism exposed. Consultations also brought out the need to support and promote Aboriginal self-determination.

Consultation to date on the Gender Equality Bill

Stakeholders were widely engaged in anticipation of this proposal. Stakeholder analysis research was based on international best practice in gender equality legislation, and potential application in a Victorian context.

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
- 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 where positive obligations should apply. 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, 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
- clear parameters for strengthening governance and accountability in public sector organisations.

This Discussion Paper aims to take the next steps in understanding how gender equality legislation can be supported and implemented. This phase of community consultation does not seek to repeat or duplicate the focus of consultations to date.

Why is Gender Equality legislation necessary?

Legislation that imposes positive duties on public authorities and other sectors to promote gender equality is a feature in most countries that lead in the World Economic Forum (WEF) Gender Equality Rankings, with the top three countries – Iceland, Norway and Finland – all possessing gender equality laws with positive obligations for government.

This is further supported by evidence from the Organisation for Economic Co-operation and Development (OECD) that demonstrates the importance of strong institutions and mechanisms to ensure accountability on public agencies to implement policies that will achieve gender equality, beyond the existence of anti-discrimination laws.

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. 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 to demanding and achieve 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. These include the *Victorian Charter of Human Rights and Responsibilities Act (2006)* and the *Equal Opportunity Act (2010)*. 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 enact a Gender Equality Bill that will embed strong governance structures and promote and improve gender equality across government functions. The Gender Equality Bill will not duplicate the focus or replace existing legislation.

Q1: What do you think are the critical actions necessary for the success of gender equality legislation?

Q2: What other activities should the government undertake to support this legislation?

Gender diversity

The Victorian Government values and celebrates diversity. We acknowledge the Gender Equality Bill does not seek to address all forms of gender inequality. This Bill primarily focuses on the inequalities that exist between men and women, including people who identify as men and women.

The Victorian Government acknowledges that other inequalities exist that relate to Lesbian, Gay, Bisexual, Trans and Gender Diverse, and Intersex (LGBTI) communities and affirms the right to equality and fairness for LGBTI Victorians.

The proposed Gender Equality Bill

Addressing gender inequality in Victoria will require going beyond laws that prohibit discrimination, to those that proactively change social and economic conditions.

What is being proposed?

To establish in legislation a set of gender equality **principles and actions for achieving gender equality**, accompanied with specific obligations to be implemented by public sector organisations to support those principles. The main obligations include:

1. develop a **Gender Equality Action Plan** that encapsulates:
 - (a) activities to be undertaken by the organisations to address gender equality internally within their workforce, and
 - (b) policies, programs and services they can adopt that further improve gender equality amongst their direct stakeholders and the wider community
2. promote gender equality in not-for-profit and private organisations through **procurement guidelines**
3. promote gender equality through the setting of **key indicators and targets**
4. support gender equality through the **monitoring, reporting, and compliance** of the Action Plan and targets.

In addition, the Minister for Women will be required to maintain a State Gender Equality Action Plan that includes an outcomes framework. It is envisaged that Safe and Strong: A Victorian Gender Equality Strategy will be the first State Gender Equality Action Plan under the Gender Equality Bill.

Who will it apply to?

This legislation will apply directly to 'in-scope entities', defined as Victorian Government departments, public sector entities with over 100 full time employees, and local government. Not-for-profit and private sector organisations are not within scope of the legislation, however will be influenced through revised procurement and funding policies.

Q3: What do you think is best practice in measures to support implementation of legislation that drives lasting social change?

The principles of the legislation

What is proposed

To enshrine in legislation a set of principles that reflect the values or ideals that Victoria that all public sector organisations – Victorian Government departments, public sector entities with over 100 full time employees, and local government – will need to give effect to and reflect in their organisation.

The Bill establishes a series of gender equality principles for prescribed entities acknowledging that:

- 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.

Supporting the principles is a set of proposed actions for defined entities in the development of a Gender Equality Action Plan. These are to:

- 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.

These principles and actions have been selected based on stakeholder input and good practice, as well as to reflect the policy framework set out in *Safe and Strong*.

The rationale

There are two primary benefits of gender equality: economic and social.

Global evidence gathered to date clearly demonstrate that improvements in gender equality accrue significant economic benefits, including greater productivity, higher GDP and reduced government spending. Every day that we fail to deliver gender equality we pay the economic price.

Socially, gender equality is a human right and a precondition for social justice. All Victorians have the right to live in a safe and equal society, to have access to equal power, resources and opportunities, and to be treated with dignity, respect and fairness as per Australia's international human rights and labour rights obligations.

Some examples of social and economic benefits include:

- the disproportionate burden of unpaid care borne by women imposes major economic costs on Australia, a sector worth \$650.1 billion (six times higher than paid care)
- women with tertiary education fail to transition into the workforce at the same rate as men. If this investment can be captured, it would save \$8 billion per year
- decreasing rates of violence against women decreases the primary burden borne by victims of pain, suffering and premature mortality. The Australian Government bears the second biggest cost of health, administration and social welfare, estimated at \$21.7 billion annually
- improvements in physical and mental health on both men and women.

Enshrining the principles and actions in legislation will complement existing gender equality programs and help ensure enduring and sustained progress and to achieve long term attitudinal change by ensuring the public sector actively takes steps to promote gender equality.

Q4:

Do you agree that these are the critical principles and actions that should underpin the legislation? What should be added, or needs to be changed?

Gender Equality Action Plans

What is proposed

To demonstrate compliance with these actions, all public sector organisations must develop and report on a **Gender Equality Action Plan**. These plans would include but is not limited to:

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

At a State level, the Minister for Women will also be required to maintain a State Gender Equality Plan that all organisations will also need to align with in their respective Action Plans, to maintain a consistent approach to gender equality across the state. The State Gender Equality Action Plan is also required to include an outcomes framework to ensure we have a mechanism to monitor our progress to achieve gender equality. *Safe and Strong: A Victorian Gender Equality Strategy* will form the inaugural State Gender Equality Plan.

The Gender Equality Bill will also allow for the development of Gender Equality Action Plans to be integrated within existing planning processes to minimise administrative burden on organisations. For example, local councils would be able to integrate gender equality planning within Municipal Health and Wellbeing Plans or Council Plans, or any other prescribed gender equity planning requirements specified in the Local Government Act, as long as all requirements under the Gender Equality Bill for Gender Equality Action Plans have been incorporated.

The rationale

Evidence indicates that a system of mandatory action plans can play an important role in committing public sector organisations to measuring and reporting on gender equality and be held accountable to a plan to achieve gender equality.

Internationally, the use of Action Plans is in line with international good practice standards. For example, the UK and Finland are countries with legislative requirements for organisations to prepare and publish action plans on gender equality.

The implementation of action plans was a common proposal in consultations with stakeholders, with many suggesting that action plans should outline an approach to achieving gender equality in areas such as pay, representation across roles, and access to training and education opportunities.

Q5: What else should be included in Gender Equality Action Plans to support demonstrating compliance to the principles?

Q6: What preparation, guidance materials or training is needed to support organisations to develop Gender Equality Action Plans?

Setting indicators and targets

What is being proposed

The Gender Equality Bill proposes that key indicators and targets will be prescribed in regulations, with all public sector organisations required to report on progress towards achieving targets in annual reports.

Drawing on targets set in *Safe and Strong*, targets prescribed by regulations could include:

- Victorian Public Service – appoint 50 per cent women executives
- Paid public boards – 50/50 representation of women in new appointments

Public sector organisations would only be required to comply with targets that the Victorian government considers are appropriate and relevant for those organisations. This will provide a degree of flexibility that recognises the unique nature of some public sector organisations.

Implementation of these targets will be staged over time, and can be adjusted and adapted.

Rationale

While the setting of targets continues to be a topic on which there are a wide range of views, there is a growing body of international evidence demonstrating the effectiveness of legislating targets. Furthermore, the inclusion of targets in regulation aligns with comparable countries, including Denmark, Austria, the United Kingdom, Norway, France and Italy.

In France, women's representation on public sector boards increased from 30 per cent in 2004 to 44 per cent in 2010 after the introduction of quotas (for all listed companies and non-listed companies with over 500 employees. By comparison, the United States has not introduced targets and in 2015, women make up 19 per cent of all board members of S&P 500 companies.

In Australian businesses, new board appointments for women increased from five per cent in 2009 to 27 per cent in 2010 following the Australian Stock Exchange's requirement for annual report disclosure of company objectives and progress towards gender equality.

Q7: What kinds of public sector targets should be included in the regulations of the Gender Equality Bill?

Q8: What is needed to ensure representation of women from diverse backgrounds?

Reporting against key indicators and targets

What is being proposed

In the proposed Gender Equality Bill, public sector organisations will be required to report on progress towards achieving targets and against key indicators of workplace gender equality, as well as progress on the implementation of Gender Equality Action Plans.

In terms of implementation, organisations may be able to incorporate reporting into existing processes to minimise regulatory reporting burdens. In many public sector organisations required data is available through existing reporting systems; the impact of gender equality reporting may involve undertaking additional analysis on targets, as opposed to additional data gathering.

Rationale

Evidence demonstrates that requiring organisational reporting against key measures ensures:

- there is consistent evidence demonstrating organisations' commitment to achieving gender equality
- identification of practices that are effective at creating substantive change
- organisations maintain a long-term and consistent focus on improving business practices that support increased gender equality
- government can effectively identify where targeted support may be required as well as the nature of support needed.

Internationally, reporting on targets is an approach taken by comparable OECD jurisdictions. For example, in Denmark, gender equality laws set out the requirement for government institutions of more than 50 employees to report every two years on gender equality policy and the gender distribution of occupational categories.

Most stakeholders consulted in the development of the Gender Equality Bill also saw measurement of and reporting against key indicators as a critical component of any new regulatory framework for promoting gender equality, both as a means to gather evidence of whether Victoria's gender equality targets were being met and to identify organisations or sectors that may need further support.

Q9: What frequency or volume of reporting would strike a balance between transparency and accountability, whilst minimising regulatory burden?

Gender-ethical procurement guidelines

Victoria's Social Procurement Framework

Victoria's Social Procurement Framework (SPF) was launched on 26 April 2018 and will apply to all Government departments and agencies from 1 September 2018. It enables Government to leverage its significant buying power to achieve social and sustainable outcomes through the procurement of goods, services and construction. The Social Procurement Framework aligns with other Victorian Governments policies, including *Safe and Strong*, and provides a flexible and scalable approach for Government buyers. It includes recommended actions for government buyers to drive supplier behaviour that addresses gender inequality and prevents family violence, with a focus on:

- the adoption of family violence leave; and
- initiatives that promote and improve gender equality within suppliers of all sizes to the Victoria Government.

For more information, visit [Social Procurement Framework](http://www.procurement.vic.gov.au/Buyers/Social-Procurement-Framework)
<<http://www.procurement.vic.gov.au/Buyers/Social-Procurement-Framework>>.

What is being proposed

Gender ethical procurement means committing to source goods and services from suppliers who meet certain gender equality criteria. For example, in Switzerland, the Federal Act on Public Procurement requires that procurement contracts include equal pay provisions. Where there is a discrepancy of more than five per cent, the supplier must explain the causes and correct the variance.

The Gender Equality Bill proposes that guidelines will be developed to ensure that the Victorian Government promote gender equality through procurement and funding policies and practices. This will likely have a flow-on impact to businesses and organisations that are bidding for funding or contracts in a supply chain, as they change their practices to attract government funding. The procurement guidelines would build on the existing Social Procurement Framework. It is proposed that the procurement guidelines would be introduced in approximately mid-2022, providing the opportunity to review and learn from the outcomes of the Social Procurement Framework.

To minimise the impact of complying with revised procurement guidelines, it is expected that increased support will be provided to suppliers through advice and online tools.

Rationale

Each year, the Victorian Government provides \$2 billion of funding support to the not-for-profit sector and spends over \$10 billion on a variety of goods and services from the private sector. The Government has recognised that there is an opportunity to leverage this position, acknowledging that when used strategically, procurement is a powerful means to support social goals such as gender equality.

Enshrining the procurement guidelines in legislation is a key means of crystallising the Victorian Government's long-term commitment to both preventing family violence and addressing gender inequality.

This practice is not new – the Australian Government currently links their procurement policy framework to the *Workplace Gender Equality Act 2012*. To compete for procurement contracts,

relevant suppliers are required to demonstrate their compliance with the Act. Furthermore, both potential suppliers and Australian Government employees dealing with procurement processes are responsible for considering gender equality in the workplace as set out in Workplace Gender Equality Procurement Principles.

Q10: How can the Victorian Government leverage procurement and funding practices to promote gender equality in the wider community?

Monitoring and compliance

What is being proposed

To facilitate public sector organisations' alignment with the principles in the proposed Gender Equality Bill, a monitoring and compliance system will be established.

The Department of Health and Human Services (DHHS) proposes that it would undertake the task of monitoring implementation of the legislation, primarily through the Office for Women . The Office is already charged with whole of government implementation and monitoring progress across sectors under the *Safe and Strong* and *Free from Violence* strategies.

DHHS will advise the Minister for Women on the compliance of all affected organisations. Critically, it is proposed that the Minister for Women has the discretion to name public sector organisations that do not comply with their obligations in her annual report on gender equality.

It is proposed that the legislation will be supported by provisions to ensure there is procedural fairness for entities proposed to be published as non-compliant. These include giving the prescribed entity adequate notice in writing before publishing them as non-compliant and inviting the prescribed entity to respond prior to the proposed publishing as non-compliant.

Rationale

For Victoria to make greater progress towards gender equality, there is a need for greater transparency at the state level about what is working and what needs to change, especially in areas of slow progress. Most stakeholders consulted felt that the alternative – self-monitoring by organisations – was not going to be as effective in driving change.

As the proposed Gender Equality Bill applies to public sector organisations, it would be advantageous for the monitoring function to remain within an enduring government structure, allowing for long term monitoring and analysis.

The ability for the Minister for Women to publish in Parliament the names of public sector organisations that fall short of their obligations provides an incentive for compliance.

Q11: Do you think that the proposal for monitoring and compliance of the Bill is fair and balanced?

Ministerial Council on Women's Equality

What is being proposed

To govern the implementation of the legislation, a Ministerial Council on Women's Equality (the Council) will be established. The role of the Council will be to advise on:

- future priorities and government action to achieve gender equality in Victoria
- the development of strategies to build the capacity of public sector organisations subject to the Bill and the wider community to support gender equality
- best practice examples of initiatives advancing gender equality, and how to promote these initiatives to public sector organisations and the Victorian community
- any other matter prescribed by regulations.

The Council will consist of between 8 to 14 members, all appointed by the Minister for Women. In appointing members to the Council, the Minister must ensure that the composition of members reflects the diversity of the Victorian community and that Aboriginal Victorians are represented.

Q12: It is clear that the impact of gender equality is compounded by the way that gendered barriers interact with other forms of disadvantage and discrimination. What is needed to ensure that the advice of the Ministerial Council is considered in other policy areas that may compound or contribute to gender inequality?

Proposed roll out of the Gender Equality Bill

Implementation of the Gender Equality Bill is proposed to take place over three phases, with each phase increasing the number of organisations required to comply with the Bill.

It's worth re-emphasising that the Bill applies only to public sector organisations, so the principles, actions and obligations listed throughout this document will be adopted by the Victorian Government first.

2019

May 2019 – Gender Equality Bill introduced to Parliament

June 2019 – Gender Equality Bill passes through Parliament

2020

Act to take effect starting with the Victorian Government departments and large public service employers including Victoria Police and Court Services Victoria

Victorian Government departments:

- Department of Health and Human Services
- Department of Justice and Regulation
- Department of Education and Training
- Department of Premier and Cabinet
- Department of Treasury and Finance
- Department of Environment, Land, Water and Planning
- Department of Economic Development, Jobs, Transport and Resources

Large public service employers:

- Victoria Police
- Court Services Victoria

2021

Within 12 months of the commencement of the Bill, it will extend to local government, universities and public entities, and all remaining public service employers and administrative offices that employ more than 100 full time staff

Local government

Public entities, for example:

- Melbourne Polytechnic
- Ballarat Health Services
- Monash Health
- Ambulance Victoria
- Goulburn Murray Rural Water Corporation
- National Gallery of Victoria
- Transport Accident Commission

- V-Line Authority

Public service employers and administrative offices, for example:

- Victorian Liquor and Gambling Commission
- Taxi Services Commission
- Melbourne Metro Rail Authority Office of Public Prosecutions

Universities established by a Victorian Act of Parliament, such as:

- RMIT
- University of Melbourne
- Monash University

2022

Procurement guidelines to take effect. These guidelines will influence not-for-profit and private suppliers.

Q13: Do you think this timeline is appropriate for the proposed roll out?

Q14: What preparations are needed to ensure readiness of impacted organisations before legislation takes effect?

Q15: What should be done to encourage or incentivise broader sectors or organisations to voluntarily comply with the principles, even if they are not obliged to do so?

Gender Equality Bill Consultations 2018

Between 20 August and 28 September 2018 the Victorian Government is seeking to consult and engage with community to gather views on the key elements and practical aspects of the Gender Equality Bill Exposure Draft. These include:

Public submissions

This Discussion Paper will be publicly released to enable members of the community with an interest in the Gender Equality Bill to have their say.

Individuals or organisations are encouraged to submit feedback and suggestions via [Engage Victoria](https://engage.vic.gov.au/gender-equality) <engage.vic.gov.au/gender-equality>.

We encourage you to use this Discussion Paper to 'host a community consultation' with your colleagues or stakeholders using the questions we have provided as discussion starters.

Stakeholder workshops

The Victorian Government will be holding face-to-face workshops with representatives from sectors that are proposed to be impacted by the Gender Equality Bill. These include workshops in metropolitan and regional locations.

If you would like to know more about the stakeholder workshops or register for your organisation to attend then please contact gender.equality@dhhs.vic.gov.au

A citizens' jury

The Victorian Government will be running a Citizen Jury over the weekend of 15-16 September with a focus on the setting of targets within the Gender Equality Bill. The Citizens Jury will be asked to consider a key question that relates to the Exposure Draft of the Gender Equality Bill and the scope and implementation of targets as related to the Gender Equality Bill.

A Citizens' Jury is a form of engagement where a cross-section of people from the public are directly involved in the decision making process. A Citizen Jury has numerous benefits, including a more in-depth public dialogue

Citizens' Jury is normally done by random selection to find a representative sample of the community. Invitations are sent to people, who are then asked to register online for possible selection, with a second random draw finalising the jury.

The Citizens' Jury is briefed on the background and detail of a particular issue and asked to discuss a solution or outcome. Citizen Juries are increasingly recognised and used in public engagement processes.

Recent examples of Citizen Juries include Infrastructure Victoria's development of a 30 Year Plan and the process for electing a new Greater Geelong City Council.

Get involved

The government invites all Victorians to get involved by making a submission about the proposed Gender Equality Bill. All submissions will be made publicly available, unless a specific request is made to the Department of Health and Human Services to consider a confidential submission.

Please make a submission in one of the following ways:

Online: via the [Engage Victoria](https://engage.vic.gov.au/gender-equality) <engage.vic.gov.au/gender-equality>.

Email: [Gender Equality unit](mailto:gender.equality@dhhs.vic.gov.au) <gender.equality@dhhs.vic.gov.au>

Post:

Gender Equality unit
Office for Women
Department of Health and Human Services
50 Lonsdale Street
Melbourne Victoria 3000

Submissions in other formats will also be accepted.

To contact the Office for Women:

Visit: [Women Victoria](https://www.vic.gov.au/women.html) <https://www.vic.gov.au/women.html>

Email: [Gender Equality unit](mailto:gender.equality@dhhs.vic.gov.au) <gender.equality@dhhs.vic.gov.au>

Submissions in response to the draft Bill close 28 September 2018 at 5.00 pm.

Next steps

The Victorian Government is committed to reviewing all submissions and feedback that fall within the scope of the Gender Equality Bill exposure draft consultation as outlined in this paper.

All submissions and consultation findings will be thoroughly reviewed by the Department of Health and Human Services.

A summary report on the Gender Equality Bill exposure draft consultation will be released in early 2019.

Additional consultations may be held on key implementation aspects of the Bill, such as reporting, targets and indicators.