



## **Submission to the Foreign Affairs, Defence and Trade Legislation Committee**

### ***International Aid (Promoting Gender Equality) Bill 2015***

CBM Australia welcomes the opportunity to provide a submission to the current inquiry by the Foreign Affairs, Defense and Trade Legislation Committee on the *International Aid (Promoting Gender Equality) Bill 2015*.

CBM Australia is an International development agency, committed to improving the quality of life of people with a disability in low income regions of the world.

CBM Australia recognises that gender has a significant bearing on the social, political and economic development of communities. For example, women and girls in developing countries are disproportionately affected by poverty. Furthermore, disability is more prevalent amongst women compared to men, with 19.2% of women aged 18+ years with a disability and 12% of men with a disability worldwide.<sup>i</sup>

CBM Australia welcomes the *International Aid (Promoting Gender Equality) Bill 2015* as an important measure to ensure gender considerations are embedded into every aspect of Australia's aid investments. The interaction of gender and disability means that women and girls with disability can face three fold barriers to active participation and decision making in development processes and opportunities; being female, having a disability and being among the poorest of the poor. It is therefore crucial that disability as it relates to gender be considered in all decision making and reporting related to official development assistance.

As background, a similar Act of the British Parliament amended the legislative framework (International Development Act 2002) in the UK, to provide direction and authority to their overseas development assistance – which includes a statutory mechanism for reporting development outcomes annually.

In order to ensure the proposed Bill's functional operation, a number of considerations should be taken into account:

#### **Operational aspects of the Bill**

Unlike the British Bill, the legislation before the Committee would act as an individual legislative instrument and therefore pose an additional administrative process to be met. Given there is no overarching legislative framework guiding Australia's overseas development assistance, there is no simple solution to this issue – but it is a factor that needs to be considered .

**Recommendation: To improve the functionality of the legislation it should link to other existing instruments (legislation, regulation, policy) already in operation to allow for simplified reporting.**



A key difference between the British Bill and the Bill before the committee is the threshold of the decision to enact the legislation. It could be argued that the lower threshold in the Bill before the committee would be far too broad and go to simple and routine departmental decisions that are made, which may not have any impact of the program or activity begin delivered. This could become burdensome on the decision maker and potentially make the Bill unworkable. The British Bill strikes a balance with ensuring decisions in regards to the provision of assistance as opposed to 'relating to the provision of assistance' and also in a timely manner (from before the provision of assistance) to ensure the workability of the Bill.

**Recommendation: Reconsider the 'threshold' for when the consideration of legislation comes into effect as to minimise administrative processes.**

Another difference between the British Bill and the Bill before the committee is who the responsibility falls upon as the decision maker. With the Bill before the Committee, the responsibility falls on a '*Commonwealth aid official*' where as in the British Bill it falls upon 'the Secretary of State'. The proposed provision in the Bill would impact on a large number of Departmental Officials who would currently be un-identifiable for the purposes of accountability. Also, the incorporation of delegations which are derived from the Minister's authority under the Administrative Orders and the *Financial Management and Accountability Act 1997* allow a Minister to delegate decision making and funding decisions to her Departmental Officials to ensure the efficient running of the portfolio. Given these delegations are numerous and that the final responsibility lies with the Minister, it makes sense that the ultimate responsibility for the Bill also sits with the Minister. This does not preclude Officials from considering issues of gender equity with regards to development assistance, but rather it places the responsibility firmly on the Minister and provides accountability and Parliamentary oversight through the estimates process.

**Recommendation: That the legislation places responsibility for gender consideration upon the Minister responsible for overseas development assistance opposed to Officials.**

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<sup>1</sup> World Health Survey. (2002-2004). Geneva: World Health Organization. Retrieved from <http://who.int/healthinfo/survey/en>. Cited in World Health Organisation and World Bank. (2011). *World Report on Disability* (p. 28). Geneva: World Health Organization.