



Australian Government

Department of Defence

**Joint Standing Committee on Treaties
Women in Combat – Reservation Withdrawal**

**Department of Defence
Submission**

April 2017

Introduction

1. This submission provides information on Defence's implementation of the removal of gender restrictions from combat role employment categories, in the context of Defence's wider cultural reform program, for which the removal of gender restrictions from combat role employment categories was a critical piece.
2. Within this context, Defence fully supports the reservation withdrawal, and the repeal of Section 43 of the *Sex Discrimination Act 1984*.

Women in Combat Roles

3. In 2011, the Australian Government committed to reviewing Australia's reservation under human rights treaties, including the Convention of the Elimination of all forms of Discrimination against Women as part of Australia's National Human Rights Council Universal Periodic Review of Australia.
4. In September 2011, the Australian Government agreed the policy to remove gender restrictions from Australian Defence Force combat role employment categories.
5. The Australian Defence Force combat role employment categories for which women were previously excluded were Navy Clearance Divers and Mine Warfare and Clearance Diving Officers in the Navy; Army Infantry and Armoured Corps and some Artillery roles; and Air Force Air Field Defence Guards and Ground Defence Officers.
6. Defence developed a detailed and phased five-year implementation plan, agreed by Government, drawing on previous experience gained from opening up other employment categories to women. Women already serving in the Australian Defence Force were offered the opportunity to transfer to these roles from January 2013. From January 2016, all Australian women were able to apply for these roles, including those through direct recruitment.
7. To facilitate in-service transfers of serving Australian Defence Force women, Defence cancelled policies that had previously excluded women from combat duties. Defence Instruction (General) Personnel 32-1 *Employment of Women in the Australian Defence Force* provided guidance concerning the employment of women in the Australian Defence Force. Specifically, the policy outlined the direct combat roles from which women were to be excluded. This policy was cancelled in November 2012.
8. Additionally, Defence Instruction (General) Personnel 35-2 *Application of the Sex Discrimination Act to the Australian Defence Force* was also cancelled in November 2012. This policy outlined the scope of the *Sex Discrimination Act 1984* and its application to the Australian Defence Force. The policy highlighted exemptions under the *Sex Discrimination Act 1984* (Section 43), in particular that it was not unlawful for a person to discriminate against a woman on the ground of her sex in connection with employment, engagement or appointment in the

Australian Defence Force in a position involving performance of combat or combat-related duties.

9. The decision to remove gender restrictions from these roles was about providing equal opportunity for both men and women and eliminating gender discrimination from the workplace. Defence did not expect a large number of women would choose these roles, rather the aim was to provide the opportunity for women who wish to apply for these roles to do so. Defence has ensured that the environments in which members are trained and undertake these roles provide the opportunity for all members to contribute fully to Australian Defence Force capability.
10. Defence has worked hard to ensure that the implementation of this policy was thoroughly considered and that women would be fully supported should they choose to apply for, and enter, these roles. Having a five-year phased implementation plan provided Defence with the opportunity to address any concerns, issues or risk. Activities undertaken to ensure this have included:
 - The Physical Employment Standards review, which provide standards that are scientifically based, occupationally relevant and do not discriminate based on gender. While this project was already under way prior to the Government's decision, the review was accelerated and prioritised to meet the implementation of direct recruitment into all combat roles from January 2016.
 - Reviewing and updating training, training materials, guidance, policy and any combat specific processes, policies and systems.
11. Woman who have applied for these roles and have either undertaken, or are undertaking the training programs for these roles, have expressed that they feel fully supported by their peers, trainers and other personnel.
12. Defence does not provide information that has the potential to spotlight any individual pursuing a combat role, including numbers of women serving in specific combat categories, as it may place additional pressure on individuals. Defence has a duty of care to all its members who are currently pursuing combat roles to ensure they have an equitable environment in which to succeed in their career goals. There is no target for women serving in the combat roles for which they were previously excluded. However, since restrictions were lifted, Defence can confirm that in the permanent force there are around 65 who are now in training and around 30 that are trained and serving in these roles.
13. Implementation was also supported by a number of enabling activities already under way, including the Physical Employment Standards review mentioned above, and *Pathway to Change: Evolving Defence Culture*, Defence's comprehensive five-year strategy for cultural change and reform.

Cultural Reform

14. *Pathway to Change: Evolving Defence Culture* is Defence's statement of cultural intent and Defence's comprehensive response to the reviews into aspects of Defence and Australian Defence Force culture conducted between 2011 and 2012.

15. Two reviews key to the removal of gender restrictions from Australian Defence Force combat role employment categories were the *Review into the Treatment of Women at the Australian Defence Force Academy* and the *Review into the Treatment of Women in the Australian Defence Force* (Broderick Reviews).
16. These reviews, conducted by the Australian Human Rights Commission, and led by the then Sex Discrimination Commissioner, Elizabeth Broderick, looked at women, their employment options, status and experiences at the Australian Defence Force Academy and within the wider Australian Defence Force.
17. These reviews were conducted in three phases:
 - Phase 1 – *Review of the Treatment of Women at the Australian Defence Force Academy*, with a focus on the adequacy and appropriateness of measures to promote gender equality, ensure women's safety, and to address sexual harassment, abuse and sex discrimination.
 - Phase 2 – *Review into the Treatment of Women in the Australian Defence Force*, examining the effectiveness of cultural change strategies and initiatives required to improve representation of, and leadership pathways for, women in the Australian Defence Force.
 - Phase 3 - an audit of the implementation of the recommendations from the reviews.
18. Since these reviews, significant progress has been made to improve:
 - employment pathways to increase the representation of women in leadership roles;
 - mentoring, networking and development opportunities;
 - access to flexible work arrangements; and
 - the number of women applying and being recruited to the Australian Defence Force.
19. Defence is aiming to increase the number of Australian Defence Force women in key career and decision-making positions. In 2016, key performance indicators were introduced to increase senior leadership accountability for gender inclusion.
20. Through the new Australian Defence Force Total Workforce Model, Defence is putting in place options for greater flexibility in the Service's career models to ensure women's advancement is supported, and not impacted adversely, by taking career breaks or through seeking locational stability. Defence is also providing greater access to a work-life balance that better aligns with community standards, making a career in the Australian Defence Force a more attractive and viable option.
21. The Australian Defence Force is promoting greater female participation in non-traditional roles through targeted support programs, including work experience, mentoring, networking forums, leadership programs and career development opportunities.

22. Targets have been set in some areas to increase the representation of women in career pipeline activities, including recruitment and the number of women attending promotion courses. Defence is also removing barriers to promotion for women through providing individual and group coaching. By 2023, Navy and Air Force aim to have 25 per cent female representation in their workforce and Army aims to have 15 per cent. To help meet these targets, Defence has embedded specialist female recruitment teams across Australia to raise the profile of the Australian Defence Force as an employer of choice for women. These teams work closely with external recruiting specialists to engage, attract and mentor female candidates.
23. In March 2012, women comprised 13.9 per cent of the permanent Australian Defence Force. This has since increased by 2.3 per cent, so as at 1 March 2017, 16.2 per cent of the permanent Australian Defence Workforce are women.
24. The annual *Women in the ADF Report* provides Government, Defence and the Australian public with a measure of the success of Defence's efforts regarding women's participation, experience and flexible work access in the Australian Defence Force, and assists in identifying areas where further focus is required. This includes monitoring the proportion of women in non-traditional employment groups, and the number of transfers across occupations in the Australian Defence Force. The Report is available online at <http://www.defence.gov.au/annualreports/15-16/Downloads/Women-in-ADF-Report-2015-16-online-only.pdf>.
25. The cultural reform under the Pathway to Change strategy is in its final implementation year, and as such, the focus of cultural reform across Defence is shifting from efforts to implement the key actions and recommendations of Pathway to Change to an environment where cultural change is more embedded, with leaders accountable for creating a more positive culture.

Next Steps

26. Defence is now in a position to look at what it has learnt over the last five years, how it will build on the progress already made, and how to move forward over the next five years. For this next phase of cultural reform, Defence will continue the emphasis on workforce inclusion and furthering the advantages that greater diversity in the workforce brings across the full range of occupations, ranks, and roles in delivering Defence capability.
27. Diversity and inclusion are fundamental elements of modern Australia and the Australian Defence Force. Defence's ability to effectively respond to current and future global challenges will depend on its capacity to draw from the widest possible talent pool and capitalise on the diverse perspectives, skills and attributes of its people.
28. To this end, Defence fully supports the reservation withdrawal, and the repeal of Section 43 of the *Sex Discrimination Act 1984*. This underpins the removal of gender restrictions on Australian Defence Force combat roles, which plays an

important role in evolving the Defence culture to enable a more diverse and inclusive culture.