

Chapter 3

Issues and committee view

Is there a need for legislation?

3.1 A key question for this inquiry is whether a legislative approach to promoting gender equality is required. While the DFAT submission considered promoting gender equality an important part of Australia's aid policy, it did not consider the bill necessary:

DFAT considers that its current systems and processes meet the intent of this legislation. As such, DFAT considers that this legislation is not required to ensure that Australia's Official Development Assistance (including humanitarian assistance) promotes gender equality and the empowerment of women and girls.¹

3.2 DFAT's internal processes already appear to meet the requirements of s 4(1) (that in making a decision relating to the provision of ODA an official must have regard to how the provision will contribute to reducing inequality between persons of different gender). This is because *Investment Designs* must include a discussion of how the investment addresses gender equality and women's empowerment. The bill does, however, go further than the current DFAT processes, as *Investment Designs* are only required for investments over \$3 million. As such, there is currently no requirement for officials to consider gender equality for aid investments under \$3 million.

3.3 Similarly, Aid Quality Checks (AQC)s review the performance of aid investments over the previous 12 months, but only apply to investments over \$3 million. DFAT explained:

The approach to aid quality checks, I think, reflects that the department have limited resources, so we focus our monitoring resources on those investments that are of the highest risk and the highest value. They are not always the same. Sometimes low-value investments are also high risk. But our processes involve identification of the level of risk regardless of value, so we are able to pick up a low-value, low-risk investment and low-value, high-risk investments as well. It is really a recognition that, within those limited resources available to the department, we ask: where should we place our largest effort? That is how we have come up with that approach to investments greater than \$3 million.²

3.4 For humanitarian assistance, DFAT does not have a process equivalent to an *Investment Design*, in which issues such as gender are considered ahead of implementation. As such, DFAT does not currently appear to meet the s 4(2) requirement. DFAT's submission argued that its current processes are justified by the

1 Department of Foreign Affairs and Trade, *Submission 5*, p. 2.

2 Mr Mark Palu, DFAT, *Committee Hansard*, 14 August 2015, p. 32.

need for a quick response to humanitarian disasters. It also argued that the risk of Australia's humanitarian assistance having an adverse impact on gender is mitigated by the use of ongoing partners who undergo regular performance reviews which assess the partner's work promoting gender equality.

3.5 With the exception of DFAT, all submitters to this inquiry strongly favoured a legislative approach. Submitters highlighted that similar legislation had been implemented in the United Kingdom. However the UK, unlike Australia, has an overarching legislative framework for its international development spending. Consequently, the UK's *International Development (Gender Equality) Act 2014* is not a standalone piece of legislation, but part of a broader scheme. As CBM Australia's submission pointed out:

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.³

3.6 Submitters indicated their support for Australia to consider implementing a similar framework.⁴ As CBM Australia noted:

...a much larger, broader legislative framework to guide Australia's overseas development assistance would be beneficial for all, with people with disabilities being included in that as well as a driver for change, gender equality as well, both very important issues.⁵

3.7 The committee notes that, one year after the UK's gender equality legislation came into force, an evaluation of how the Act had been implemented was completed.⁶ According to Plan International, the one-year review found improvements as a result of the introduction of the legislation. The legislation led to improvement of systems, processes and reporting, and also indicated where processes might not be as robust as they could be.⁷ Norway and Sweden also appear to be considering similar legislation.⁸

3.8 Many submitters were positive about the current government's approach to promoting gender equality through the aid program, but favoured legislation to strengthen current practice and ensure it remained in place. The Australian Council for International Development's (ACFID) submission stated:

We note that the Gender Equality Bill in large part reflects the Australian Government's existing and commendable policy commitments to promote

3 CBM Australia, *Submission 1*, p. 1.

4 Ms Sabina Curatolo, Oxfam Australia, *Committee Hansard*, 14 August 2015, p. 16.

5 Mr Braedan Hogan, CBM Australia, *Committee Hansard*, 14 August 2015, p. 10.

6 The Great Initiative, 'One Year Down the Road: The Impact of International Development (Gender Equality) Act 2014', <http://www.thegreatinitiative.org.uk/what-we-do-2/international-development-gender-equality-act-2014/>

7 Ms Siobhan McCann, Plan International Australia, *Committee Hansard*, 14 August 2015, p. 23.

8 Marie Stopes International Australia, *Submission 3*, p. 2.

the empowerment of women and girls as part of Australia's international development assistance... We believe the Gender Equality Bill would serve to strengthen these policy commitments, and highlight the Government's ongoing progress in this critical area.⁹

3.9 Similarly, CARE Australia argued that:

Without legislation, priorities are liable to shift with the political mood, and not receive the sustained and long-term investment required to have the most impact. By supporting this bill Australia could cement its leadership on gender equality in the Indian Ocean Asia–Pacific region, where we seek to enhance our diplomatic and commercial leverage and development expertise.¹⁰

3.10 The IWDA agreed that Australia is already largely meeting the requirements of the bill. As stated in their submission, 'There is no downside to requiring the aid program to do what it has been policy to do for many years'.¹¹

Quality of reporting

3.11 Several submitters noted that the quality of reporting by DFAT could be improved. It appears a number of factors have affected the current quality of data and subsequent reporting by DFAT, which are explored below.

Financial data is limited

3.12 Submitters expressed difficulty when attempting to locate data on actual gender equality aid expenditure.¹² As the IWDA explained:

Currently, Australia's aid program only tracks and reports actual expenditure where gender equality and women's empowerment is a specific line item. The 2013-14 APPR for Papua New Guinea shows \$2.9 million of a nearly \$500 million budget, or some 1 per cent of expenditure, as spent on the specific line item 'gender equality and women's empowerment'. No financial information is available about expenditure on activities to mainstream gender equality and women's empowerment elsewhere in the program, the bulk of the aid program's investment in gender equality and women's rights.¹³

3.13 Plan International agreed:

At present, DFAT's reporting on the gender impacts of Australian aid focus largely on headline figures (such as the "number of women survivors of violence receiving services such as counselling") and give only a limited picture of the effectiveness of Australian aid in redressing gender inequality.¹⁴

9 Australian Council for International Development, *Submission 12*, p. 3.

10 CARE Australia, *Submission 14*, p. 3.

11 International Women's Development Agency, *Submission 4*, p. 4.

12 Family Planning NSW, *Submission 7*, pp 4–5.

13 International Women's Development Agency, *Submission 4*, p. 3.

14 Plan International Australia, *Submission 2*, p. 5.

3.14 Submitters considered that DFAT is not currently tracking and reporting all of the key information it needs to realise its commitment to gender equality implementation. The IWDA reasoned:

Without financial information about how much is going to that objective and what kind of expenditure is going to that objective, you do not know whether that lack of progress is because you are not spending enough, you are spending it in the wrong places or you are spending it inefficiently.¹⁵

3.15 The IWDA argued that further reporting is necessary for the government to conduct cost-benefit analyses and any burden would be outweighed by the benefits of having access to complete and detailed information.¹⁶

3.16 Limited by the abilities of financial information systems, DFAT may not currently be able to track expenditure on activities related to promoting gender equality, which are not expressly identified as an objective of a program. Plan International commented:

We think current arrangements with the department do not allow the government to monitor how much of the aid budget is actually spent on advancing gender equality at the point of implementation. At present, it appears that the aid program tracks expenditure that is targeted, has a principal objective, but does not provide information on activities to integrate gender equality objectives in and through mainstream programming...¹⁷

3.17 Submitters speculated how expenditure on aid programs, where gender equality has been specified as an objective, is tracked by the department. DFAT explained that its financial management system can track gender expenditure over the life of a program, but how this occurs still remains unclear. DFAT did not provide a comprehensive response when asked how it substantiates the claim that 'Over 50 per cent of Australia's aid budget is spent on initiatives that promote gender equality':

Ms Moyle: ...The gender spend, as we call it, is the other measure, and you pointed out that over 50 per cent of our aid program either principally or significantly is marked as advancing gender equality. So they are related but they are different measures. We would expect, as our aid policy requires, that all of our investments take account of gender equality in their implementation and they are required to take account of gender equality whether they marked at the beginning of the investment that gender equality was a principal objective, a significant objective or not marked as an objective. They are still required to have plans in place to implement gender equality during the course of the program and to be able to reflect on the gender equality results they have achieved.

15 Ms Joanne Crawford, International Women's Development Agency, *Committee Hansard*, 14 August 2015, p. 18.

16 Ms Joanne Crawford, International Women's Development Agency, *Committee Hansard*, 14 August 2015, p. 18.

17 Plan International Australia, *Committee Hansard*, 14 August 2015, p. 23.

Senator RHIANNON: ...I still do not understand how you can say it has been spent on these initiatives when you have just explained that the process that is undertaken, reflecting self-assessment is at the start of the process. I cannot see how you can use the word 'spent'.

Ms Moyle: I hear you, but the funding is allocated at the time the activity is entered into our aid management system, so the funding flows.

Senator RHIANNON: Is it more correct to say it is the funding allocation for what you are planning on doing rather than actually being spent?

Ms Stutsel: When we establish a new activity or investment, we enter it into our financial management system. We might enter it as a three-year program. And at the point of entering it into the system—so it has been approved and agreed—we enter all of the DAC codes. There are environment codes, gender codes and all sorts of things. During the life of the program, officers are able to go in and alter it, but it is at the start when it is compulsory: you cannot actually start it without entering them. What the system can do is pick up all of those programs that were coded in that way to figure out how much was spent at the end of the financial year. If the program is cut at the end of year one or if it is reduced part-way through, the system will pick up that we programmed it at \$3 million but we cut it to \$2 million. So what did we spend? We spent \$2 million, because that was coded as gender.¹⁸

3.18 Submitters were supportive of the concept of an annual report to be presented to parliament by the minister. The report would track investment, expenditure and performance on gender equality across the aid program. Oxfam Australia elaborated:

We are seeking to suggest that this annual reporting mechanism builds and extends upon the great work that is already being done. It helps to showcase it...Particularly in terms of improvements to the data that is required to make that annual report, we suggest greater tracking of expenditure on actions to integrate gender considerations and to improve gender equality outcomes across the aid portfolio beyond where it is a particular line item or a principal objective. This means where investments are made in so-called mainstream areas that we are able to track more accurately the expenditure needed to achieve gender equality through those mainstream endeavours.¹⁹

3.19 The Fred Hollows Foundation suggested that reporting could be further improved by including an assessment of whether Australia's international aid had a neutral or negative effect on gender equality.²⁰

3.20 Submitters considered that legislation would strengthen the government's approach to promoting gender equality practice and ensure it remained in place. Care Australia argued that:

18 *Committee Hansard*, 14 August 2015, p. 33.

19 Ms Anna Trembath, Oxfam Australia, *Committee Hansard*, 14 August 2015, p. 14.

20 The Fred Hollows Foundation, *Submission 10*, p. 2.

Without legislation, priorities are liable to shift with the political mood, and not receive the sustained and long-term investment required to have the most impact.²¹

3.21 Oxfam Australia agreed:

We have a foreign minister who is, in her words and her deeds, committed to improving gender equality. But we know that that can change over time. For example, over the last couple of years we have no longer seen an aid budget statement brought down by the government. That has resulted in less information coming to the aid sector. Before, this was a ministerial statement which broke down by sector, by region and by program where Australia was putting its aid money.²²

3.22 Moving from commitment to implementation presents its own difficulties. As IWDA recommended, 'Not all of the things that happen to integrate gender are readily captured in monetary terms, but some are. We need to start there and look at how we can build from there.'²³

3.23 It is worth noting that the UK's legislation does not require a stand-alone report on gender but requires that their existing report on aid include reporting on gender.²⁴ DFAT highlighted that although the *Performance of Australian Aid* report is not tabled in parliament, it is still able to be examined as part of the Senate estimates process.²⁵

Collection of household-level data

3.24 Submitters noted that DFAT's poverty data is currently collected at the household-level rather than at the individual level. As gender is unidentified inside a household it is impossible to disaggregate the data for gender initiatives. The ACFID explained:

Despite global consensus on the importance of empowering women, it is difficult to determine the progress made on achieving gender equality. Current approaches to measuring poverty tend to rely on household-level data which fails to identify the unique and diverse challenges faced by women and girls in developing countries. Consistent and rigorous tracking of gender equality expenditure and program performance is vital to ensure policy is based on evidence and that impact is measured and improved.²⁶

3.25 Oxfam Australia agreed:

The challenge is that currently gender datasets in relation to poverty are typically collected at the household level. So we know that on

21 CARE Australia, *Submission 14*, p. 3.

22 Ms Sabina Curatolo, Oxfam Australia, *Committee Hansard*, 14 August 2015, p. 14.

23 Ms Joanne Crawford, International Women's Development Agency, *Committee Hansard*, 14 August 2015, p. 21.

24 Ms Melissa Stutsel, DFAT, *Committee Hansard*, 14 August 2015, p. 32.

25 Mr Mark Palu, DFAT, *Committee Hansard*, 14 August 2015, p. 32.

26 Australian Council for International Development, *Submission 12*, p. 4.

intra-household gender inequality between women and men we are not accurately capturing the potentially disproportionate and different experiences of women in relation to poverty.²⁷

3.26 Monitoring and reporting on aggregated data may unintentionally mask inequalities and render invisible parts of the population.²⁸ As Family Planning stated in their submission:

This is especially important for disempowered women and girls as current approaches to alleviating poverty rely on household-level data that does not identify the unique challenges faced by them.

It is currently difficult to identify Australia's investments in reproductive and sexual health and family planning in the aid program for a number of reasons, including: family planning is often subsumed or grouped into larger categories, Government reporting data formats have varied, and publicly available DFAT documents in recent years do not easily identify expenditure on family planning.²⁹

3.27 DFAT acknowledged that further work was required to close gaps in current data collection:

The sustainable development goals will be a step forward in that regard, because they are advancing 169 targets and a greater number of indicators underneath those. That will no doubt drive a great deal more attention to data and information over the coming years.³⁰

3.28 Although it is continually seeking to improve data collection, DFAT explained it is often difficult to gather comprehensive data. Examples include countries which have poor data-collecting capabilities and fragile political systems, and during a humanitarian crisis where governance has broken down.³¹ As DFAT noted, "Trying to get accurate contemporary data in that context is profoundly difficult, and sometimes impossible."³²

Disclosure of performance reports

3.29 DFAT's submission outlined its performance reporting and how gender equality is assessed in each report. A number of reports are not publically disclosed. During the hearing, DFAT detailed its reasons for not releasing the information:

In terms of partner performance assessments, these are robust and rigorous assessments of the state of our relationship, if you like, with each of our implementing partners, and it is important for us that they are able to be robust and that we can talk about the state of that relationship in an ungarnished way. Publishing those would bring sensitivities and that would

27 Ms Anna Trembath, Oxfam Australia, *Committee Hansard*, 14 August 2015, p. 14.

28 Family Planning NSW, *Submission 7*, p. 4.

29 Family Planning NSW, *Submission 7*, pp 4–5.

30 Ms Sally Moyle, DFAT, *Committee Hansard*, 14 August 2015, p. 34.

31 Dr Lachlan Strahan, DFAT, *Committee Hansard*, 14 August 2015, p. 34.

32 Dr Lachlan Strahan, DFAT, *Committee Hansard*, 14 August 2015, p. 34.

make it difficult for us to be quite so rigorous, and the same applies to multilateral performance assessments and the aid quality checks.³³

3.30 Although AQC's and *Partner Performance Assessments* (PPAs) are kept confidential, their cumulative results are reported within relevant *Aid Program Performance Reports*. This information is also aggregated within the PAA report.³⁴ DFAT explained that:

...the Aid Program Performance Reports—the annual reports prepared for each country and regional program—a lot of the information in those reports is drawn from the Aid Quality Checks and from the Partner Performance Assessments...They aggregate, they synthesise, all the information that is available in these individual reports. They analyse them in a considered way to present findings that are publicly released; the Aid Program Performance Reports are published each year.³⁵

3.31 DFAT further confirmed that all country and regional aid programs will have *Aid Investment Plans* in place and made public by September 2015, but could not advise whether *Investment Designs* would be made public.³⁶

A limited aid budget

3.32 Concerns were raised that imposing further reporting requirements on an already limited aid budget could cause DFAT to spend more money on reporting than actually delivering effective aid. DFAT considered that additional resources would be required to comply with the terms of the legislation:

I just have to say that, every time we have to add another document to that list, it means you have to divert another person off other tasks to do the necessary reporting. We would have to get an idea of what the dimensions of such a report would be before I could give you a sense of the quantity of diverted resources; however, there would be an inevitable impact, and some people in Sally's [Gender] branch would have to spend a chunk of time doing another report. Yes, it would be based upon and fully consistent with the other reports but it is still another task to add to a long list of tasks that my very conscientious but sometimes overworked team are grappling with.³⁷

3.33 CBM Australia responded by arguing that a careful balance needed to be struck:

The level of oversight and accountability that would be induced by a stronger reporting mechanism would benefit not only the public discourse about the outcomes of aid and its effectiveness; it would also shine a light on where things are working and being able to utilise that...As to the aspect of the reduced average staffing level within DFAT and a much reduced aid

33 Ms Sally Moyle, DFAT, *Committee Hansard*, 14 August 2015, p. 35.

34 Ms Sally Moyle, DFAT, *Committee Hansard*, 14 August 2015, p. 35.

35 Mr Mark Palu, DFAT, *Committee Hansard*, 14 August 2015, p. 35.

36 Mr Mark Palu, DFAT, *Committee Hansard*, 14 August 2015, p. 30.

37 Dr Lachlan Strahan, DFAT, *Committee Hansard*, 14 August 2015, p. 32.

program, I think that a balance needs to be struck. We do not want reporting to be burdensome or reporting for reporting's sake.³⁸

3.34 Ms Crawford from the IWDA argued that the burden of extra reporting would be outweighed by the benefits of having access to critical information:

If you analyse this in cost-benefit terms, we are talking about a small marginal addition to the reporting in order to deliver information about the bulk of the aid program so that you can see what it is doing and manage it effectively...It is hard to imagine that the costs of the kind of additional reporting that you might want to do is not going to be outweighed, in terms of the additional insight it gives you to the bulk of the aid program and a greater ability to manage that effectively.³⁹

3.35 ACFID reflected:

...the department is already doing it. I think that is the point. Would more money be expended? Perhaps. But there needs to be more money expended now on data collection and recording outcomes to fulfil the existing provisions under policy anyway, so I do not think an additional requirement for whatever data that is already being gathered to be presented to parliament would change that.⁴⁰

3.36 Although it would be less secure, a directive to DFAT to implement reporting improvements internally would achieve similar outcomes without requiring legislation.⁴¹

Weaknesses in the bill

3.37 Although many submitters supported the bill, a number of weaknesses were identified during the committee's hearing. First, the responsibility for considering issues of gender equality with regards to development assistance is placed on the 'Commonwealth aid official', who would be unidentifiable for the purposes of accountability. In the UK, the responsibility sits with the 'Secretary of State', which does not preclude officials from considering issues, but provides accountability through the estimates process by placing responsibility with the Minister.

3.38 Second, it was also noted that a difference between the UK bill and this bill 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 too broad and go to routine departmental decisions that are made which may become burdensome on the decision maker. CBM Australia pointed out that officials, for example, may have to assess

38 Mr Braedan Hogan, CBM Australia, *Committee Hansard*, 14 August 2015, p. 10.

39 Ms Joanne Crawford, International Women's Development Agency, *Committee Hansard*, 14 August 2015, p. 18.

40 Ms Priyanka Sunder, ACFID, *Committee Hansard*, 14 August 2015, p. 5.

41 Ms Joanne Crawford, International Women's Development Agency, *Committee Hansard*, 14 August 2015, p. 19.

whether stationery supplies would affect gender equality.⁴² However, as stationery costs fall under a separate budget, DFAT confirmed this would not be so.

3.39 Third, clause 5(1) of the bill requires the Minister for Foreign Affairs to present to each House of Parliament 'a report setting out how, during the previous financial year, the Commonwealth used international aid to promote gender equality in recipient countries'. The intention is to increase the availability and quality of information on how Australian aid funding is being spent in promoting gender equality.

3.40 However, the bill itself does not contain guidance on the type of information to be made available, or the desired level of detail. While the legislation would require DFAT to table the information as a standalone report within the timeframe set out in the bill, nothing in the bill appears to require the report to contain more detail than what is currently included in the department's *Annual Report*, its *Performance of Australian Aid* report or its *Aid Program Performance Reports*.

3.41 The UK legislation is similarly broad and does not provide guidance on how the provisions should be implemented. Plan International noted that in the UK, implementation details were formed at a later date after discussions between the Department for International Development and the sector were carried out.⁴³

3.42 Fourth, even though gender equality is an objective of the bill, no definition is provided. Although concerns were raised that a definition could limit the intent behind the legislation, submitters were supportive of including a definition.⁴⁴ The IWDA cautioned that gender is not a binary, and any definition should have consideration for future developments in gender identity:

...There are a range of other genders and identities, and there is an increasing focus on the marginalisation experienced by people of diverse gender identity, and I think we need to recognise that point in time so that, in putting a definition of gender equality into legislation like this, we are not locking in something that is backward looking, as opposed to recognising where we are. For example, some of the definitions around gender equality that exist will tend to talk in terms of men and women and boys and girls, and I think this is a moment to look at how we might move beyond that so that wording is more inclusive of the diversity that exists in the population.⁴⁵

3.43 DFAT advised that any definition of gender equality and how it is applied across the aid program would be guided by existing policy:

42 Mr Braedan Hogan, CBM Australia, *Committee Hansard*, 14 August 2015, p. 8.

43 Ms Siobhan McCann, Plan International Australia, *Committee Hansard*, 14 August 2015, pp 24–25.

44 Ms Anna Trembath, Oxfam Australia, *Committee Hansard*, 14 August 2015, p. 16.

45 Ms Joanne Crawford, International Women's Development Agency, *Committee Hansard*, 14 August 2015, p. 19.

In terms of the definition in the legislation, it would be interpreted, of course, subject to our aid policy, our gender strategy and the guidance that we give across the department to our program-managing colleagues...

We need to give a fair degree of flexibility about this because, while we have given clear guidance about what gender equality means and what the gender equality issues that we focus on are, it is also still important that each investment takes account of the particular context that it is working in. Gender equality and what we can expect to achieve on it will be different from Afghanistan to Papua New Guinea to Vietnam. We know that gender equality is best advanced in the absolutely context-specific situation, and we need to attach ourselves to that context. I think that the definitions that are in the legislation would have to be guided by our overarching strategic positions and then by the particular context on the ground.⁴⁶

Committee view

3.44 The committee agrees with submitters that the Australian aid program should promote gender equality. Gender equality is an important development goal in its own right. It is an essential pre-condition to achieving progress toward other development goals and should be taken into account (mainstreamed) across all aid investments regardless of objective.

3.45 The committee also agrees that more could be done to improve the public's understanding of Australia's official aid program and what is being achieved, including information being more accessible on DFAT's website. However, the committee is not convinced that legislation is required to meet the intentions of this bill. The committee does not believe a persuasive case was made to support the introduction of a standalone piece of legislation which addresses two specific aspects of Australia's official aid program.

3.46 The committee understands that DFAT has already implemented a number of initiatives to improve the gender outcomes of aid investments. First, the Gender Target, which has been in place since June 2014, requires that at least 80 per cent of investments effectively address gender issues in their implementation. Second, a new gender fund and a new gender branch are being created to ensure visibility and coherence of DFAT's gender work across the department.⁴⁷

3.47 Third, DFAT's *Aid Investment Plans, Investment Designs, Aid Quality Checks, Partner Performance Assessments, Multilateral Performance Assessments and Humanitarian Response Aid Quality Checks* already mainstream gender across much of the Australian aid program. The committee is aware that it is a reflection of DFAT's finite resources that these processes are only applied to investments over \$3 million.

3.48 The committee considers that gaps in gender data and subsequent reporting can be attributed to a number of factors, including DFAT's own limited resources,

46 Ms Sally Moyle, DFAT, *Committee Hansard*, 14 August 2015, p. 31.

47 Dr Lachlan Strahan, DFAT, *Committee Hansard*, 14 August 2015, p. 28.

privacy obligations to implementing partners and the poor data collection capabilities of many countries. As these factors are not easily mitigated, the department is somewhat restricted in its ability to close the gaps.

3.49 However, the committee does believe that DFAT, to some degree, could improve its financial reporting on gender-specific expenditure. While the *Annual Report* and PAA do address the question of how Australian aid promotes gender equality, there is limited financial information available which effectively determines Australia's impact on gender equality.

3.50 The committee recognises that DFAT's limited capacity affects its scope for reporting; however the benefits of identifying gender-specific expenditure data would appear to outweigh the cost. It is worth considering whether DFAT could capture and track those aid investments with specific gender outcomes.

3.51 While the committee does not believe it is necessary for DFAT to produce a separate report, it does see merit in releasing more information to the public. The department's *Annual Report*, PAA and APPRs provide comprehensive information on aid investments, however these reports are not widely accessed. DFAT conceded it needed to better promote its existing aid work to the Australian public and was considering ways it could communicate its efforts in a more accessible way.⁴⁸

3.52 Notably, DFAT is endeavouring to make all *Aid Investment Plans* public by the end of September 2015. The committee encourages DFAT to also make *Investment Designs* publically available, unless there are good reasons for withholding such information. Also, DFAT is currently developing a gender equality strategy which will draw together the work being done over three elements of the integrated department's work: development program, foreign policy and economic diplomacy.⁴⁹

3.53 The committee notes that some operational aspects of the bill may have unintended consequences. For example, the broad threshold of the bill may capture superfluous activities and become burdensome on the decision maker.

3.54 The committee is also wary that the bill's provisions may affect more departmental officers than anticipated, noting that gender work does not only reside with the gender section, but extends across the department. For example, some gender programs are not delivered directly by the gender section but by geographic divisions. Officers from geographic divisions implementing these projects receive training in the skills required to deliver programs effectively, with the gender section providing a specialist support service.⁵⁰

3.55 While similar legislation has been enacted in the United Kingdom, it is an element of a broader legislative framework pertaining to the UK's aid program. The committee is not convinced that a legislative approach makes sense in Australia in the absence of a broader legislative framework. If an overarching legislative framework

48 Dr Lachlan Strahan, DFAT, *Committee Hansard*, 14 August 2015, p. 30.

49 Dr Lachlan Strahan, DFAT, *Committee Hansard*, 14 August 2015, p. 28.

50 Dr Lachlan Strahan, DFAT, *Committee Hansard*, 14 August 2015, p. 28.

for Australia's aid program were to be considered in the future, a requirement to have regard to gender as part of such an approach may well be appropriate.

Recommendation 1

3.56 The committee recommends that the bill not be passed.

**Senator Chris Back
Chair**

