

The Senate

Foreign Affairs, Defence and Trade
Legislation Committee

International Aid (Promoting Gender
Equality) Bill 2015

September 2015

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Chapter 1

Introduction

Referral and consideration of the bill

1.1 The International Aid (Promoting Gender Equality) Bill 2015 was introduced as a private senators' bill by Senator Rhiannon on 5 March 2015.¹ The Explanatory Memorandum for the bill states that:

[The bill] directs Commonwealth aid officials to consider the impact of any official development or humanitarian assistance in reducing gender equality.²

1.2 In her second reading speech, Senator Rhiannon argued that:

The measures set out in this Bill are needed to help recalibrate Australian aid to meet the needs of women and girls in low income countries. In some cases, projects with the simple aim of increasing economic activity may actually exacerbate gender inequality.³

1.3 Having originally been referred to the Legal and Constitutional Affairs Legislation Committee,⁴ on 12 May 2015 the bill was referred to the Senate Foreign Affairs, Defence and Trade Legislation Committee for inquiry and report by 17 June 2015.⁵ The deadline for reporting was extended until 17 September 2015.⁶

1.4 The reasons for referral initially cited by the Selection of Bills Committee were:

Two of the Millennium Development Goals (3 and 5) state the importance of gender equality and the empowerment of women and girls. Our Foreign Minister has stated a recognition that the empowerment of women and girls is fundamental to promoting economic growth and stronger aid-recipient communities.

An inquiry offers the chance to investigate the following:

- Australia's official development and humanitarian assistance does not recognise that simply increasing economic activity in the recipient country fails to address the specific historical and cultural bases for gender equality.
- There is no legislated requirement that gender equality be considered in the delivery of aid programs, regardless of any stated intention.

1 *Journals of the Senate*, 5 March 2015, pp 2261–2262.

2 *Explanatory Memorandum*, p. 2.

3 Second reading speech, *Senate Hansard*, 5 March 2015, p. 1287.

4 *Journals of the Senate*, 26 March 2015, p. 2459.

5 *Journals of the Senate*, 12 May 2015, p. 2557.

6 *Journals of the Senate*, 25 June 2015, p. 2831.

- In some cases, projects with a simple aim of increasing economic activity may indeed exacerbate these problems.⁷

Operation of the bill

1.5 The bill has two substantive provisions. Clause 4 creates a duty for Commonwealth aid officials to have regard to how the provision of official development assistance will contribute to reducing inequality between persons of different gender. Commonwealth aid officials who make a decision relating to the provision of humanitarian assistance must have regard to any gender-related differences in the needs of those affected by the disaster or emergency so that those with specific needs can be accommodated.⁸

1.6 Clause 5 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'. This report is to be presented annually, within 15 sitting days after the end of the financial year.

Conduct of inquiry

1.7 The committee advertised the inquiry on its website. The committee also wrote to individuals and organisations likely to have an interest in the bill, drawing their attention to the inquiry and inviting them to make written submissions.

1.8 The committee received 16 submissions to the inquiry. These submissions are listed at Appendix 1, and are available on the committee's website. The committee held a public hearing on 14 August 2015. Witnesses who appeared at the public hearing are listed at Appendix 2.

Acknowledgements

1.9 The committee thanks all those who assisted with the inquiry.

7 Selection of Bills Committee, *Report No. 4 of 2015*, 6 March 2015, Appendix 13.

8 International Aid (Promoting Gender Equality) Bill 2015, s. 4.

Chapter 2

Background

Australia's aid framework

2.1 On 18 June 2014, the Foreign Minister launched the government's new foreign aid policy and performance framework.¹ These documents establish the rationale, direction and performance framework which underpin Australia's aid program. The purpose of the aid program is to promote Australia's national interests by contributing to sustainable economic growth and poverty reduction. The program recognizes that economic growth is the most sustainable way to reduce poverty and lift living standards.²

2.2 Australia's aid focuses on two development outcomes: strengthening private sector development and enabling human development. The program centres on the Indo-Pacific region and invests in six priority areas which address regional barriers to growth and key poverty challenges.³ These six priority areas include:

- infrastructure, trade facilitation and international competitiveness;
- agriculture, fisheries and water;
- effective governance;
- education and health;
- building resilience: humanitarian assistance, disaster risk reduction and social protection; and
- gender equality and empowering women and girls.

2.3 In 2013–14, total Australian official development assistance (ODA) was an estimated \$5 billion. The Department of Foreign Affairs and Trade (DFAT) was responsible for managing \$4.3 billion of that total with the balance delivered by other government agencies.⁴

Gender equality and international development

2.4 All submissions received by the committee agreed that promoting gender equality is integral to delivering effective ODA.

2.5 Women and girls face many challenges due to gender inequality, including reduced access to services such as education, health care and transport; unequal property rights and reduced access to financial services; and exposure to gender-based

1 *Australian aid: promoting prosperity, reducing poverty, enhancing stability and Making Performance Count: enhancing the accountability and effectiveness of Australian aid.*

2 Department of Foreign Affairs and Trade, *Annual Report 2013–14*, p. 134.

3 Department of Foreign Affairs and Trade, *Annual Report 2013–14*, p. 134.

4 Department of Foreign Affairs and Trade, *Annual Report 2013–14*, p. 136.

violence and abuse.⁵ Gender inequality also carries a significant financial cost: women's limited access to employment has been estimated to cost governments in the Asia–Pacific region \$US42–47 billion in potential GDP annually, while the poor education of girls is said to be costing the region up to \$US30 billion annually.⁶

2.6 Women and girls disproportionately bear the burden of poverty.⁷ Ninety-nine per cent of deaths related to pregnancy or childbirth are preventable, but the needs of women remain a low priority in many countries.⁸ Disability is also more prevalent among women: 19.2 per cent of women aged 18 years or over live with a disability compared to 12 per cent of men worldwide.⁹ The Fred Hollows Foundation claimed that over 60 per cent of people living with avoidable blindness and severe vision impairment are women.¹⁰

2.7 Women also often bear the brunt of humanitarian disasters. The UN estimates that women and children account for more than 75 per cent of refugees and displaced people.¹¹ A study commissioned by Plan International in Africa estimated that women and children are 14 times more likely than men to die in a natural disaster.¹²

2.8 The significance of the issue is reflected in the international aid architecture. Millennium Development Goal (MDG) 3 is to 'Promote Gender Equality and Empower Women'.¹³ Once the MDGs expire, gender equality will likely be included in the post-2015 development framework known as the Sustainable Development Goals (SDG). The draft of SDG Goal 5 currently reads 'Achieve gender equality and empower all women and girls'.¹⁴

2.9 The importance of promoting gender equality is certainly clear in the Asia–Pacific region, where Australia's aid investments are focused. Of the 42 countries with data in the Asia–Pacific region, only seven will meet the target of reducing maternal deaths by three-quarters.¹⁵ The Pacific has the highest rates of violence against women of any region in the world: in Kiribati, the Solomon Islands and Vanuatu, between 60–70 per cent of women report experiencing some form of domestic violence.¹⁶

5 Australian Council for International Development, *Submission 12*, p. 5.

6 International Women's Development Agency, *Submission 4*, p. 1.

7 CARE Australia, *Submission 14*, p. 2.

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

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

10 The Fred Hollows Foundation, *Submission 10*, p. 1.

11 Australian Council for International Development, *Submission 12*, p. 5.

12 Plan International Australia, *Submission 2*, p. 3.

13 United Nations, 'Millennium Development Goals', <http://www.unmillenniumproject.org/goals/>

14 United Nations, 'Proposal for Sustainable Development Goals', <https://sustainabledevelopment.un.org/focussdgs.html>

15 Family Planning NSW, *Submission 7*, p. 3.

16 World Bank, 'Raising awareness of women in the Pacific', <http://www.worldbank.org/en/news/feature/2012/11/25/raising-awareness-of-violence-against-women-in-the-pacific>

Gender equality improves other development goals

2.10 Gender equality is not only an important development goal in its own right, but it is also essential to achieving other development goals. Investing in women has been shown to improve other development outcomes, as women have been found to be more likely to invest in families and communities than men, leading to improvements in other development indicators (for example, improved child health and education).¹⁷

2.11 Ensuring women are educated and empowered to participate in the economy has clear economic benefits. Countries with high gender equality tend to have lower rates of poverty.¹⁸ Studies have demonstrated that increasing the number of girls benefiting from education has a positive effect on a country's per capita economic growth.¹⁹ Oxfam's submission stated that: 'Over the past 30 years no other indicator has demonstrated a greater impact on development outcomes than gender equality'.²⁰

2.12 CARE Australia's submission agreed:

We prioritise gender not only because too often, women and girls suffer disproportionate levels of poverty, violence and injustice; not only because this inequality and injustice has persisted for far too long; but also because the overwhelming evidence from our 70 years of experience in development work demonstrates that investing in women and girls is critical to breaking the cycle of poverty and leaving lasting, sustainable and self-sustaining change.²¹

2.13 Family Planning NSW's submission further explained:

Gender equality is a pre-condition for advancing development and reducing poverty, as empowering women results in wider benefit for their families and communities through improved health and productivity.²²

Mainstreaming gender equality

2.14 Effective consideration of gender is crucial, not only in targeted programs specifically aimed at promoting gender equality, but in all aid programs—a practice known as 'mainstreaming' gender across the aid program. This is because, if gender is not taken into account, development interventions can actually have negative impacts on gender equality.

2.15 CARE Australia explained that it is important to consider, for example, whether an investment in training for women exposes them to any risk of intimate partner violence, and if so, to mitigate that. It is also important to consider, for example, how a natural disaster or crisis might prevent men from being the family

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

18 International Women's Development Agency, *Submission 4*, p. 1.

19 Plan International Australia, *Submission 2*, p. 2.

20 Oxfam Australia, *Submission 11*, p. 2.

21 CARE Australia, *Submission 14*, p. 2.

22 Family Planning NSW, *Submission 7*, p. 3.

breadwinners, as might be expected of them by society or tradition, and how that might lead to depression, anxiety or violence.²³

2.16 Plan International agreed that:

...well intentioned programs designed to help women and girls can inadvertently reinforce gender stereotypes which limit women's and girls' ability to participate within society. In Plan's experience, in order to be effective, even programs whose primary aims are unrelated to the promotion of gender equality (ie climate change adaptation, water, sanitation and hygiene (WASH) or youth economic empower projects etc) recognise the gender implications of their activities and build in a gender perspective from the beginning.²⁴

2.17 The IWDA explained the importance of mainstreaming gender:

The factors that contribute to the perpetuation of gender inequality are often invisible – acts of omission, of failing to make visible or count, or give specific consideration to how circumstances, interests, needs and priorities vary by gender.²⁵

2.18 Marie Stopes International supported the approach of mainstreaming gender across all development initiatives regardless of objective, which 'would see much better outcomes for women and girls across the developing world.'²⁶

2.19 Gender is also being mainstreamed across the non-government aid sector. World Vision's submission stated:

We recognise that transformative changes to gender norms cannot occur through siloed approaches alone, and that efforts to achieve gender equality must be embedded in our full range of programming: from launching a 'gender and water' handbook through a WASH program in Sri Lanka to supporting the delivery of gender and Islam training for imams in Afghanistan in order to foster more inclusive political participation.²⁷

2.20 In its submission, DFAT agreed that, '...it is important to ensure gender equality and women's empowerment are effectively integrated into programming and clearly reported.'²⁸

The Australian government's approach

2.21 DFAT's submission indicated it has a number of practices in place to promote gender equality, including the appointment of an Ambassador for Women and Girls, a commitment to invest in programs targeted at promoting gender equality, establishment of a new Gender Equality Fund, and ensuring Australia's aid program and international diplomatic efforts are aligned.

23 CARE Australia, *Submission 14*, p. 2.

24 Plan International Australia, *Submission 2*, p. 4.

25 International Women's Development Agency, *Submission 4*, p. 1.

26 Marie Stopes International Australia, *Submission 3*, p. 3.

27 World Vision Australia, *Submission 6*, p. 1.

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

2.22 Clause 4 of the bill creates a duty for Commonwealth aid officials to have regard to gender considerations when providing ODA including humanitarian assistance. DFAT explained that its current target requires at least 80 per cent of investments, regardless of their objectives, to effectively address gender issues in their implementation. This essentially requires that gender be mainstreamed across DFAT's development initiatives.

2.23 In order to achieve this 80 per cent target, DFAT employs the following processes:

- *Aid Investment Plans (AIPs)*: AIPs set out the direction for a country or regional program and link objectives, aid programming and results. All country and regional programs will have AIPs in place by September 2015. AIPs must include consideration of the promotion of gender equality and women's empowerment.
- *Investment Design*: For all aid investments over \$3 million, staff must prepare an Investment Design document. As part of this process, staff must consider how the investment addresses gender equality and women's empowerment. All Investment Designs must meet DFAT's quality requirements before proceeding to implementation.
- *Aid Quality Checks (AQCs)*: An AQC is a report prepared annually for all investments over \$3 million which assesses the performance of aid investments over the preceding twelve months. One of the eight criteria on which every investment is judged is gender equality. Data from AQCs inform whether DFAT is meeting the 80 per cent gender target.
- *Aid Program Performance Reports (APPRs)*: APPRs are annual public reports that assess the performance of the aid program at the country or regional level. Each APPR includes comments on the program's progress toward promoting gender equality.²⁹

2.24 These processes ensure gender equality is incorporated into planning at both the country/regional level (through AIPs) and at the level of individual investments (through Investment Designs); and is assessed after implementation both at the country/regional level (through APPRs) and at the level of individual investments (through AQCs).

Promoting gender equality through humanitarian assistance

2.25 DFAT uses different processes for ensuring gender is considered in the provision of humanitarian assistance:

When a crisis hits, response decisions must be made quickly to enable our humanitarian assistance to reach those in need as quickly as possible, ensuring the most lives are saved... Rather than reassess the ability of our partners to deliver on gender equality outcomes at the onset of a crisis, we have standing arrangements with partners who we know will deliver well

29 Department of Foreign Affairs and Trade, *Submission 5*, pp 4–5.

on gender equality outcomes that ensure we can get gender-sensitive relief to those in need quickly and effectively.³⁰

- 2.26 DFAT ensures gender is mainstreamed in humanitarian assistance by:
- including commitments to gender equality and protection through policy in its *Humanitarian Response Policy and Protection in Humanitarian Action Framework*;
 - assessing the ability of partners and investments to achieve gender equality outcomes and protection in humanitarian action through performance assessments; and
 - for humanitarian investments over \$3 million, a Humanitarian Response Aid Quality Check (HAQC) is conducted to assess the performance of humanitarian response investments. HAQCs include an assessment of the investment's ability to make a difference to gender equality and empowering women and girls. HAQCs also include a criterion on protection, which assesses the investment's performance in preventing and responding to gender-based violence.³¹

Reporting on promoting gender equality

2.27 While DFAT's submission indicated that a number of different types of reports are regularly produced which address the use of international aid to promote gender equality, the most relevant to this inquiry are DFAT's *Annual Report*, the *Performance of Australian Aid* report (PAA) and *Aid Program Performance Reports*.

2.28 The DFAT *Annual Report*, which is tabled in parliament at the end of every financial year, provides a high-level overview of the work of the department in a given financial year, including delivery of Australia's aid program. In the 2013–14 *Annual Report* the use of international aid to promote gender equality was addressed in the following places:

- (a) 'Gender equality and empowering women and girls' is a subheading under 'Aid overview and outlook'. The section takes up less than half a page. Aside from the claim that 'an estimated \$2.2 billion of the department's total aid investments contributed to promoting gender equality and women's empowerment' the information under this section is generalised and lists examples of work being undertaken rather than creating a comprehensive picture of the department's assistance;³²
- (b) 'Protection in humanitarian action – responding to gender-based violence' (a sub-heading in the section of the report entitled 'ODA emergency, humanitarian and refugee program') provides an overview of the department's work on Sexual and gender-based violence;³³

30 Department of Foreign Affairs and Trade, *Submission 5*, p. 6.

31 Department of Foreign Affairs and Trade, *Submission 5*, p. 7.

32 Department of Foreign Affairs and Trade, *Annual Report 2013–14*, p. 138.

33 Department of Foreign Affairs and Trade, *Annual Report 2013–14*, p. 179.

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- (c) 'Gender equality' (a sub-section under 'Multilateral policy, legal and environment') outlines the department's work promoting gender equality. This section takes up around a page and, as with the section mentioned under (a), the information is generalised and lists specific examples of work rather than creating a comprehensive picture. At the end of this section is a text box featuring a profile of the work of the Ambassador for Women and Girls;³⁴ and
 - (d) references to work on gender equality in the aid program are found throughout the rest of the report.

2.29 The PAA report is produced annually by DFAT and provides an overview of how Australia's aid program has performed over the past year. The PAA 2013–14 report discusses the promotion of gender equality in the following places:

- (a) a section entitled 'Target 4: Empowering women and girls', which is a little over a page long, assesses the government's performance against the Gender Target;
- (b) a section entitled 'Gender equality and empowering women and girls' is two pages long, and provides additional information than that included in the *Annual Report*. This section includes tracking of the proportion of aid investments with a satisfactory rating for the gender criterion, and a break down as to what proportion of aid investments have gender as a principal objective or significant objective;
- (c) an additional page-long text box on an Office of Development Effectiveness report on support for women's economic empowerment;³⁵ and
- (d) references to work on gender equality in the aid program are found throughout the rest of the report.

2.30 As mentioned previously, APPRs are annual public reports which assess the performance of aid programs at the country or regional level and include comments on progress made toward promoting gender equality.

34 Department of Foreign Affairs and Trade, *Annual Report 2013–14*, pp 94–96.

35 Department of Foreign Affairs and Trade, *Performance of Australian Aid 2013-14*, pp 59–61.

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**

Dissenting Report

Senator Lee Rhiannon for the Australian Greens

Introduction

1.1 The Greens' *International Aid (Promoting Gender Equality) Bill 2015* seeks to incorporate into law requirements that the impact of aid or humanitarian assistance on gender equality should be considered; and that the Minister for Foreign Affairs should report annually on how Australia's aid expenditure promotes gender equality.

1.2 Women and girls are affected by many societal measures that inhibit or actively threaten their physical, emotional, societal or economic wellbeing. This is magnified and compounded for those women and girls in developing countries who disproportionately suffer the burdens of poverty.

1.3 It is well recognised that the removal of gender inequality is a prerequisite for achieving other development aims. It is a given that investment in the social and economic wellbeing and empowerment of a community's women and girls will also see better economic and productivity outcomes for that whole society.

1.4 Conversely, without specific consideration of how the provision of aid affects gender equality and power relations, international aid that only seeks to stimulate economic activity might in fact exacerbate the effects of inequality already embedded within a country's own historical and cultural framework.

1.5 The efficient and effective expenditure of aid funding to alleviate poverty is thus dependent on alleviation of gender inequality and facilitation of women's empowerment. In this, ensuring that gender equality is indeed an embedded consideration in government decisions, monitoring and reporting of overseas development and humanitarian assistance is not only an ethical but also an economic imperative.

1.6 These issues are comprehensively discussed in the submissions to this inquiry and in the majority report. It is not intended to reiterate the report's summary of these important issues, and its acknowledgement of the importance of promoting gender equality within Australia's aid program.

1.7 However, as noted by all 14 NGO submissions to the inquiry and succinctly summarised by Plan International, 'gender equality is so integral to effective development and responding to humanitarian disasters that this should be recognised and enshrined in law'.

1.8 The importance of gender equality is recognised in Millennium Development Goal 3, to 'promote gender equality and empower women', and in the proposed Sustainable Development Goal 5, to 'achieve gender equality and empower all women and girls'.

1.9 These considerations form the basis of the *International Aid (Promoting Gender Equality) Bill 2015*.

1.10 The Greens recognise the need for consideration of outcomes for people suffering disabilities in the delivery of aid as described by CBM Australia, and undertake to address this important issue in its own forum.

1.11 We thank those who made submissions and who appeared as witnesses to this inquiry. We also thank participating Senators and the Committee for their work on this inquiry.

Ensuring ongoing commitment to gender equality

1.12 The Greens agree with the wide recognition of the current Minister for Foreign Affairs' commitment to promotion of gender equality in the government's aid program. As iterated in the Committee report, the importance of effective consideration of gender is 'crucial', not only in targeted programs but in the 'mainstreaming' of gender across all aid programs. The creation of a new gender fund and gender branch to coordinate DFAT's work in this area is a positive step providing it facilitates robust, effective and transparent work to progress gender equality in aid programs.

1.13 The government's requirement that a minimum of 80 per cent of all aid investments address gender equality in their implementation is commended. The Greens add that such a consideration should be applied to all aid program investments, which this bill seeks to do.

1.14 It was recognised that this bill is closely aligned with the stated priorities of the government, however the Department of Foreign Affairs and Trade and the majority Committee report disagreed with the NGO submissions that enshrining in legislation gender equality priorities and reporting thereof is necessary.

1.15 The Australian Greens dissent from this view, and remind the Committee that all 14 NGO submissions were unequivocal that without any legislative basis, the consideration of gender equality in the delivery of aid programs by any future minister or government is not assured.

1.16 This bill would assure ongoing commitment to an effective and meaningful consideration of gender equality across all aid programs, and by all future ministers and governments. It promises to not only enshrine this commitment in law, but make a symbolic statement of the Australian government's commitment to gender equality.

Reporting

1.17 Submissions acknowledged that DFAT already collects data on gender, however it is clear that the level of transparency and publically available information needs to be improved.

1.18 A number of shortfalls were commonly identified in the current reporting regime.

1.19 DFAT reports provide brief and non-explicit reporting on the progress of advancing gender equality and empowerment of women and girls through Australia's aid expenditure. The lack of specifics to be reported against and lack of robust measurement reporting detail removes mechanisms to ensure gender equality outcomes across the aid program are meaningfully considered and improved. Indeed

current reporting measurements on gender resulting in 'satisfactory' scores for projects are not at all focused on addressing gender equality.

1.20 Aggregated data does not provide the detail required to track gender equality outcomes and signpost where greater effort or adjustment is needed or learnings applied. Aggregation of data at a household level also disguises issues of gender inequality within the household and where a woman's wellbeing may be suffering despite improved household level measures such as rising income.

1.21 With this in mind, the current omission of smaller projects under \$3 million in expenditure from consideration of gender equality and women's empowerment is a gap that requires addressing.

1.22 The collection and reporting of data only when gender equality and women's empowerment is a specific line item renders it impossible to determine expenditure and outcomes on gender equality initiatives.

Recommendations

1.23 The Greens recognise that Australia lacks an overall legislative basis for its expenditure and delivery of aid and development programs, and agree with submissions that such overarching legislation is preferable. We also agree that other development goals should also be covered by legislation.

1.24 However this is beyond the remit of this particular bill.

1.25 A number of improvements to the bill were identified and recommendations made to this end. As noted by Childfund, a key challenge of the Bill is to ensure that not only program design, but program delivery and implementation include a gender focus, and that proper monitoring and evaluation can be established.

1.26 The Greens thank submitters for this feedback and incorporate suggested improvements in the following recommendations:

- (a) That the bill be supported and passed with amendments that ensure the following:

Definitions

- (b) That gender equality be defined with greater clarity.
- (c) That the definition of Official Development Assistance refer to the OECD's Development Assistance Committee's definition for ODA that includes the DAC List of ODA recipient countries.
- (d) That the threshold of the bill's application be clarified to ensure that it applies to 'decisions in regards to the provision of aid assistance' rather than 'relating to the provision of assistance'.

Consultation

- (e) That in the implementation of the bill, civil society is consulted to ensure that gender considerations, including those of all children, are incorporated into the design and implementation of the aid program.¹
- (f) Consultation with organisations experienced with addressing gender equality, and in the delivery of aid and development programs to ensure gender equality outcomes are appropriately measured in the aid program.

Decision-makers & application

- (g) That the duty on decision-makers 'to have regard to' gender equality is clarified to ensure that consideration should be made with the intent of actively making decisions that promote or support gender equality.²
- (h) That a Commonwealth aid official who proposes to make a decision relating to the provision of humanitarian assistance must, in making the decision, recognise gender differences, inequalities and capacities of those affected by the disaster or emergency and respond to them.³
- (i) That the bill applies to all government departments and agencies involved in the delivery of aid programs, and includes those programs focused on infrastructure, trade and private sector-led growth initiatives.⁴
- (j) That the bill also similarly applies to non-government bodies including private enterprise, in the delivery of aid programs.

Measurements and reporting

- (k) That rigorous baseline and endline measurements are developed so that changes in gender equity resulting from any aid program can be transparently reported, including decisions that have been assessed as having a neutral or negative effect on gender equality.
- (l) That reporting on progress data is disaggregated to ensure that inequalities and inequities are not masked, particularly where household-level data is concerned, and that monitoring and evaluation of gender outcomes is designed to track actual changes in women's lives.
- (m) That disaggregation of data also includes identifiable line items such as family planning, addressing of disabilities and other outcomes as advised by the consultation phase of implementing this bill.
- (n) That measurement is applied consistently to all projects, regardless of organisational partners' own mechanisms and capacity.⁵

1 World Vision Australia, *Submission 6*.

2 The Fred Hollows Foundation, *Submission 10*.

3 Oxfam Australia, *Submission 11*.

4 Family Planning NSW, *Submission 7*.

- (o) That reporting measures include evidence that gender has been considered when making ODA planning or budgeting decisions.
- (p) That annual reporting includes how government has advanced Goal 5 of the Sustainable Development Goals.

Responsibility

- (q) That responsibility for ensuring the aims of the bill lie with the Minister.

Senator Lee Rhiannon

Appendix 1

Public submissions

- 1 CBM Australia
- 2 Plan International Australia
- 3 Marie Stopes International Australia
- 4 International Women's Development Agency
- 5 Department of Foreign Affairs and Trade
- 6 World Vision Australia
- 7 Family Planning NSW
- 8 Law Institute of Victoria
- 9 ActionAid Australia
- 10 The Fred Hollows Foundation
- 11 Oxfam Australia
- 12 Australian Council for International Development
- 12.1 Supplementary
- 13 Women's International League for Peace and Freedom (WILPF) Australia
- 14 CARE Australia
- 15 WaterAid
- 16 ChildFund Australia

Appendix 2

Public hearings and witnesses

Friday 14 August 2015, Canberra

Australian Council for International Development

Mr Marc Purcell, Executive Director

Ms Priyanka Sunder, Government Relations Adviser

CBM Australia

Mr Braedan Hogan, Policy Officer

Oxfam Australia

Ms Sabina Curatolo, Head of Government Relations

Ms Jenny Wells, Government Relations Coordinator

Ms Anna Trembath, Senior Gender Advisor

International Women's Development Agency

Ms Joanne Crawford, Senior Research and Policy Advisor

Plan International Australia

Ms Siobhan McCann, Policy & Engagement Manager

Department of Foreign Affairs and Trade

Dr Lachlan Strahan, First Assistant Secretary, Multilateral Policy Division

Mr Steve Darvill, Director, Humanitarian Response Branch

Ms Melissa Stutsel, Director, Gender Equality Section

Mr Mark Palu, Director, Performance Benchmarks Implementation and Support

Ms Sally Moyle, Principal Sector Specialist (Gender)

Ms Sarah Goulding, Senior Specialist – Gender, Gender Technical Support Section

Appendix 3

Tabled documents, additional information and answers to questions on notice

Tabled documents

1. The Great Initiative, 'One Year Down the Road: The Impact of International Development (Gender Equality) Act 2014', tabled by the Australian Council for International Development, received 14 August 2015.
2. International Women's Development Agency, 'Individual Deprivation Measure', tabled by International Women's Development Agency, received 14 August 2015.

Additional information

1. Eurostep & Social Watch, 'Accountability Upside Down', provided by International Women's Development Agency, received 24 August 2015.

Answers to questions on notice

1. The Department of Foreign Affairs and Trade responses to questions on notice taken at the public hearing in Canberra, 14 August 2015.

