



Gender Equality Act Amendment Regulations 2023 - Proposed Regulations

Submission

June 2023

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Gender Equality Act Amendment Regulations 2023 – Proposed Regulations has been prepared by the MAV or discussion with member councils, Local Government Victoria, and the State Government on the Gender Equality Act 2020.

The MAV is the statutory peak body for local government in Victoria. The MAV engaged a human resources consultant to assist the Association undertake the report attached to this submission. The MAV would also like to acknowledge the contribution of those who provided their comments and advice during this process.

While this paper aims to broadly reflect the views of local government in Victoria, it does not purport to reflect the exact views of individual councils.

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1 Executive summary

The Municipal Association of Victoria (MAV) has been supporting councils throughout the implementation of the Gender Equality Act 2020 (the Act) and has appreciated strong engagement with the Commission for Gender Equality in the Public Sector (the Commission) throughout each phase.

In October 2022, the MAV conducted a survey of councils, in anticipation of proposed stage three regulations planned for release for consultation. Forty-two councils responded to this survey. The survey report can be found as an attachment on page 7.

This submission reflects the MAV's consultation with members on the draft regulations and options outlined in the Regulatory Impact Statement (RIS). The submission is also reflective of the ongoing engagement the MAV has with councils.

The MAV and councils provide in-principle support for the proposed regulations. The language of the regulations is clear and concise, however, the implementation of them will look different in every council. The MAV is confident that councils will be able to successfully meet the requirements of the Commission's proposed regulations, as long as they are provided with resources and support in a timely manner.

The MAV appreciates that proposed Option Two is the most appropriate in terms of collecting meaningful data and monitoring incremental progress, however, we do believe smaller councils require additional support.

2 Introduction

The MAV is the peak representative and advocacy body for Victoria's 79 councils. The MAV was formed in 1879 and the *Municipal Association Act 1907* appointed the MAV the official voice of local government in Victoria.

The MAV has supported the Victorian Government in the development and implementation of the Act through several activities since 2017.

More than 50 per cent of councils provided feedback on the proposed regulations via a draft MAV submission. This submission reflects their feedback and ongoing engagement that the MAV has with councils.

3 Report information

The following are the MAV's responses to the three open-ended consultation questions on the [Engage Victoria website](#).

3.1.1. Consultation question 4

What kind of support or guidance material (if any) would you like the Commission to provide to help you comply with the proposed regulations?

The MAV has received feedback from councils since the introduction of the Act and is aware that resourcing for councils to implement their obligations is an ongoing issue.

Councils have suggested the following support from the Commission would be welcomed:

- information on new regulations and requirements well in advance of key milestones (minimum three months' notice for reporting templates);
- financial grants to support defined entities update their systems;
- short-term flexibility on the data that is collected while systems are updated; and
- the creation of shared templates, surveys and resources specifically designed for local government, which include the most appropriate terminology for councils.

The MAV acknowledges the Commission provided comprehensive reporting guidance materials to councils on 12 May 2023 that clarifies required and recommended data collection for public entities to detail in their first progress report due in February 2024. The detailed guidance is appreciated; however, it would have been ideal for councils to have received this before the consultation period commenced.

The missing progress audit template is an issue and is likely to be a barrier to all councils, particularly smaller councils. We anticipate this may create more unease than clarity for councils.

The MAV is confident that councils will be able to successfully meet the requirements of the Commission's proposed regulations, as long as the Commission provides them with the necessary resources and support that reflects their organisation and local context in a timely manner.

3.1.2. Consultation question 5

Do you have any other feedback about the proposed regulations?

The MAV and councils provide in-principle support for the proposed regulations. The language of the regulations is clear and concise, however, the implementation of them is not simple and will look different in every council.

The MAV would like to see the progress audit template provided to councils as soon as possible to ensure councils can successfully meet their reporting requirements under the Act.

A majority of councils are supportive of including library corporations under the Act, noting that lessons and improvements from the first two years of the Act implementation could be shared with library corporations. In contrast, some councils have voiced concerns over the potential complexity that their inclusion may bring, particularly in rural areas, as some library corporations have branches all over the State. The MAV agrees these are important factors that must be considered in the implementation of the new regulations.

Lastly, the MAV has appreciated the chance to participate in the Commission's Implementation Support Advisory Committee (ISAC), and the Commission's willingness to engage with local

government in a variety of networks and forums across Victoria over the past three years. This high level of engagement with those responsible for implementation has helped shape the proposed regulations and the MAV looks forward to seeing the next iteration of the regulations coming into effect.

3.1.3 Consultation question 6

Do you have any other feedback about the regulatory impact statement (including the forecasted costings and the costing assumptions)?

The MAV supports the Commission's assessment to progress with Option Two outlined in the RIS, particularly the decision for intersectional data collection in relation to the workplace gender equality indicators (WGEI) to be optional.

Based on feedback from councils, the MAV believes the time and resources taken to complete obligations exceeds what is described in the RIS. However, if the timing and format of reporting obligations becomes more consistent through the implementation of these regulations, and there is no requirement for a full workplace gender audit (WGA), this will reduce over time.

It is disappointing that the RIS doesn't capture variance between councils, including the resourcing across metropolitan, interface, regional cities, large shires, and small shire councils. Many councils have indicated their limited resources are being absorbed by reporting requirements, at the expense of the 'doing' and achieving the intent of the Act.

The MAV appreciates that proposed Option two is the most appropriate in terms of collecting meaningful data and monitoring incremental progress, however, we do believe smaller councils require additional support to comply with the expectation for a comparison of WGEI and WGA data every two years.

4 Conclusion

The MAV and councils welcome guidance and assistance from the Commission that meet the needs of the local government sector. Each council's needs are different, and there are large differences between rural, regional cities, interface and metro councils, and what is required for them to successfully meet these new proposed regulations.

The MAV thanks the Commission for the opportunity to provide this submission on behalf of the local government sector and continuing to work closely with the Commission. The MAV looks forward to seeing what progress has been made across the local government sector and beyond, when the first round of progress reports is made available in early 2024.

5 Attachment

MAV Survey Results – Implementing the Gender Equality Act 2020 and proposed Stage Three Regulations

The MAV conducted a survey in late 2022 seeking feedback from councils on their experiences implementing the Gender Equality Act 2020 (the Act) and the sought feedback on the rationale and intent of proposed Stage Three Regulations. The survey was based on the [Gender Equality Amendment Regulations 2022 \(Stage Three\) Consultation Paper - July 2022](#).

The survey was an opportunity for Victorian councils to provide feedback on their experiences with implementing the requirements under the Act (e.g., developing Gender Equality Action Plans, completing gender impact assessments, and reporting on progress). It was intended that the data gathered would be used to inform the MAV’s ongoing advocacy around the needs of local government in relation to the Act.

The survey asked for each respondent’s opinion on the intent of the foreshadowed Regulations outlined in the consultation paper.

While this feedback has been somewhat superseded by the response to the proposed draft regulations and options considered in the RIS, this report provides some useful insights into local government’s experiences in implementing the GE Act obligations.

Overview

Forty-two councils participated in the survey. The responding councils answered the survey questions with varying degrees, some completing all questions and others answering select questions. A breakdown of the responding councils by Local Government Victoria (LGV) classification group is as follows:

LGV Group	Number of participating councils
Interface	5
Large Shire	9
Metro	14
Regional City	4
Small Shire	10
Total	42

Key Findings

The strongest theme running throughout council responses was the issue of resourcing. While many councils have dedicated new resourcing such as FTE and training to support their implementation of the Gender Equality Act, the majority have either reallocated existing resources, or absorbed the responsibilities into existing roles. Of note is a significant gap in the ability of rural and regional councils, particularly small shires, to allocate new or even redistribute resourcing when compared with metro or interface councils, and at times the challenge of finding qualified staff outside metro areas.

Not having dedicated staff/FTE and upskilling staff across council were the most identified challenges to implementation. There was concern that a lack of dedicated staff could impact the effectiveness and depth of the work undertaken. It was noted that while most business areas across councils should eventually be able to undertake GIAs on their own, they currently require significant support and expertise to understand and implement GIAs. This expertise doesn't always exist within councils resulting in the need to bring in external consultants at additional cost.

Ninety-one per cent of councils responding to this survey have either developed or are in the process of developing a process/procedure for when a GIA should be completed, and 67% of councils have developed their own resources to complete GIAs. Each council undertaking this work represents duplication across the sector. The MAV sees an opportunity to reduce duplication and take some pressure off resourcing with the development of suitably tailored practical sector-specific templates, resources and training that can be used by all councils, or support for mechanism that facilitate councils sharing the resources they have developed.

In relation to the Commission's proposed new Regulations resourcing implications were again the biggest concern, including concerns about timing and its impacts on resourcing and effectiveness.

Less than a third of councils support Regulation 1 (prescribing the requirement for defined entities to undertake a progress audit and submit the results as part of their progress reports every two years) with a third somewhat supporting it. In addition to resourcing, councils raised concerns that undertaking an additional audit would take focus away from implementing the actions in their Gender Equality Action Plans, and that there may be little to report on in such a short timeframe. Alternative options proposed included undertaking a smaller audit with fewer data points, consider introducing more frequent reporting after the initial four-year cycle, or maintain four year reporting.

Eighty-one per cent of respondents support or somewhat support Regulation 2 (allow the Public Sector Gender Equality Commissioner (Commissioner) to prescribe the format in which workplace gender audit data and progress audit data must be submitted). Councils were supportive of the principle of collecting data in a consistent format and understand the benefits, particularly for comparing across sectors. However, this format needs to be user-friendly, and the Commission needs to be aware of the changes to systems this would require in councils along with the additional resources needed to update systems and input data manually. Councils highlighted that it's important these kinds of changes are not introduced frequently leading to constantly 'changing goal posts'. Suggested options for supporting this Regulation included financial grants to support defined entities update their systems, short-term flexibility on the data that is collected while systems are updated, and the creation of shared templates, surveys, and resources for each sector.

Councils were largely supportive of Regulations 3 and 4 (prescribing library corporations as defined entities and designated bodies) noting that library corporations were not surveyed. It was thought that councils would be able to support libraries through their learnings of implementing the Gender Equality Act but that the Commission needs to be mindful of the resourcing impacts obligations will have on libraries.

The final question for councils related to the timing of these proposed Regulations. As well as the additional resource requirements and the lead time required to implement new systems and processes already highlighted, councils were concerned about the impacts on timing if there were delays with the Commission releasing information, guidance, and resources. It was felt that councils need time to undertake the existing obligations before introducing higher expectations and that there may not be meaningful data or change to report on in such a short timeframe.

Councils generally thought that this is important work representing significant organisational change with the Regulations supported in principle, however the Commission must take into account the increased pressure new expectations will place on staff and an already overstretched workforce. The context in which councils are operating must also be taken into account for example the Local Government Act was introduced at the same time the Gender Equality Act and councils are still responding and recovering from the COVID-19 pandemic adding to the significant pressure felt by council staff with increasing and competing workloads.

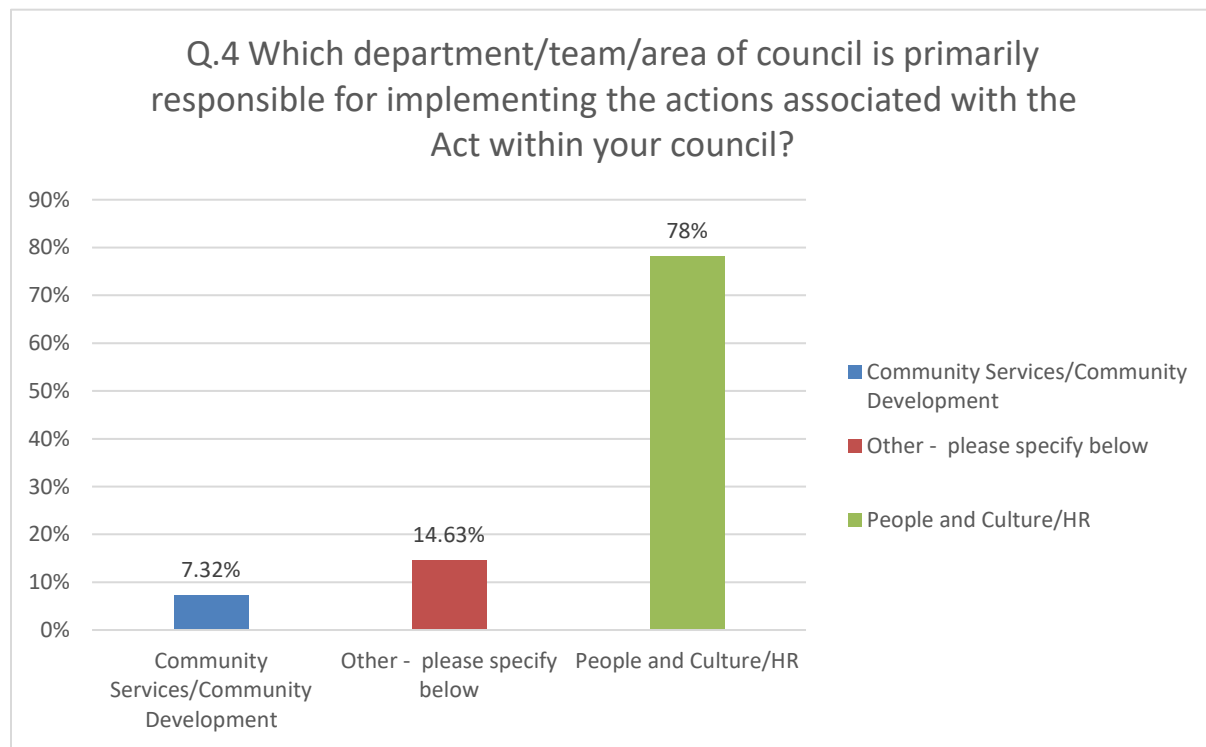
Analysis Method

Some questions provided quantitative results, whereas other questions were posed as open-ended to allow for commentary and qualitative data collection. To analyse the qualitative/free text responses, classification and grouping of similar answers have occurred to identify trends. Some comments provided by respondents have been included to support the graphical data representation.

Below is an analysis of the survey responses received. Response rates differ per question (particularly where a response was optional) therefore, the total number of answers per question may vary.

Survey Question 4 – Which department/team/area of council is primarily responsible for implementing the actions associated with the Act within your council?

Seventy-eight per cent of respondents indicated that the People and Culture/HR department were primarily responsible for implementing the actions associated with the Act. Where respondents specified ‘Other’, the responsible departments included combinations of People and Culture and the Health, Wellbeing and Youth or Community Services departments and the Organisational Development department (as opposed to HR).



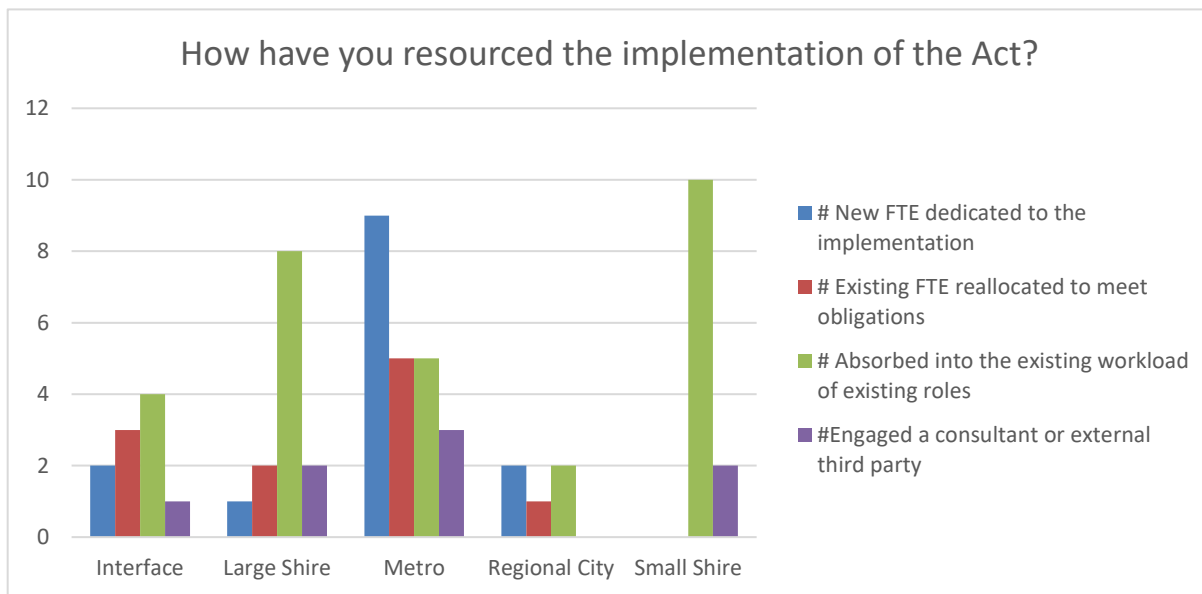
Survey Question 5 - If multiple teams/departments/areas are responsible for implementing the actions associated with the Act, please specify which area is responsible for implementing each action i.e., GE audit, GIAs, GEAP action implementation etc.

The survey responses indicated that, where there was shared responsibility across the organisation, it was typical for the Gender Equality Audit and, at times, the Gender Equality Action Plan to sit within the responsibility of the People and Culture department. However, the Gender Impact Assessment responsibility often sat with a department directly linked to the community e.g., Community Development, Community Strengthening, Community Partnerships. Some responses included:

- “Community Planning and Development team are responsible for the implementation of Gender Impact Assessments and People, Culture and Development are responsible for the development and implementation of the GEAP and GE audit.”

- “GE Audit and GEAP - P&C, GIA - Community strengthening and social planning. All others – shared.”
- “GE Audit - Human Resources, GIA - Community Development, GEAP - Community Development.”
- “Community Development - GIA, People and Culture - GE Audit and GEAP.”
- “GE Audit - People and Culture, GEAP development and implementation, primarily Community Partnerships, People and Culture and then other units to lesser degrees, GIAs - Community Partnerships.”

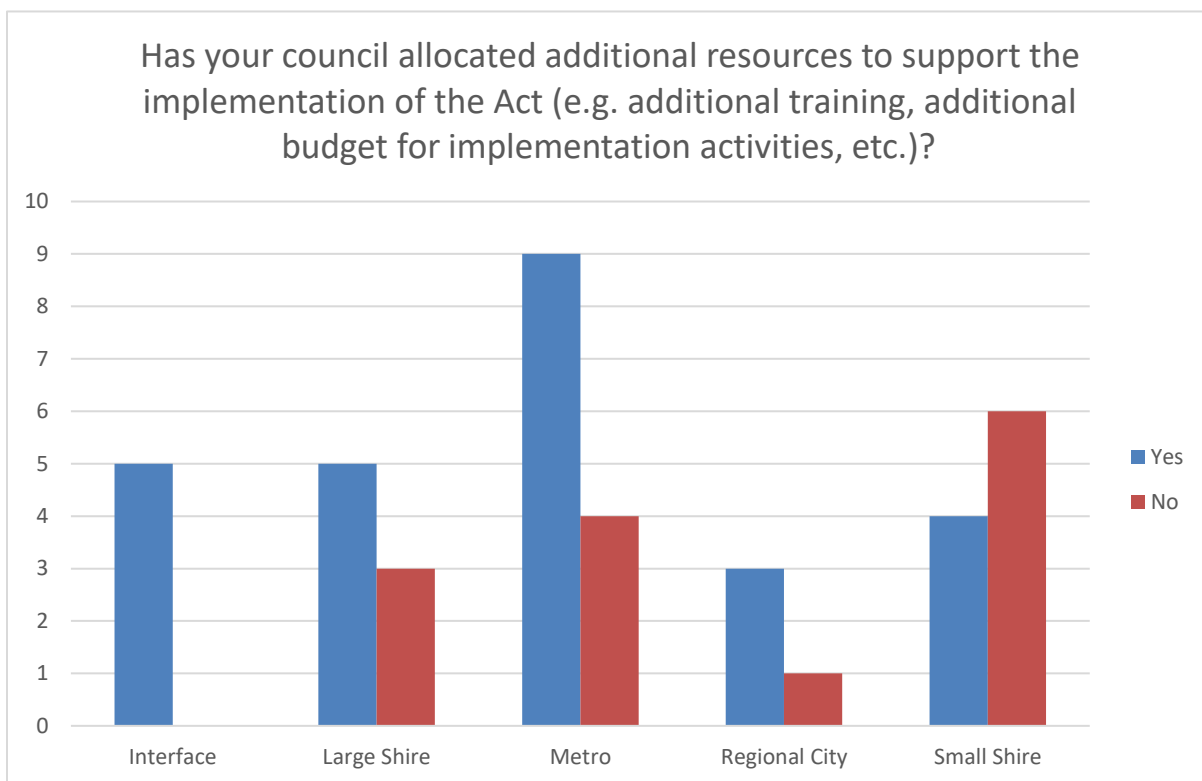
Survey question 6 – How have you resourced the implementation of the Act?



Metro councils predominantly resourced the Act implementation via new FTE dedicated explicitly to implementation activities. Interface councils also introduced new FTE and reallocated existing FTE to meet the Act obligations. Consultants or external third-party resources were engaged in all local government groups except Regional City councils.

Survey question 7 - Has your council allocated additional resources to support the implementation of the Act (e.g., additional training, additional budget for implementation activities, etc.)?

Similar to the Question 6 responses, a large majority (70%) of Metro councils have allocated additional resources to support the implementation of the Act. Similarly, additional resources were allocated within Interface, Large Shire and Regional City councils. However, Small Shire councils were the outlier since they primarily did not allocate additional resources to support the Act implementation (60%).



Survey question 8 - Please list any gaps in resourcing that you have identified and the impact of these gaps. This may be funding for new training programs, resources to implement actions planned in 6-12 months, budget to run events etc.

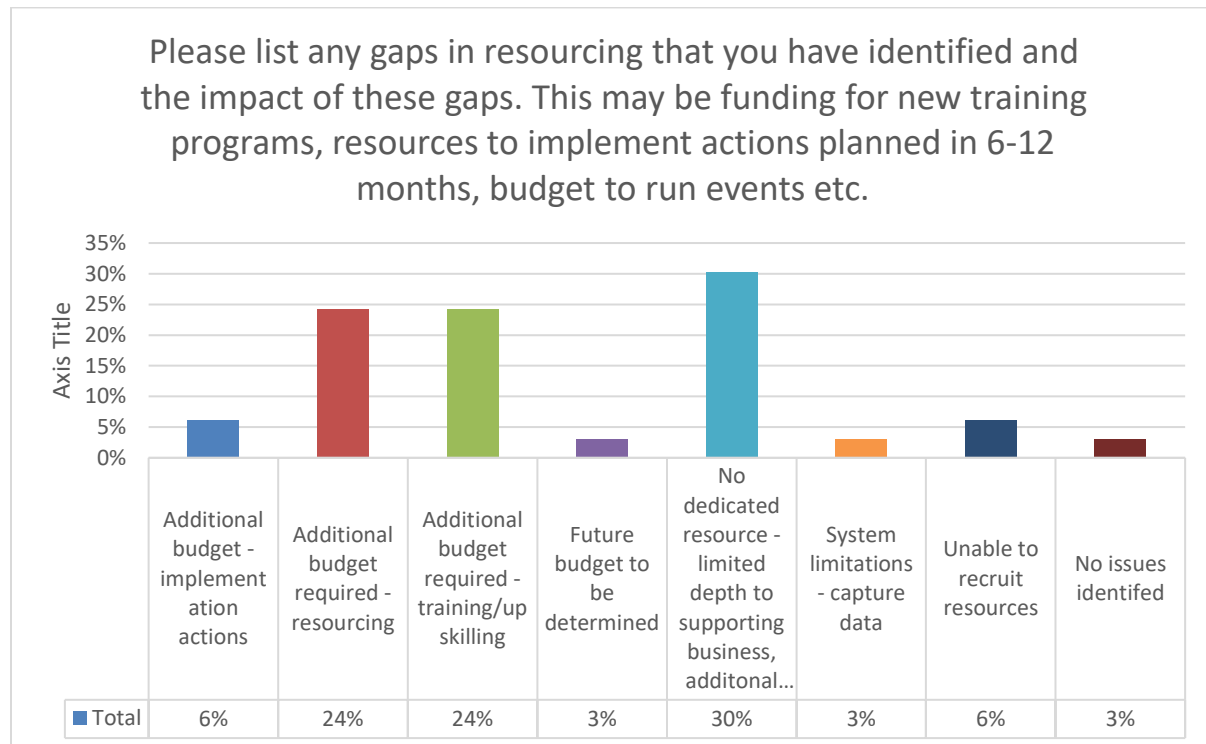
Due to the free text responses, the gaps in resourcing have been categorised under the following headings:

- Additional budget required – training/upskilling.
- Additional budget required – resourcing.
- Additional budget required – implementation.
- Future budget to be determined.

- No dedicated resource - resulting in limited depth to supporting business, additional workload.
- System limitations.
- Unable to recruit resources.
- No issues identified.

The resourcing gaps that respondents primarily identified included training/upskilling staff (24%), FTE/people resources (24%) and the impact on supporting the business and additional workload due to having no dedicated resource/FTE for the Act implementation activities (30%).

Two councils stated that they were attempting to fill current vacancies, which would assist with resourcing issues. One council said that their current budget could cover implementation activities this year. However, the budget requirements will be revisited in future budget submissions.

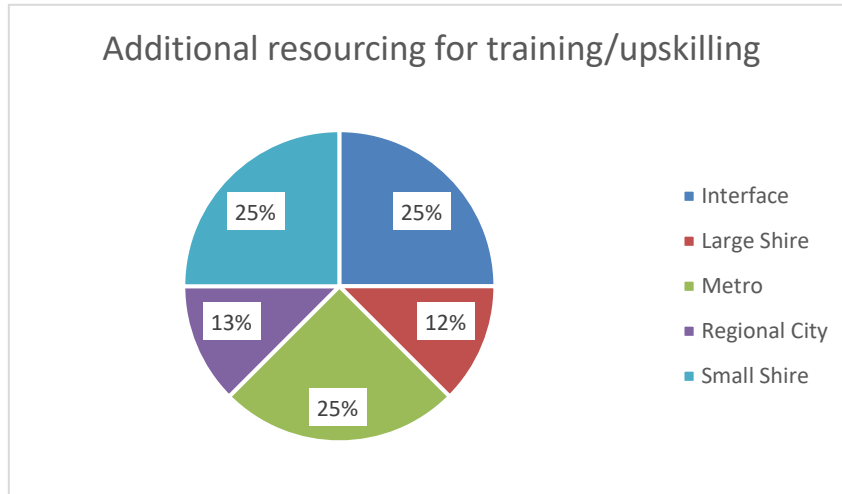


Metro, Interface and Small Shire Councils had the highest responses (25% each) regarding additional budget/resources required for training and upskilling staff. Some of the comments made by councils include:

- “Budget for additional training across the organisation required. Currently only 1 FTE to implement the entirety of the GEAP and GIAs, additional resourcing would be beneficial, currently this is built into existing roles - i.e., Business Partners.”
- “Funding for training and conflict with privacy legislation and identification of employees who fit into intersectional demographics.”
- “Training and additional resources to support GIA implementation and outcome of GIAs, this has impacted the implementation of GIAs across the organisation. Additional budget

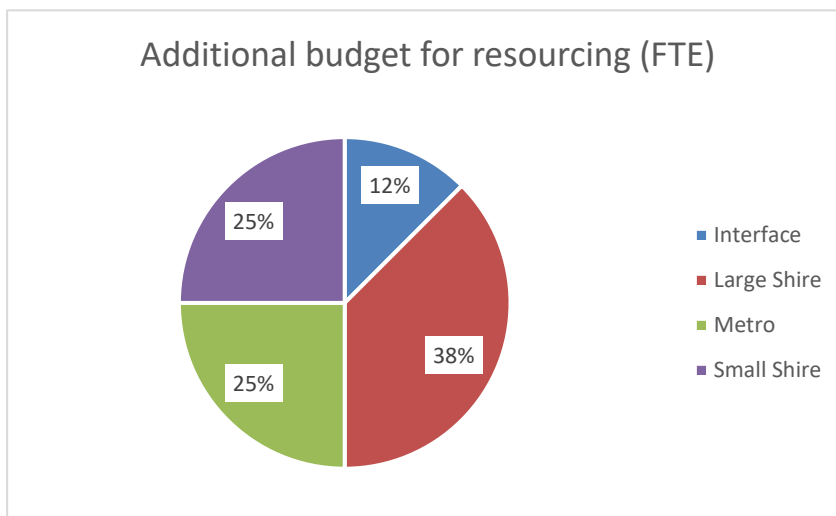
for gender equity and bystander training to roll out across the organisation, the impact is staff understanding and capacity to promote gender equality.”

- “Funding for training is an issue however another challenge is overall work pressures which place training at the bottom of the list. Uptake of training is very slow.”



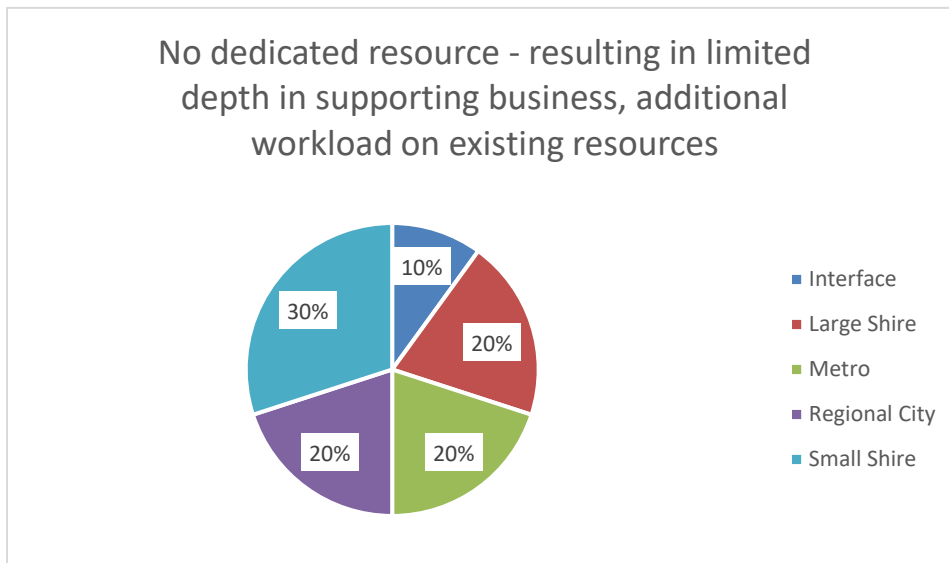
Additional budget requirements involving resourcing/FTE was most strongly identified as a gap for Large Shires (38%). Some of the comments made by councils include:

- “Amount of resources required was underestimated - costs to implement effectively are significant”
- “Resourcing to implement any actions identified from GIAs and the GEAP, budget to run events and training.”
- “We require FTE to roll out the actions of the GEAP and funding for the various training gaps identified.”
- “There is a huge gap in data support for GIAs and workforce auditing. This has been incredibly difficult to resource. “
- “There is currently no ongoing budget for GIAs. There is currently no budget allocated to Comms in regard to the GIAs. There is no budget to cost propose changes from GIAs or to implement changes”.



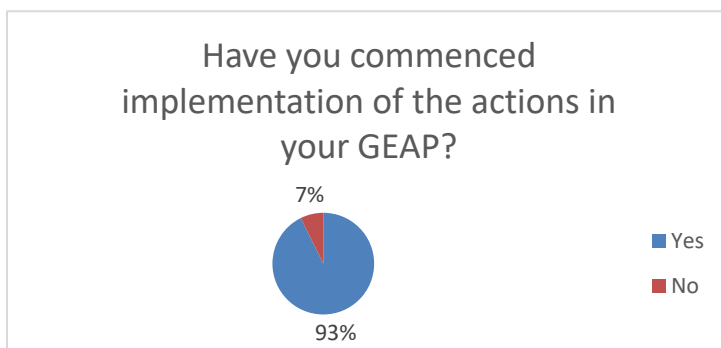
The Small Shires felt most of the impact of not having a dedicated resource for implementation activities (30%). However, this gap was present across all Local Government groups. Comments made included:

- “Staff will have to absorb the additional duties associated with the GEAP and GIAs with no increase in FTE. “
- “Without a dedicated resource, the implementation of GEAP actions is difficult, however manageable. However, whilst implementation of GIAs has occurred, without a resource, the quality and embedding of this process is questionable.”
- “No additional resources have been allocated. Burden of development and implementation has been absorbed by HR.”
- “Existing GE Officers time has been solely focused on requirements of the Act. This has resulted in less visibility across the organisation in advocacy opportunities which offices can engage in (i.e., more time spent on data collection, analysis and reporting). “



Survey Question 9 – Have you commenced implementation of the actions in your GEAP?

Pleasingly, 93% of respondents have commenced implementing the actions in their GEAP.



Councils that have not yet started their implementation activities were in the Small Shire LGV grouping.

Survey Question 10 - What are the key challenges you are currently experiencing/anticipate with implementing the GEAP?

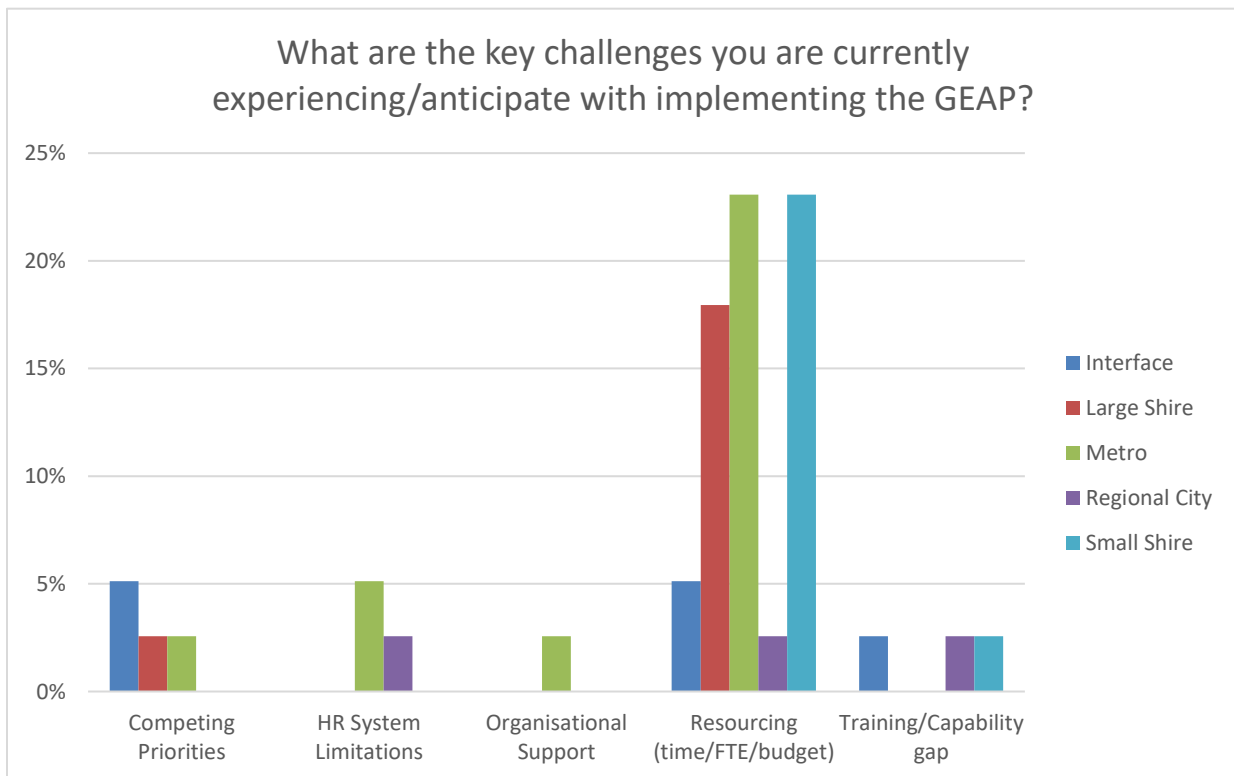
Due to the free text responses, the gaps in resourcing have been categorised under the following headings:

- Competing Priorities
- HR System Limitations
- Organisational Support
- Resourcing (time/FTE/budget)
- Training/Capability gap

Thirty-nine councils indicated the key challenges that they are currently experiencing or anticipate experiencing with the GEAP implementation.

Seventy-two per cent of respondents expressed concerns about resourcing (time/FTE/budget). These respondents outlined their concerns about the current workload, gaps within resourcing, finding suitably qualified people to undertake the work and significant turnover, which has resulted in delays in delivering key actions.

Councils also expressed concerns regarding competing organisational priorities, particularly in relation to competing against core business requirements in conjunction with resourcing constraints.



Survey question 12 – How do you identify when a GIA is to be conducted?

Forty-five per cent of respondents had implemented a process/procedure for GIA identification and completion. This included the development of their own decision matrix, toolkit or assessment tool to assist staff in identifying a GIA requirement.

Of the remaining councils, they were either in the process of identifying a process or procedure to support staff (46%) or had not yet identified a process/procedure for determining when a GIA should be completed (9%).

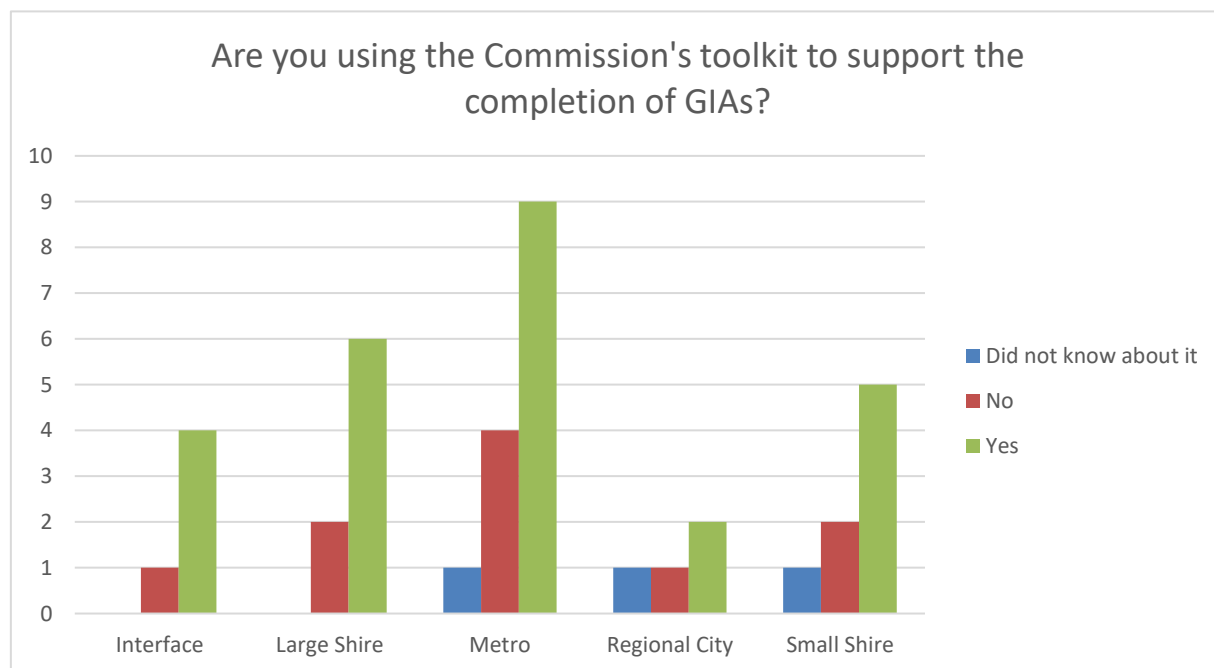
Some councils referenced using the Commission’s toolkit or obtaining advice from the Commission on identifying when a GIA was required.

The councils working towards or having implemented a process/procedure noted that the criteria for developing a GIA were based on whether new/updated policies, programs and services directly or significantly impacted the community.

Survey question 13 – Are you using the Commission’s toolkit to support the completion of GIAs?

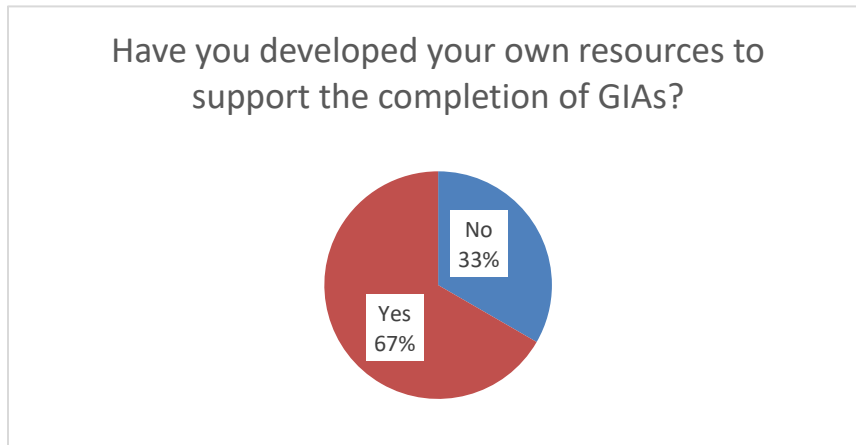
Sixty-seven per cent of councils responded that they are using the Commission’s GIA toolkit, with only 7.5% of councils being unaware of the Commission’s toolkit.

Whilst a large proportion of Metro council respondents are utilising the toolkit (35%), they also represented the highest number of councils who were not using the Commission’s toolkit (40%).



Survey question 14 – Have you developed your own resources to support the completion of GIAs?

In support of the responses in question 12 relating to GIA identification, 67% of responding councils indicated that they had developed their own resources to support the completion of GIAs.

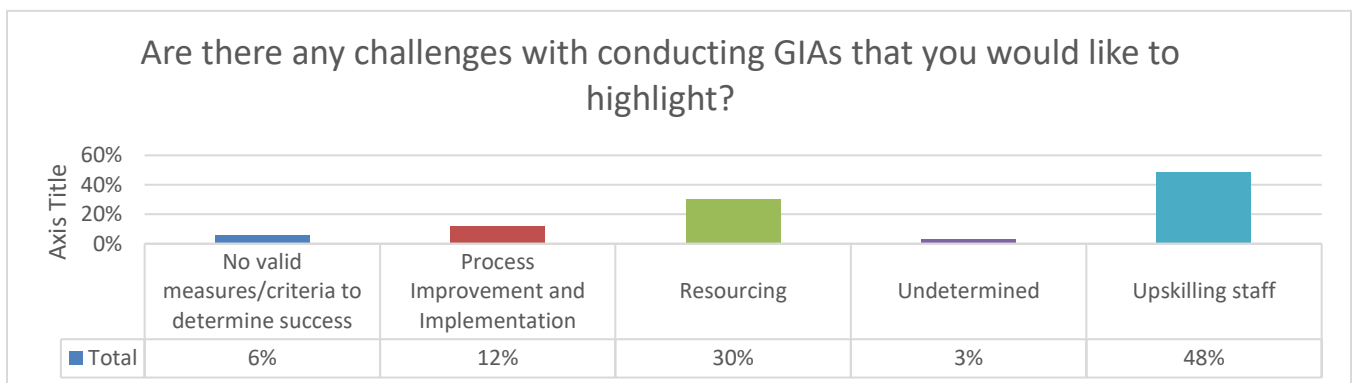


Survey question 15 – Are there any challenges with conducting GIAs that you would like to highlight?

Analysis of these responses identified four key themes relating to the challenges that councils were experiencing when conducting GIAs. These challenges included:

- Resourcing
- Upskilling staff
- Process improvement or implementation required.
- No valid measures/criteria to determine success.

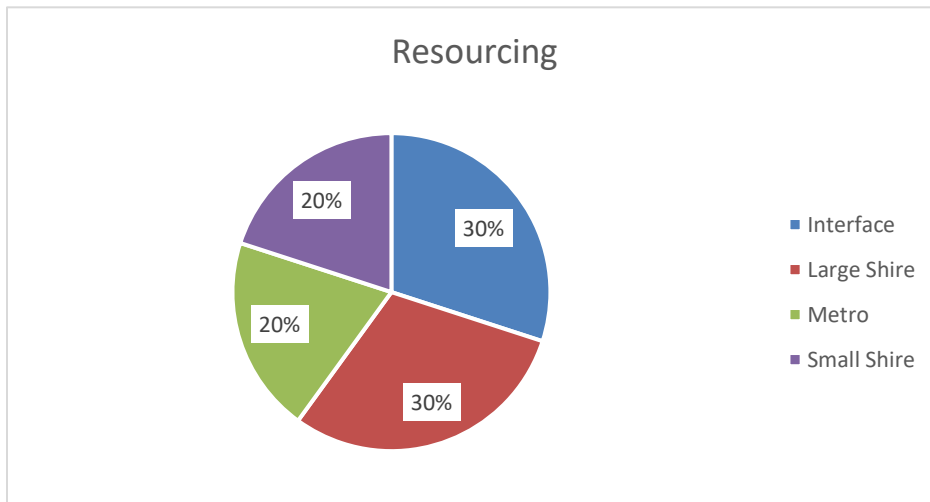
Of the challenges identified, 48% of respondents indicated that upskilling staff was their key challenge, followed closely by 30% of respondents who identified resourcing as their key challenge.



Resourcing

The challenges varied across the Local Government groups however resourcing was a challenge identified equally across all groups. Some of the comments regarding resourcing included:

- “Main issue is resourcing the GIAs, is the responsibility of the business to perform their own GIA, however, still require support at this stage.”
- “Impacts on existing workload with no additional resources or funding, time to attend training and speed to competency for completion, interpretation, access to relevant data/information to conduct GIA's.”
- There is no additional resourcing in local government to implement GIAs - there has been no funding from state government to support this.”
- “Many organisations have not yet considered allocating funding toward the recommendations of a GIA pre-emptively. I believe there is a risk that certain actions many are not implemented because they are not supported by existing budget. The challenge for local government is to reassess their budget allocations and make right the areas where there may be unintentional inequities or where traditional budgeting exacerbates inequities.”

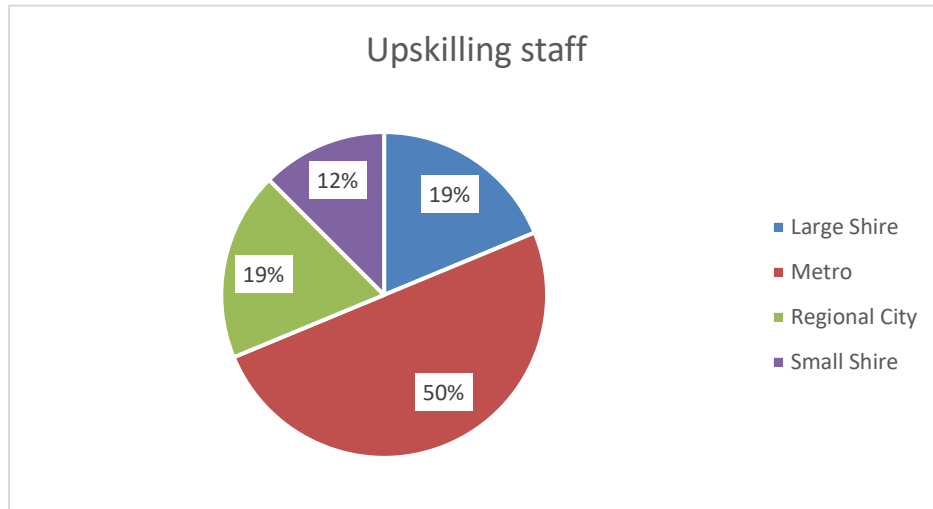


Upskilling staff

Upskilling staff appeared to be more of a challenge for Metro councils when compared to the other Local Government groups, noting that a higher percentage of Metro councils responded to this question. Some comments regarding the challenges of upskilling staff included:

- “Getting buy-in and staff understanding the importance of GIAs. Changes in resourcing has caused delays in getting the GIAs up and running.”
- “Relevant staff lack the training and skills at the moment, and need to be supported by other staff who are involved in the Gender Action Group.”
- “Staff find them confusing and often seek assistance.”

- “Limited research support available internally. Staff capability is still developing.”
- “We do not have an internal gender expert, so it is difficult when people have a GIA question as no one really knows the answer internally.”



Process improvement and implementation

Process improvement was noted by most of the local government groups as a critical challenge when implementing GIAs in their organisation. Some comments made regarding the need for process improvement implementation include the following:

- “Staff are concerned about the length of the GIA - 4 templates. Staff would like it reduced without losing the focus.”
- “It cannot be a separate task that is undertaken. It needs to be embedded into the existing work of officers.”
- “Yes, the description of program policy and service is ambiguous, and the templates are difficult to understand and use that were provided.”
- “Processes are not fully integrated yet.”

