Statutory review of the *Gender Equality Act 2020*

Final report

31 October 2025

CUBE group

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Table of terms

Table 1: Terms used throughout the report

Term	Definition
Commissioner	The Public Sector Gender Equality Commissioner
CGEPS or the Commission	Commission for Gender Equality in the Public Sector
Commissioner's office	Any assistance provided to the Commissioner by the Secretary under section 43 of the *Gender Equality Act 2020* (Vic) (the Act). In practice, the Commissioner's office is referred to as the Commission for Gender Equality in the Public Sector, although the Commission is not specified in the Act
Commissioner's submission	The Commissioner for Public Sector Gender Equality's submission to this review, dated 18 August 2025
Defined entity	An organisation that has obligations under the *Gender Equality Act 2020* (Vic). A public service body, a public entity, a special body, a local council, a university, Court Services Victoria, or the Office of Public Prosecutions. In practice, these entities are referred to as duty holders (see below)
Duty holder	An organisation that has obligations under the *Gender Equality Act 2020* (Vic)
FTE	Full-time equivalent
GEAP	Gender equality action plan. A plan that promotes gender equality in the workplace and sets out strategies and measures the defined entity will take to achieve gender equality in relation to the workplace gender equality indicators
State GEAP	The State Gender Equality Action Plan developed by the Minister under section 50 of the Act
Gender Responsive Budgeting	Refers to the legislative amendment to the *Financial Management Act 1994* (Vic) that came into effect in June 2024 which requires Government to: consider the promotion of gender equality when making budget decisions; make a statement on the impact of the budget on gender equality; and gives the Treasurer the power to request Gender impact assessments for any matters concerning the *Financial Management Act 1994*
GIA	Gender impact assessment. A planning and assessment tool that enables an organisation to evaluate how its policies, programs and services meet the needs of women, men and gender diverse people
HR	Human resources
HRIS	Human Resources Information System
Implementation sciences	The study of how to improve the uptake of research findings and other evidence-informed practices into 'business as usual.' It aims to improve the quality and effectiveness of new frameworks, policies, programs and services

Term	Definition
Intersectionality	A term that captures how people may experience overlapping forms of discrimination or disadvantage based on attributes such as Aboriginality; age; disability; ethnicity; gender identity; race; religion; and sexual orientation (known as 'intersectional attributes'). Also referred to as compounded gender inequality
Parliament	Throughout the report Parliament refers to the Victorian Parliament including the Legislative Assembly (lower house) and the Legislative Council (upper house)
Progress audit	An audit collecting updated information in relation to the workplace gender equality indicators and comparing that information to the previous workplace gender audit
Second reading speech	Speech given by the Minister for Prevention of Family Violence, Minister for Women, Minister for Youth in Victorian Parliament to outline the purpose of the Bill, the policy objectives and context or problems it seeks to address
Statutory obligations	Obligations under legislation, for the purpose of this report statutory obligations refer to duty holders' obligations under the *Gender Equality Act 2020* (Vic)
The Act	*Gender Equality Act 2020* (Vic)
WGEA	Workplace Gender Equality Agency
WGEI	Workplace gender equality indicators. The *Gender Equality Act 2020* (Vic) sets out seven workplace gender equality indicators. They represent the key areas where workplace gender inequality persists and where progress towards gender equality must be demonstrated
Workplace gender equality audit	An analysis of workplace gender equality indicators, using quantitative workforce data and qualitative employment practice information, to assess the state and progress of gender equality within an organisation

Executive summary

The *Gender Equality Act 2020* (Vic) (the Act) aims to improve gender equality in Victorian communities and public sector workplaces. The Act commenced on 31 March 2021. Section 52 of the Act outlines that the Minister for Women must cause a review to be conducted of the first four years of operation of the Act. Cube Group (Cube) was engaged by the Office for Women (OFW) at the Department of Families, Fairness and Housing (DFFH) to conduct this review.

The review examined the implementation and effectiveness of the Act since its introduction, taking into consideration the objects and purposes of the Act. Terms of Reference for the review were developed by the OFW and agreed by Cube and the Public Sector Gender Equality Commissioner (the Commissioner). The Terms of Reference set out three key areas of focus for the review:

1. **Effectiveness**: To what extent the Act has been effective in contributing to gender equality, including:
   - the appropriateness of the coverage of the Act, including size and types of organisations required to report
   - progress towards driving systemic, structural and cultural change.
2. **Implementation**: To what extent has the Act been implemented as intended, including the extent to which:
   - the Commissioner, duty holders and the Minister are fulfilling their functions, obligations and exercising powers under the Act and,
   - there are opportunities to enhance the operational efficiency of the Act.
3. **Recommendations**: Any recommendations that the reviewers consider would enhance the effectiveness and efficiency of the legislation in meeting its objects.

Review methodology

The review adopted a mixed methods approach to address the focus areas, and was guided by a detailed review framework (see Appendix C).

Primary data collected through the review included an online survey of duty holders (254 respondents) and 19 interviews including with gender equality organisations, government, unions, duty holders and the Commissioner and her office. Secondary analysis of materials included a desktop scan of information provided by the OFW and the Commissioner, as well as a written submission provided by the Commissioner.

Background and context

The establishment of the Act and the Commission

The Act passed the Victorian Parliament on 25 February 2020 and came into effect on 31 March 2021. Dr Niki Vincent was appointed as the Public Sector Gender Equality Commissioner in October 2020 to oversee the implementation of the Act. The Commissioner's office was established through assistance provided by the Secretary of the Department of Premier and Cabinet under section 43 of the Act. The Commissioner's office is known in practice as the Commission for Gender Equality in the Public Sector (the Commission).

Overview of the Act and its obligations

The Act's main purposes are to promote gender equality by:

- Requiring the Victorian public sector, local councils and universities to take positive action towards achieving workplace gender equality.
- Requiring these organisations to consider and promote gender equality in their policies, programs and services.
- Establishing the Public Sector Gender Equality Commissioner to provide education, support implementation and enforce compliance.

In line with these purposes, the Act establishes statutory obligations for over 300 'defined entities' with over 50 employees across the public sector, local government and universities (referred to as 'duty holders').

The Act also includes the first formal acknowledgement of compounded inequality, also known as intersectionality in Australian equality law. Intersectionality must be considered by duty holders in meeting their obligations under the Act.

Important contextual factors in interpreting the findings of the review

Achievement of gender equality is a multi-generational effort, and the Act is ambitious in aiming to "drive transformational progress towards gender equality".[1] In this context, and consistent with implementation sciences literature, it is appropriate that foundational progress has been made in the first four years of the Act's operation. Implementation sciences indicate that it can take anywhere from two to ten years to fully implement large scale program or systemic changes."[2]

In addition, there were a range of factors that influenced the implementation and effectiveness of the Act in its first four years of operation. These included: the COVID-19 pandemic, which placed significant pressure on duty holder organisations at the same time that the Act came into effect; a constrained fiscal environment in Victoria; and global backlash against diversity, equity and inclusion initiatives which has increased during the first four years of the Act's implementation.

Findings and recommendations

Effectiveness of the Act in contributing to gender equality

There is evidence that the Act has led to duty holder progress towards workplace gender equality and has influenced organisational and cultural change in its first four years of operation.

The Act's obligations have led to the compilation of a comprehensive gender equality dataset, which will enable ongoing tracking of progress. Although there have been some challenges with data quality, early progress towards the workplace gender equality indicators (WGEI) is evident.

The Act and Commissioner have also influenced cultural change towards achieving gender equality and increased awareness of gender equality in many duty holder organisations. Seventy-three percent of duty holders surveyed either agreed or strongly agreed that the Act has led to their organisation taking positive action towards achieving workplace gender equality, with many citing their gender equality action plan (GEAP) as a key enabler. Leadership buy-in and support in duty holder organisations is another important enabler, with some duty holders reporting that a lack of leadership support has been a barrier to effective implementation.

As well as progressing workplace gender equality, duty holder organisations are required to undertake gender impact assessments (GIAs) of their policies, programs and services. There is evidence that most duty holder organisations don't have the depth of understanding and capabilities required to undertake best practice GIAs, which is limiting their effectiveness.

In addition, the effectiveness of the Act in progressing intersectional gender equality is dependent on duty holders' ability to apply an intersectional lens to their statutory obligations. Duty holders have faced barriers related to both capability and data collection when applying an intersectional lens. The review has found that further work is required to support duty holders to effectively and consistently implement GIAs and an intersectional lens - the two most complex and novel components of the Act.

While the Act's coverage is appropriate for the first four years, there is an opportunity to streamline data and reporting processes and implement a targeted and proportionate approach to duty holder obligations. There is also an opportunity to use the power to issue procurement guidelines in the Act to expand the impact and coverage of the Act moving forward.

Implementation of the Act as intended

There is evidence that the Commissioner and her office laid strong foundations for the Act's implementation in the first four years.

The Commissioner and her office set up bespoke systems, processes, and strategies to implement the requirements of the Act, which involved a significant investment of

[1] Dr Niki Vincent, Public Sector Gender Equality Commissioner, *Submission to the Review of the Gender Equality Act 2020 (Vic)* (18 August 2025) 5.
[2] See Jessica Hateley-Browne, Lauren Hodge, Melinda Polimeni and Robyn Mildon, *Implementation in Action: a guide to implementing evidence-informed programs and practices* (Australian Institute of Family Studies, 2019) https://aifs.gov.au/sites/default/files/publication-documents/1906_implementation_in_action_1_0.pdf.

time and effort. This included establishing a bespoke reporting platform and undertaking individual visits to duty holders.

The Commissioner and her office also developed a range of resources for duty holders to support them in implementing their obligations. Duty holders observed improvement in these resources over the first four years of the Act and highlighted opportunities to continue refining the resources available, with a focus on providing tailored, relevant and easily digestible content.

Duty holders have invested significant time and resources into developing their capability and systems to meet their obligations. Duty holders have approached implementing their obligations in different ways, with some approaches likely to be more effective than others.

There is an opportunity for the Commissioner and her office to provide more detailed direction on good practice approaches, either through existing communities of practice and other forums, or through new communities of practice managed by the Commissioner. This will support consistency of implementation and operational efficiency, particularly in building the capability of duty holders to implement GIAs as intended under the Act, and to apply an intersectional lens to their obligations.

While the majority of powers and functions of the Act have been implemented, a small number have not been used or require refinement to be implemented effectively.

The Commissioner's dispute resolution function is currently under-utilised due to a restricted scope laid out by the Act and high threshold for investigation. There is an opportunity to broaden the scope of this power so that it can be implemented as intended.

It is appropriate that the Commissioner's formal enforcement powers have not been used in the first four years of the Act. Collaboratively supporting duty holders to meet their obligations is a primary purpose of the Commissioner[3] and should remain a focus while duty holders continue to build capability. Leadership and duty holder buy-in is an important enabler, and taking a strong enforcement approach before duty holders have built sufficient capacity to implement obligations may risk undermining this buy-in.

Lastly, it is appropriate that regulations to prescribe gender equality targets and quotas have not been implemented in the first four years of the Act. The Commissioner is implementing an evidence-informed and rigorous approach to exploring targets, including through a pilot and a voluntary approach to setting targets in the 2026 GEAP process.

Further progress towards full implementation of the Act, including the powers and functions that have not yet been implemented, should be assessed through the next review of the 5th to 8th years of operation of the Act.

Recommendations

The findings have informed five recommendations to improve the effectiveness and operational efficiency of the Act. The recommendations are made with a view to how, in a resource constrained environment, the Act could be more effective in progressing gender equality moving forward.

Recommendation 1 outlines a number of areas where legislative amendment may need to be considered. Recommendations 2-5 focus on opportunities to improve the implementation of the Act.

The recommendations include:

1. The Department of Families, Fairness and Housing and the Commissioner should work together to implement targeted changes to the Act's legislative framework (including legislation, regulations and/or guidelines) that will help to translate the intention of the Act into practice. The changes are recommended in key areas where the review found that implementation is not currently working as originally intended.

   Recommended changes include: enabling the establishment of a focused set of obligations and/or exemptions for certain groups of duty holders; refining the dispute resolution function; requiring increased reporting on GIAs by duty

[3] Victoria, Parliamentary Debates, Legislative Assembly, 59th Parliament, 1st Session, 27 November 2019, 4584 (Gabrielle Williams, Minister for Prevention of Family Violence, Minister for Women, Minister for Youth).

holders; providing the Commissioner with authority to issue or amend guidelines; and formalising streamlined requirements for audits.

The changes are intended to be implemented as soon as practicable and as such should be made in regulations or guidelines if possible, instead of amending the Act.

2. The Commissioner should continue to embed the risk-based regulatory approach alongside a proportionate approach to the obligations placed on duty holders and associated compliance action.

3. The Commissioner's education and capability uplift efforts should focus on building duty holder capacity to fully implement GIAs and the intersectionality requirements under the Act.

4. The Commissioner and her office should explore options to take an active role in defining and promoting good practice within guidance resources and by providing leadership in communities of practice.

5. The Commissioner should take a system and sector-wide approach to supporting duty holders to overcome barriers to data collection by collaborating with sector leaders to influence scalable improvements.

Section 1: Background and context

1.1 Background to the review

The *Gender Equality Act 2020* (the Act) aims to improve gender equality in Victorian communities and public sector workplaces. The Act commenced on 31 March 2021.

Section 52 of the Act outlines that the Minister for Women must cause a review to be conducted of the first four years of operation of the Act (31 March 2021 to 31 March 2025). Cube Group (Cube) was engaged by the Office for Women (OFW) at the Department of Families, Fairness and Housing (DFFH) to conduct a high-level review of the first four years of operation of the Act.

While the Act does not define the scope of the review, it stipulates that on completing the review, the Minister must cause a report of the review to be laid before each House of the Parliament.

Scope of the review

This review examined the implementation and effectiveness of the Act since its introduction, taking into consideration the objects and purposes of the Act. OFW led the development of Terms of Reference to establish the scope of the review. OFW consulted the Public Sector Gender Equality Commissioner (the Commissioner) in the development of the Terms of Reference with input also provided by Cube. The agreed Terms of Reference were communicated to the Minister for Women.

Key sections of the Terms of Reference that relate to the scope of the review are outlined in Figures 1 and 2. The full Terms of Reference are included in Appendix B.

In line with the Terms of Reference, a review framework was developed which outlines key review questions and lines of enquiry as well as measures matched to available data sources. The review framework has two domains: implementation and effectiveness. This report is structured by domain, starting with effectiveness, then moving to implementation. The review framework is included in Appendix C.

Figure 1: Subject matter in scope of the review

1. To what extent the Act has been **effective** in contributing to gender equality, including:
   - the appropriateness of the coverage of the Act, including size and types of organisations required to report
   - progress towards driving systemic, structural and cultural change.
2. To what extent has the Act been **implemented** as intended, including the extent to which:
   - the Commissioner is fulfilling their functions and exercising their powers under the Act
   - duty holders are fulfilling their obligations and performing their duties under the Act
   - the Minister is fulfilling their obligations under the Act (including but not limited to the development of a State gender equality action plan)
   - there are opportunities to enhance the operational efficiency of the Act.
3. The review will include any recommendations that the reviewers consider would enhance the effectiveness and efficiency of the legislation in meeting its objects.

Figure 2: Subject matter out of scope of the review

1. Undertaking a performance assessment of the Commissioner as an individual statutory office holder
2. Exhaustive review or analysis of raw data related to workplace gender equality audits, gender impact assessments (GIAs), gender equality action plans (GEAPs), and progress reports
3. Validating past reviews or evaluations – the review will incorporate findings from previous work but will not re-prosecute analysis
4. New primary data collection related to experience of duty holders in completing the 2023 or 2021 reporting processes
5. Detailed audit or review of individual sections of the Act and their impact
6. Financial review or audit of the Commissioner and assistance provided under section 43.

1.2 Review methodology

A mixed-method approach was adopted to inform the review, relying on a combination of primary data collection and secondary data analysis. These methods are described below.

Cube collected primary data from duty holders and other key stakeholders

A survey was open to all duty holders

A survey of 14 questions (including multiple choice and open-ended questions) was distributed to representatives of each duty holder organisation. The survey was open from 11 August to 12 September 2025. Survey recipients were asked to consult internally and prepare a response that reflected their organisation's perspective. The survey received **254 responses**, from a range of organisations of different sizes, geographic footprints (i.e. metropolitan Melbourne, regional and statewide) and organisation types/sectors. Of the sectors represented, the most responses came from local government (30%) which is reflective of the approximate proportion of duty holders that are local government organisations (79 of approximately 300; 26%). There was also strong representation from public healthcare (24%) and the Victorian Public Service (20%).

A comprehensive breakdown of survey demographic data is included in Appendix D.

Key stakeholders were engaged through interviews

Cube conducted **two interviews with the Public Sector Gender Equality Commissioner and her office**. Cube also interviewed **nine key stakeholder organisations**, represented by **12 individual participants**. Organisations were selected in consultation with the OFW. Organisations included government stakeholders, gender equality organisations, and unions. A list of organisations that were consulted is included in Appendix E.

A select sample of duty holders were interviewed

Cube also conducted nine interviews with representatives of duty holder organisations. A stratified sample of 24 duty holders were initially identified as part of the review design. The sample included organisations of different sectors, sizes, locations and publicly reported gender pay gap status (as a measure of progress towards gender equality). From the sample, 13 senior leaders from duty holder organisations were invited to participate in the review (or nominate a representative to participate). **Nine duty holder organisations were engaged through interviews, with a total of 22 individual participants.**

Cube analysed secondary data provided by the Office for Women and the Commissioner

An initial desktop scan supported the mapping of available data to the review framework

In July 2025, Cube conducted an initial desktop scan of documents provided by the OFW to map available data to the review framework. This supported the identification of data gaps to be addressed by the review and informed an information request to the OFW and the Commissioner. Documents reviewed included previous evaluation reports, other reports (including the Baseline Report 2021 and the Key Insights Report 2023),[4] and legislative materials.

The Commissioner published a submission to inform the review

As specified in the Terms of Reference for the review, the Commissioner provided a written submission to the review which was published publicly on the website of the Commission for Gender Equality in the Public Sector (the Commission). The submission included 35 recommendations for refining the Act to enhance its effectiveness.

A detailed desktop review supported analysis

An information request to the Commissioner and the OFW supported the compilation of further documentation to inform the review. A detailed review was conducted in August 2025 which included documents related to the establishment and implementation of the Act in the first four years. The detailed desktop review informed stakeholder engagement and supported analysis of primary data.

[4] See Commission for Gender Equality in the Public Sector, *Baseline report – 2021 workplace gender audit data analysis* (August 2022); Commission for Gender Equality in the Public Sector, *Preliminary Findings: 2023 Progress reports* (December 2024).

1.3 The Act

The establishment of the Act

The Royal Commission into Family Violence (2015) highlighted the need to promote gender equality as a measure to prevent family violence.[5] In response to the Royal Commission, the Victorian government introduced *'Safe and Strong: A Victorian Gender Equality Strategy'* in December 2016. *Safe and Strong* was the first Victorian gender equality strategy and committed to legislative change to promote gender equality.[6]

Leveraging existing work in gender equality in Victoria, as well as national and international evidence on improving gender equality outcomes, the Gender Equality Bill was drafted. In 2018, the Bill was released for public consultation. Stakeholders expressed broad support for the proposed legislation, describing it as a "once in a generation reform opportunity to influence policy shifts, social norms, cultural expectations and attributes across Victoria."[7]

The Act passed the Victorian Parliament on 25 February 2020 and came into effect on 31 March 2021.[8] The Act is the first of its kind in Australia with the aim of promoting intersectional gender equality in Victorian workplaces and communities.

Dr Niki Vincent was appointed as the Public Sector Gender Equality Commissioner in October 2020 to oversee the implementation of the Act.[9] Dr Vincent was reappointed in September 2024 for another four years.[10]

The Commissioner's office was established through assistance provided by the Secretary of the Department of Premier and Cabinet under section 43 of the Act. The Commissioner's office is known in practice as the Commission for Gender Equality in the Public Sector (CGEPS or the Commission).

The 2020-21 Victorian Budget provided funding towards the implementation of the Act comprising $12.7 million over four years and $3 million ongoing. Of the $12.7 million, $11.2 million was allocated to establish the Commission and $1.5 million to establishing a reporting platform.[11]

Overview of the Act and its obligations

The Act's purposes are to promote gender equality by:

- Requiring the Victorian public sector, local councils and universities to take positive action towards achieving workplace gender equality
- Requiring these organisations to consider and promote gender equality in their policies, programs and services
- Establishing the Public Sector Gender Equality Commissioner to provide education, support implementation and enforce compliance.[12]

In line with these purposes, the Act establishes statutory obligations for 'defined entities' which consist of 300 organisations – referred to as 'duty holders' – across the public sector, local government and universities. The key obligations that duty holders are required to comply with are outlined in Table 2 below, aligned with the Act's purposes.

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[5] Royal Commission into Family Violence, *Report: Summary and Recommendations* (March 2016), 11.
[6] Victorian Government, *Safe and Strong: A Victorian Gender Equality Strategy* (December 2016), 17.
[7] Department of Premier and Cabinet, *Gender Equality Bill: Consultation Feedback Report* (2018), 14.
[8] *Gender Equality Act 2020* (Vic), s 2 ('the Act'); the Act, End notes, s 1.
[9] Premier of Victoria, *Breaking New Ground For Gender Equality in Victoria*, (Media Release, 10 September 2020) https://www.premier.vic.gov.au/breaking-new-ground-gender-equality-victoria.
[10] Premier of Victoria, *Reappointment Of Gender Equality Commissioner*, (Media Release, 17 September 2024) https://www.premier.vic.gov.au/reappointment-gender-equality-commissioner.
[11] Interim Director, Office of the Public Sector Gender Equality Commissioner, *Impacts of COVID-19 on the implementation of the Gender Equality Act 2020*, (Public Accounts and Estimates Committee (PAEC) report, 19 November 2020).
[12] The Act, s 1.

Table 2: Key obligations of duty holders

Purpose	Obligations
Take positive action towards achieving workplace gender equality	• GEAPs (s 10) • Workplace gender audits (s 11) and progress audits (*Gender Equality Regulations 2020*, reg 5C) • Progress reports (s 19)
Promote gender equality in policies, programs and services	• General duty to promote gender equality (s 7) • GIAs (s 9)

The objects of the Act are to:

- promote, encourage and facilitate the achievement of gender equality and improvement in the status of women; and
- support the identification and elimination of systemic causes of gender inequality in policy, programs and delivery of services in workplaces and communities; and
- recognise that gender inequality may be compounded by other forms of disadvantage or discrimination that a person may experience on the basis of Aboriginality, age, disability, ethnicity, gender identity, race, religion, sexual orientation and other attributes; and
- redress disadvantage, address stigma, stereotyping, prejudice and violence, and accommodate persons of different genders by way of structural change; and
- enhance economic and social participation by persons of different genders; and
- further promote the right to equality set out in the Victorian Charter of Human Rights and Responsibilities and the UN Convention on the Elimination of All Forms of Discrimination against Women.

The Act includes the first formal acknowledgement of compounded inequality, also known as intersectionality, in Australian equality law.[13] Section 4(c) (set out above) recognises forms of disadvantage or discrimination that may compound gender inequality. These factors must be considered by duty holders in meeting their obligations under the Act.

[13] Dr Niki Vincent, Public Sector Gender Equality Commissioner, *Submission to the Review of the Gender Equality Act 2020 (Vic)* (18 August 2025) 52.

1.4 Important contextual factors in understanding the findings of this review

Implementation sciences provide useful guidance to consider what level of implementation and effectiveness could be expected during the first four years of the Act and the factors that impact on the speed and success of implementation. Literature indicates that it can take anywhere from two to ten years to fully implement large scale program or systemic changes, with changes requiring cultural and systemic change likely to take closer to 10 years:

> "The timeline and duration of your implementation process will depend on the complexity and adaptability of your program or practice; the context of your implementation; and other influencing factors, such as policy and funding priorities." – Australian Institute of Family Studies, *Implementation in action* (2019)

Successful, or complete, implementation can be defined by closing the gap between 'what we know works' and what is being done in practice. During implementation it is common for there to be a gap, and variations in the speed at which different practices are incorporated across different organisations.

As acknowledged in the Commissioner's submission, there are also contextual factors that have influenced the implementation of the Act which should be considered in understanding the findings of this review.

These contextual factors were also highlighted by duty holder organisations and other key stakeholders. Factors that influenced the implementation and effectiveness of the first four years of the Act's operation include:

- **COVID-19** – in 2021, Victorian workplaces were impacted by the global pandemic, which placed significant pressure on duty holder organisations and impacted duty holder organisational priorities and service delivery demands, particularly in the health sector.[14] At this time, pressures on duty holders made it challenging to allocate time and resources towards implementing new gender equality obligations.
- **Fiscal environment** – a tight fiscal environment during the Act's first four years of implementation has led the Victorian Government to implement savings measures and reduce funding for many public sector organisations. Consequently, many duty holders have implemented their obligations under the Act without additional resourcing. As one duty holder survey response noted: "advice from government was financial sustainability – no additional resources". This constrained funding environment has also impacted on the resourcing available to the Commissioner and her office to implement the Act.
- **Socio-political environment** – socio-political 'backlash' against diversity, equity and inclusion initiatives internationally has increased during the first four years of the Act's implementation. The Commissioner notes this has led to some resistance and 'gender fatigue', as well as increased scrutiny and resourcing pressure on gender equality initiatives.[15]

It should also be noted that achievement of gender equality is a multi-generational effort, and the Act is ambitious in aiming to "drive transformational progress towards gender equality"[16]. Noting this review comes after the first four years of implementation, it is expected that foundational progress has been made with a focus on establishing the systems, processes, tools and relationships to support ongoing implementation of the Act in the next four years and beyond.

Section 53 of the Act specifies that the Minister must cause a review to be conducted of the 5th to 8th years of operation of the Act. In line with implementation sciences literature, further evidence of full implementation and more significant progress towards the objects of the Act would be expected at that time.

[14] Dr Niki Vincent, Public Sector Gender Equality Commissioner, *Submission to the Review of the Gender Equality Act 2020 (Vic)* (18 August 2025) 13.

[15] Ibid.

[16] Ibid 5.

Section 2: Findings

Domain 1: Effectiveness of the Act

As outlined in the Terms of Reference, the review has two domains: implementation and effectiveness. This section covers the effectiveness of the Act. Effectiveness is assessed by considering the key review question: to what extent has the Act has been effective in contributing to gender equality? The lines of enquiry which inform this key review question are:

- to what extent has the Act contributed towards driving systemic, structural and cultural change? (section 4.1 – 4.2)
- to what extent is the coverage of the Act appropriate (including size and types of organisations required to report) to support system change? (section 4.3)
- what amendments or other actions could support progress towards the objects and purposes of the Act? (throughout section 4 and section 6: Recommendations)

Finding 1.1: The Act has led to duty holder progress towards workplace gender equality and influenced organisational and cultural change in its first four years of operation

1.1.1. The Act's obligations have led to the compilation of a comprehensive gender equality dataset. Despite some challenges with data quality, early progress towards workplace gender equality indicators (WGEIs) is evident.

The Act has led to the compilation of a comprehensive gender equality baseline dataset from which to assess duty holder progress towards WGEIs

One of the Act's three main purposes is to 'require the public sector, Councils and universities to take positive action towards achieving workplace gender equality'. To measure achievement of workplace gender equality over time and inform the development of a GEAP, duty holders are required to undertake workplace gender audits every two years.[17] Audits comprise workforce data gathered through internal data collection systems (such as payroll and human resources (HR) data) and employee experience data collected through surveys (such as the Victorian public sector's 'People matter survey'). The Commissioner requires duty holders to submit audit data through the Commission's reporting platform.

Duty holders undertook the first workplace gender audit in 2021, establishing a 'baseline' dataset on workplace gender equality in the public sector for the first time. A progress audit was undertaken in 2023 enabling comparison with the initial 2021 data and was accompanied by the first progress report. The next audit is due on 1 December 2025.

The Act has led to the development of "Australia's most comprehensive public sector gender equality dataset",[18] comprising 100 million data points. Data is published on the Commissioner's website which enables tracking and public accountability of duty holder progress towards gender equality indicators. This reflects a significant achievement of the first four years of the Act.

[17] The Act, s 10.

[18] Dr Niki Vincent, Public Sector Gender Equality Commissioner, *Submission to the Review of the Gender Equality Act 2020 (Vic)* (18 August 2025), 5.

While the establishment of the comprehensive gender equality dataset is an achievement, there are opportunities to continue to improve data quality and progress reporting

The compilation of a gender equality dataset involved significant upskilling and systems improvement by duty holders. The Commissioner and her office provided feedback on audits to all duty holders and provided opportunity for resubmission where data quality was poor.

In 2021, 90% of duty holders' first workplace gender audits were assessed as compliant and upon resubmission all duty holders' audits were assessed as compliant. This is noting that the Commissioner intentionally took an educative and lenient approach to compliance for the first audit. All duty holder organisations received feedback and more than 90 revised their audit data.[19] Given the 2021 audit was the first time duty holders were required to collect such comprehensive workforce data, audits revealed areas of limited data availability and poor data quality, particularly related to intersectional data (see finding 2.3 for further discussion on intersectional data).[20]

There continued to be some challenges with the quality of data provided by duty holders in the next reporting cycle in 2023. The Commissioner required one-third of 2023 progress audits be resubmitted, half of these were for non-compliance with the Act.[21] Just over a third of duty holders (34%) demonstrated compliance with all nine progress reporting obligations. While there was some improvement in data quality, especially of the gender pay gap (238 organisations included this in public reporting in 2023, compared with 204 in 2021),[22] the capacity of duty holders to report intersectional data remained low (see finding 2.3 for further discussion).[23]

Priority actions identified in the Progress Reporting and Audit Processes Review (2023) included the need for leaders from duty holder organisations to support the capability of their teams to meet obligations, including improved data collection and reporting analysis capability.[24]

Duty holders have shown some early progress towards WGEIs

Duty holders are required to submit a progress report every two years,[25] and show 'reasonable and material progress' towards seven WGEIs.[26] In 2023, duty holders collectively showed some progress toward WGEIs (see Table 3). There is room for further progress with one indicator (experiences of sexual harassment) worsening, three indicators showing some improvement, one indicator remaining constant and one indicator lacking comprehensive reporting.[27] In Table 3 (below), the compliance rate is the percentage of duty holder organisations that made progress toward the WGEI or provided acceptable reasons for not making progress as required under the Act. This is the definition of compliance applied by the Commissioner.

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[19] Dr Niki Vincent, Public Sector Gender Equality Commissioner, *Submission to the Review of the Gender Equality Act 2020 (Vic)* (18 August 2025), 22.
[20] Commission for Gender Equality in the Public Sector, *Baseline report – 2021 workplace gender audit data analysis* (August 2022), 18; Dr Niki Vincent, Public Sector Gender Equality Commissioner, *Submission to the Review of the Gender Equality Act 2020 (Vic)* (18 August 2025), 22.
[21] Dr Niki Vincent, Public Sector Gender Equality Commissioner, *Submission to the Review of the Gender Equality Act 2020 (Vic)* (18 August 2025) 43.
[22] Commission for Gender Equality in the Public Sector, *Preliminary findings: 2023 Progress reports* (December 2024), 6.
[23] Dr Niki Vincent, *Public Sector Gender Equality Commissioner, Submission to the Review of the Gender Equality Act 2020 (Vic)* (18 August 2025) 22.
[24] Right Lane Consulting, *Commission for Gender Equality in the Public Sector (CGEPS) Progress Reporting and Audit Processes Review: Diagnosis report* (December 2024) 47.
[25] The Act, s 19(a).
[26] The Act, s 16(a).
[27] Dr Niki Vincent, Public Sector Gender Equality Commissioner, *Submission to the Review of the Gender Equality Act 2020 (Vic)* (18 August 2025) 22; Commission for Gender Equality in the Public Sector, *Preliminary findings: 2023 Progress reports* (December 2024), 4.

Table 3: Duty holder compliance with progress toward WGEIs and description of progress (2023)

WGEI	Duty holder compliance rate	Description of duty holder collective progress towards WGEI
Indicator 1 Gender composition at all levels of the workforce	74%	The proportion of women Chief Executive Officers increased from 39% to 44%; with only a minor increase in women represented at senior leadership levels (from 47% in 2021 to 48% in 2023). *Note: this measure of progress is an example of gender composition at the CEO/senior leadership level, however, this indicator is also used to measure gendered segregation at lower levels of the workforce.*
Indicator 2 Gender composition of governing bodies	88%	Gender balance was maintained across governing bodies and chairs of governing bodies with half of these positions held by women in 2021 and 2023.
Indicator 3 Gender pay gap [28]	67%	The mean total remuneration pay gap remained the same (at 15.1%) from 2021 to 2023.
Indicator 4 Sexual harassment in the workplace[29]	60%	More women and people who self-describe their gender experienced sexual harassment in 2023 compared to 2021: while more employees indicated they formally reported sexual harassment incidents to their organisation, organisations reported 22% fewer formally reported sexual harassment incidents.
Indicator 6 Leave and flexible working arrangements	67%	The average number of weeks of parental leave taken by men increased from 3.9 to 5.2 weeks.
Indicator 7 Gendered segregation within the workplace	63%	Detailed analysis beyond headline compliance with this indicator was not included in the Preliminary Findings Report (2023).

[28] Commission for Gender Equality in the Public Sector, *Insights report: gender pay gap* (June 2025).
[29] See also Commission for Gender Equality in the Public Sector, *Insights report: sexual harassment* (June 2025).

Most duty holder survey respondents indicated that the Act had led to their organisation taking positive action towards achieving workplace gender equality

Seventy-three percent of duty holder survey respondents agreed or strongly agreed that the Act had led to their organisation taking positive action towards achieving workplace gender equality (see Figure 3). Of respondents who agreed, many cited the development and implementation of their GEAP as helping to drive workplace gender equality:

"The GEAP is a real live document that we refer to regularly and has actions that are achievable over a period of time. They really set the direction for the organisation meeting our GE Act obligations." – duty holder survey response

"The development of a GEAP has resulted in positive action being taken... I think the actions would have been captured anyway, but the GEAP does focus attention on diversity effectively." – duty holder survey response

"The development of a GEAP has resulted in positive action being taken... I think the actions would have been captured anyway, but the GEAP does focus attention on diversity effectively." – duty holder survey response

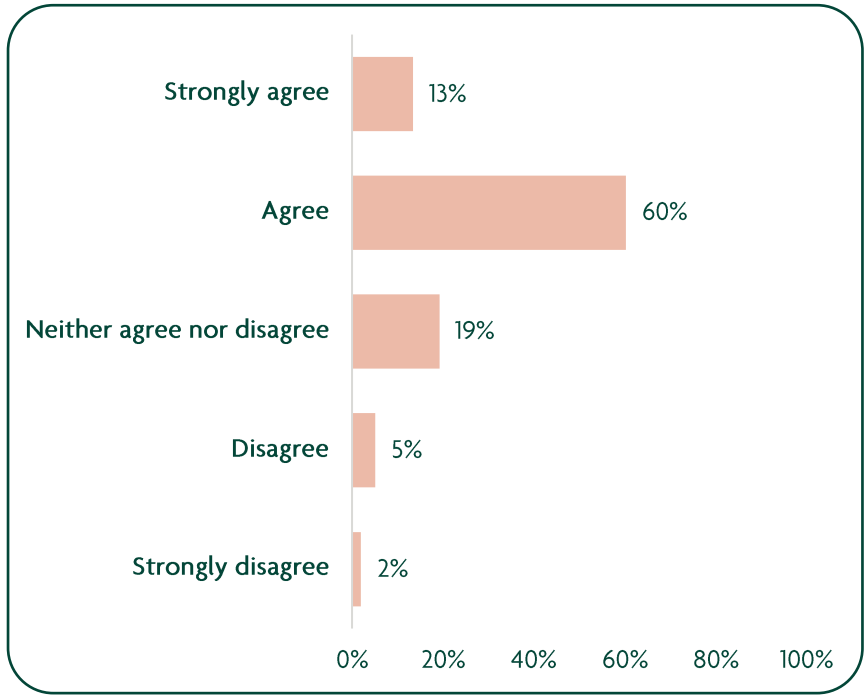
Other respondents provided examples of progress that their organisation had made towards workplace gender equality:

"We have made significant strides in gender equality in the make-up of our senior leadership team... and has female managers in many of our very technical areas (capital delivery, water supply, asset management, etc) as well as corporate roles." – duty holder survey response

Other respondents noted that the Act has built an awareness and understanding of workplace gender equality within their organisation (further discussed in Finding 1.1.2).

"This legislation prioritised workplace gender equality for our [local government] sector, when we were otherwise lagging behind." – duty holder survey response

Figure 3: Duty holder agreement with the statement 'The Gender Equality Act has led to my organisation taking positive action toward achieving workplace gender equality.'



In the first four years of implementing the Act, the Commissioner focused on building duty holder capacity to collect data and undertake reporting. While duty holders report they are seeing some progress toward workplace gender equality, as published in the Preliminary Findings report (2023), the Commissioner expects greater progress to be demonstrated in the 2025 reporting period when duty holder organisations have had more time to embed practices and refine strategies.[30]

[30] Commission for Gender Equality in the Public Sector, *Preliminary findings: 2023 Progress reports* (December 2024), 2.

1.1.2. Duty holders have invested resources and time in meeting data and reporting requirements. In a resource constrained environment, this has diverted resources from initiatives to progress gender equality.

Duty holders have invested in improving systems and upskilling staff which has enabled them to meet most data collection and reporting obligations

Many duty holders highlighted inadequate data collection systems as a key barrier to meeting data and reporting requirements in the first four years of the Act. Most workforce data systems used by duty holders are not designed in line with data collection requirements of the Act. Therefore, manual workarounds are sometimes required to meet data requirements and additional effort required to meet obligations. This aligns with the evaluation of the 2023 reporting process which found that manual workload increased where duty holders had inadequate systems to meet data requirements.[31]

"Our payroll system is 25 years old and was not designed with this type of compliance in mind. Due to its age, we also are unable to configure the system further. To capture and report data requirements we have had to implement manual data collection which for an organisation of over 5000 is very onerous." – duty holder survey response

Some duty holders report that they have invested significant time and effort in uplifting their internal systems to fulfill data collection requirements. Efforts to improve data systems are ongoing, and some duty holders report further work is needed to improve system capability and efficiency of data collection.

"Some of the systems that we would be requiring in order to be able to pull the data... haven't really been fit for purpose. So part of what we've been progressing with over the last little while is actually getting our systems up to speed so that we can understand where we're at... we've still got some work to do around that." – duty holder interview participant

"[We have] improved systems and processes for data collection since the last audit to meet audit requirements. They are still not ideal and require manual workarounds." – duty holder survey response

A degree of analytical expertise is required to enable gender equality planning and performance monitoring

Some duty holders also report a focus on upskilling their people to meet data collection and analysis requirements over the past four years. Duty holder survey responses indicate that internal capability was a key enabler of fulfilling statutory obligations. One duty holder interviewed reported that staff from People and Culture or HR teams are commonly responsible for preparing the audits and progress reports. While they may be capable in workforce data collection, they do not necessarily have data analysis expertise. In addition, duty holder organisations may not have the resources to hire a data analyst to understand the data collected. Therefore, internal upskilling is important to an organisation's ability to use audit data to develop their GEAP and analyse progress toward WGEIs for progress reports.

Significant effort was diverted to meeting data and reporting requirements

Some duty holders reported that the resources invested in building capability and collecting and analysing data to ensure compliance diverted resources from progressing gender equality initiatives within their organisation, such as actions set under their GEAP and embedding GIAs.

"Reporting requirements detract resources from doing the work that will make progress. For example, the workplace gender audit takes several months to compile, validate, and analyse." – duty holder survey response

[31] Right Lane Consulting, *Commission for Gender Equality in the Public Sector (CGEPS) Progress Reporting and Audit Processes Review: Diagnosis report* (2024), 30.

This challenge is driven by duty holders working to fulfill their obligations with limited resources, which is acknowledged by the Commissioner and discussed in the 2023 progress reporting and audit processes review.[32]

It is further compounded by reporting responsibilities commonly sitting with those who are also responsible for progressing gender equality actions more broadly within the organisation.

"The resources are the same resources that work on changing culture and implementing the initiatives and time spent on reporting means the time isn't spent on driving change." – duty holder survey response

"Significant time spent on compliance reporting requirements means less time for implementing initiatives." – duty holder survey response

Some duty holders also reported that they were already progressing gender equality within their organisation, motivated by their organisational values as opposed to compliance.

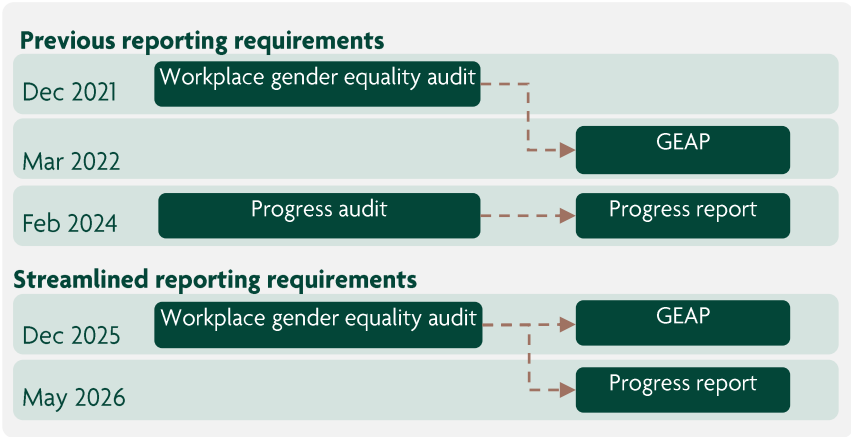
"As an organisation, very hard to promote diversity and inclusion generally, and I think we've done that very well. If you look at most of the industry. But I think that that comes from more from our organisational values rather than... external obligations." – duty holder interview

There is opportunity to streamline overall processes for audits to free up resources for initiatives to progress gender equality

The burden on duty holders in collecting and reporting data would also be alleviated by the streamlining of audit requirements.[33] Consolidating progress audits and workplace gender audits and separating audits from GEAP and progress reporting requirements would reduce duty holder workload by enabling them to undertake a single audit to inform both their GEAP and progress report for a reporting cycle. New streamlined reporting requirements have been incorporated into the 2026 reporting cycle (see Figure 4).

This is a step towards alleviating reporting pressures that duty holders experienced in the first four years of implementing their obligations.

Figure 4: Previous reporting cycle compared with streamlined reporting cycle



Alignment of data collection requirements with other agencies would reduce duplication of effort and alleviate duty holder resourcing burden

The second reading speech outlines that "the Bill's reporting obligations are intended to align with other reporting obligations as much as possible, such as the *Victorian Public Sector Commission* and the *Workplace Gender Equality Act 2012* (Cth)." However, stakeholders report that there has been duplication in data collection and reporting requirements, which can cause confusion and increase reporting burden.

The Commissioner has expressed a commitment to reducing barriers to compliance and regulatory duplication through her regulatory approach.[34]

[32] Dr Niki Vincent, Public Sector Gender Equality Commissioner, *Submission to the Review of the Gender Equality Act 2020* (Vic) (18 August 2025), 11 – 12; Right Lane Consulting, *Commission for Gender Equality in the Public Sector (CGEPS) Progress Reporting and Audit Processes Review: Diagnosis report (2024)*, 25.

[33] Dr Niki Vincent, Public Sector Gender Equality Commissioner, *Submission to the Review of the Gender Equality Act 2020 (Vic)* (18 August 2025), 40 – 41.

[34] See Commission for Gender Equality in the Public Sector, *2025-2028 Strategic Plan* (April 2025), 7; Dr Niki Vincent, Public Sector Gender Equality Commissioner, *Submission to the Review of the Gender Equality Act 2020* (Vic) (18 August 2025) 10.

While the Commissioner and her office already work with the VPSC (e.g., in aligning the People matter survey reporting requirements to inform workplace gender indicators), stakeholders reported there is further opportunity for the Commissioner to work closely with the VPSC to improve efficiency and streamline data systems. For example, this could include enabling 'pre-filling' of some aspects of duty holder data reporting requirements with data that is housed or managed by VPSC.

"It would be extremely helpful if the Commission and VPSC could work together so that the workforce data gathered annually included the data sought by the Commission and the analytics reports provided [by the VPSC] in January had the information needed for organisations to move ahead with planning improvement strategies, using the analytics as input." – duty holder survey response

Some duty holders also reported that the Workplace Gender Equality Agency (WGEA)'s data collection and reporting is more compatible with commonly used Human Resource Information Systems (HRIS).[35] The Commissioner could work with WGEA and/or common HRIS providers to identify opportunities to improve compatibility of systems and reduce duplication of data handling.

"The data required to complete the audit is incredibly difficult to obtain without a modern HRIS. Reporting should align with the WGEA to make it easier to provide accurate data." – duty holder survey respons

"Reporting requirements and definitions differ between WGEA and the Victorian Gender Equality Act, making it hard to streamline processes... HRIS platforms are typically built around WGEA requirements, not the Victorian Act, leading to manual workarounds." – duty holder survey response

Victorian Universities who are duty holders under the Act have obligations under the *Workplace Gender Equality Act 2012* (Cth) in addition to reporting obligations to the Commission.

The Commonwealth Act requires employers from the private sector or Commonwealth public sector with 100 or more employees to lodge gender equality data each year which includes workforce data.

Some university duty holders reported some confusion caused by having obligations under the *Workplace Gender Equality Act 2012* (Cth) and the *Gender Equality Act 2020* (Vic):

"A consistent struggle, I have found is aligning the respective requirements for all GE related legislation, and communicating this with stakeholders. There is still considerable confusion around the difference between WGEA and [the Gender Equality Act], and frequent queries into why we must do both." – duty holder survey response

There is an opportunity for the Commissioner and WGEA to work together to create greater clarity about the requirements of and differences between the two Acts, and benefits of having obligations under both Acts.

[35] Note that these observations came from duty holders across a number of industries including where the duty holder does not have a dual reporting obligation to WGEA. This could be driven by a number of factors including that some duty holders operate within ecosystems where other organisations that they work closely with are required to report under WGEA.

1.1.3. There is evidence of the Act influencing systemic and cultural change, in line with objects of the Act

Stakeholders report that the Act has influenced systemic change towards achieving gender equality

The Act's objects include driving cultural change, addressing systemic causes of gender inequality and structural change to redress disadvantage.[36] The second reading speech supports this ambition, noting that stakeholders identified a need for legislation to "drive systemic, structural and cultural change".[37] The Commissioner stated in her submission that "the Act has fundamentally and permanently altered the Victorian landscape" by moving "gender equality from the margins to the mainstream of public administration".[38] Some stakeholders interviewed reported that the Act has been important in enabling systemic change towards gender equality. Most duty holders also agree that the Act is contributing to long-term, systemic change towards gender equality, with 72% survey agreement (see Figure 5).

"We cannot underestimate just the mere fact that the legislation has come into effect is a way of creating change." – government stakeholder, interview

Stakeholders also noted that the Act has been important in establishing workplace gender equality in the public sector as an imperative. In the context of the first four years of the Act, this is important foundational progress towards broader systemic change.

"[Gender equality] is no longer the 'nice to have', it's the 'must have' and that's a good thing too. I think if we got that far in four years, that's not bad in terms of a starting point." – key stakeholder, interview

Other stakeholders noted that the Act is influencing change because of the introduction of compliance obligations which must be embedded in public sector organisations.

"When things are institutionalised, they happen. Now, they don't always happen perfectly or as thoroughly as an Act's intent may be, but the fact that [the Act] is institutionalised means that even if it is box ticking someone's had to tick the box and they had to think about that." – government stakeholder, interview

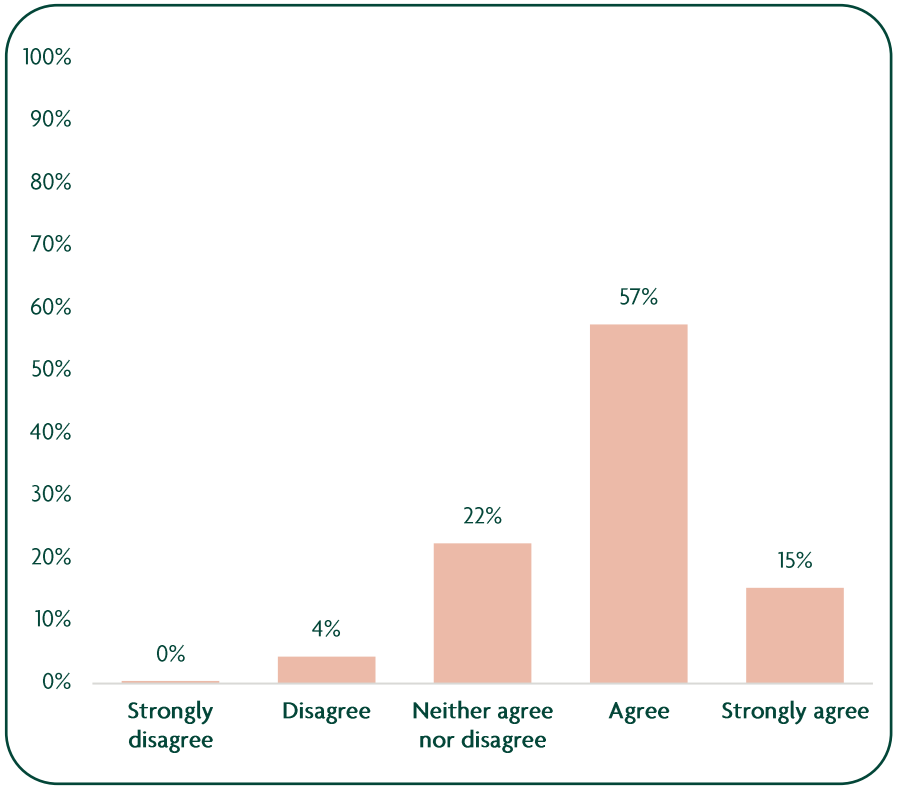
"A lot of departments, institutions and agencies are decades old and are very established. There is no existential imperative to change systems unless required by an external obligation like the Gender Equality Act." – duty holder survey response

[36] See The Act, s 4.

[37] Victoria, Parliamentary Debates, Legislative Assembly, 59th Parliament, 1st session, 27 November 2019, 4581.

[38] Dr Niki Vincent, Public Sector Gender Equality Commissioner, *Submission to the Review of the Gender Equality Act 2020 (Vic)* (18 August 2025), 28.

Figure 5: Duty holder agreement with the extent to which the Act is contributing to long-term, systemic change towards gender equality



The introduction of Gender Responsive Budgeting is a strong example of the Act influencing a major change across the public sector. The amendment to the *Financial Management Act 1994* in 2024 made Victoria "the first jurisdiction in Australia to legislate Gender Responsive Budgeting requirements".[39] The changes give powers to the Treasurer to request GIAs in the budget process – a systemic change towards promoting gender equality through government spending.

"The Gender Equality Act supported the implementation of Gender Responsive Budgeting, as [it] could build on the existing requirement for gender impact assessments." – duty holder survey response

"Gender Responsive Budgeting via the Department of Treasury and Finance has been essential in supporting compliance to gender impact assessments. A similar agreement is required with Department of Premier and Cabinet (DPC) to gain traction for GIAs on policy and legislation." – duty holder survey response

It has also provided an additional, valuable avenue for Victorian Public Service duty holders to effectively implement GIAs.

"In relation to GIAs, support from the Gender Responsive Budgeting team on queries in relation to gender impact assessments and requirements has assisted our department. DTF is uniquely placed, while not a direct service delivery provider, as it has extra support from the Gender Responsive Budgeting unit, who work closely with CGEPS, the Gender Equality Act and GIAs." – duty holder survey response

Some Victorian Public Service duty holders identified that there is opportunity to extend this framework to the cabinet submission process, which would represent further systemic change towards embedding gender equality in government.

"[We would like to see] advocacy to (DPC) to mandate GIAs in their templates and guidance as part of the Cabinet Submission process. This would increase GIAs on policy and legislation." – duty holder survey response

The Act has also influenced systemic changes in other jurisdictions, including in NSW, Tasmania and South Australia, where GIAs are being adopted using the Commissioner's resources.[40]

[39] Dr Niki Vincent, Public Sector Gender Equality Commissioner, *Submission to the Review of the Gender Equality Act 2020 (Vic)* (18 August 2025) 25.

[40] Ibid 25.

The Act has increased awareness of gender equality within duty holder organisations, supported by leadership buy-in

There is evidence that the Act has also improved the awareness of gender equality within duty holder organisations and is beginning to influence changes in culture. Engagement of an organisation's leadership in progressing gender equality was reported by duty holders to be a key enabler of organisational awareness of gender equality and fulfilling obligations under the Act. The Commissioner also cited leadership support as the most critical success factor for duty holder organisations in effectively implementing the Act.[41]

"These actions always start from the top, so we have looked to maintain equal representation of women on the board and executive team and increase their accountability (via KPIs) to role model attitudes and behaviour reflective of gender equality. They have built a strong awareness (such as through zero tolerance comms) of the importance and benefits of gender equality and drive the message of responsibility for all by developing, providing and promoting gender equity and respectful workplaces and professional development (such as bystander training and manager capability programs) resources across the organisation" – duty holder survey response

Some duty holders reported that the Commissioner's visits to duty holders have played an important role in supporting leadership buy-in and building organisational awareness of gender equality and the Act's obligations.

"Visit from the Commissioner generated awareness and curiosity about gender inequities, particularly around gender pay gap and sexual harassment." – duty holder survey response

"The Commissioner's visit to our organisation provided a valuable opportunity for direct dialogue, reinforcing the importance of the Act and enhancing staff understanding and commitment. This engagement also elevated the visibility of our gender equality initiatives, lending credibility and momentum to our internal efforts." – duty holder survey response

The establishment of a Public Sector Gender Equality Commissioner has also been important in building broader awareness of the importance of gender equality

Some stakeholders also noted the importance of having a Commissioner established under the Act, as an independent voice on gender equality.

In the first four years of the Act, the Commissioner has undertaken a range of advocacy and engagement activities to build awareness and promote the objects of the Act. In addition to visiting a majority (two-thirds) of duty holders over the first four years of the Act, the Commissioner has undertaken media interviews, speaking engagements, stakeholder meetings, written op-eds and made submissions on relevant federal and Victorian legislation and policies "aimed at addressing systemic gender inequality within and beyond the public sector".[42]

"The regular public facing reporting and ongoing advocacy from the Commissioner for Gender Equality in the Public Sector have supported to increase leadership awareness on gender equality and the Act." – duty holder survey response

"I believe the commission has certainly played a critical role in highlighting the importance of gender equality within [public health]. It has sparked necessary conversations and raised awareness, which is a key first step toward making tangible progress." – duty holder survey response

Building awareness of the importance of gender equality and establishing buy-in of leaders within some duty holder organisations is a key achievement of the first four years of the Act and establishes the foundation from which the Act can effectively contribute towards gender equality going forward.

[41] Commissioner interview (9 September 2025).

[42] Dr Niki Vincent, Public Sector Gender Equality Commissioner, *Submission to the Review of the Gender Equality Act 2020 (Vic)* (18 August 2025) 12-14.

There is opportunity to continue to engage leaders and staff of duty holder organisations to influence cultural change towards gender equality through leadership forums and communities of practice

The Commissioner's efforts to build relationships with duty holders through visits have built awareness amongst many leaders and buy-in amongst duty holders to comply with the Act and invest resources in progressing gender equality.

In the next four years, the Commissioner could adopt a greater focus on engaging leaders of duty holder organisations through existing forums and networks to improve the efficiency of engagements, where possible. For example, the Commissioner could use sector-based leadership forums and existing communities of practice as opportunities to engage with leaders and staff from duty holder organisations, favouring this over individual duty holder visits to continue engagement in an operationally efficient way, with some targeted individual visits where required from a risk-based perspective.

Finding 1.2: The Act's nation-leading obligations aim to accelerate gender equality in both duty holder organisations and the community. There is opportunity for duty holders to better embed the most complex components of the Act.

1.2.1. Most duty holder organisations and their staff do not have the depth of understanding and skills required to undertake best practice GIAs which continues to limit their effectiveness

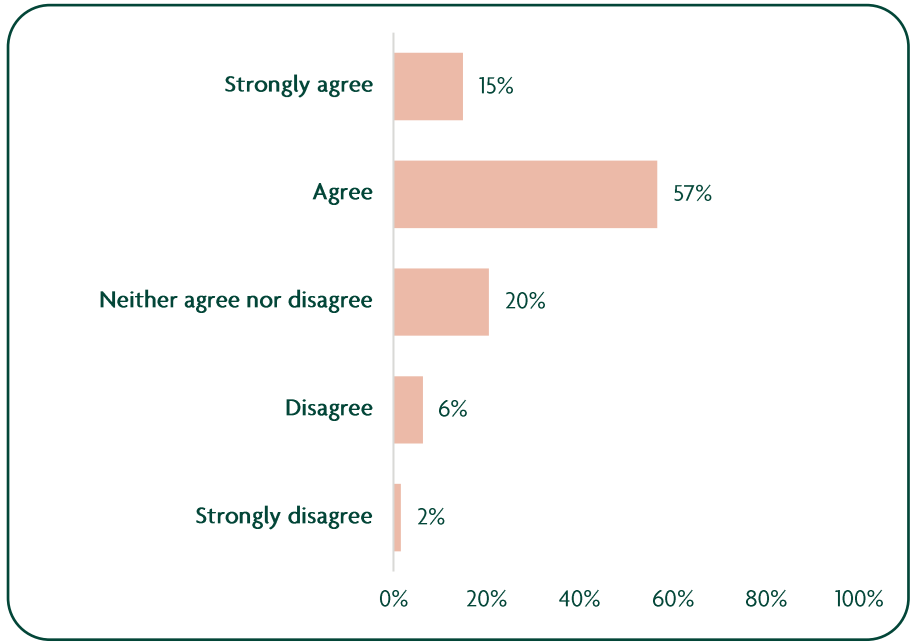
There is evidence that GIAs are not being completed for public-facing policies, programs and services with the level of depth required to identify and address gendered impacts as intended

Under the Act, duty holders are required to prepare GIAs when developing or reviewing any policy, program or service that has a "direct and significant impact on the public".[43] The Commissioner reports that government policies, programs and services can have 'profoundly gendered consequences'.[44] The purpose of requiring duty holders to conduct GIAs is "to support the identification and elimination of systemic causes of gender inequality in policy, programs and delivery of services in workplaces and communities."[45]

The extent to which GIAs have met their intended impact is dependent on staff within duty holder organisations conducting them effectively, with the required depth and understanding of gender equality. In the 2023 reporting period over 1,500 GIAs had been conducted by duty holders collectively, with 75% leading directly to actions that promote gender equality.[46]

The duty holder survey revealed that 72% of respondents agree that the Act is contributing to their organisation promoting gender equality, in its policies, programs and services (see Figure 6).

Figure 6: Duty holder agreement with the statement: 'The Gender Equality Act has led to my organisation promoting gender equality in its policies, programs and services.'



[43] The Act, s 9(1).

[44] Dr Niki Vincent, Public Sector Gender Equality Commissioner, *Submission to the Review of the Gender Equality Act 2020 (Vic)* (18 August 2025) 45 citing Annette Hastings, Peter Matthews, and Yang Wang 'Unequal and Gendered: Assessing the Impacts of Austerity Cuts on Public Service Users' (2023) 22(4) *Social Policy & Society* 594-614.

[45] The Act, s 4(b).

[46] Dr Niki Vincent, Public Sector Gender Equality Commissioner, *Submission to the Review of the Gender Equality Act 2020 (Vic)* (18 August 2025) 22.

However, based on information in progress reports, the Commissioner found "many duty holders provided brief, inadequate responses offering little insight as to whether GIAs are being undertaken effectively and in all circumstances in which they are required under the Act."[47]

Many duty holders also report that GIAs are not yet having their intended impact due to a lack of understanding of gender equality and how it relates to their work:

"Where conducted, the outcome of GIAs has not led to meaningful change that would see a benefit at community level. One of the barriers is the lack of understanding of gender equality language and how it relates to work across the sector." – duty holder survey response

This also aligns with recent research conducted on behalf of the Commissioner on GIAs in rural and regional councils and hospitals. The research survey found that 56-63% of hospital survey respondents and 57-60% of council respondents disagreed that those responsible for conducting GIAs had the awareness and skills required to undertake them effectively.[48]

GIAs require expertise in assessing gendered impacts which is a barrier to many duty holders and their staff completing comprehensive GIAs

To effectively conduct GIAs, policymakers and program owners across duty holder organisations need to "analyse the differential effects of policies, programs and services on people of different genders."[49] This is a process which requires technical expertise in assessing and addressing gendered impacts.

"A lack of internal experts in [GIAs] has also made it difficult. We are all learning as we go, and expected to report back on number of GIA's completed from the get-go. It is a major change piece that I was doing in my spare time, and not well." – duty holder survey response

Based on duty holder feedback, GIAs are not yet effective across all duty holder organisations because many staff responsible for policies, programs and services do not have the analytical skills or expertise required to conduct a robust GIA. There is also a lack of understanding of "best practice" for assessing gendered impacts, specific to different sectors, organisation sizes and locations.

For GIAs to be effective, they also need to be conducted by a staff member who has a deep understanding of the policies, programs and services being developed or under review. Therefore, while some duty holders choose to use external consultants to build expertise, duty holders cannot simply employ an individual expert to conduct all GIAs within an organisation.

Improvement to the effectiveness of GIAs is reliant on the upskilling of policymakers and program owners across an organisation, which is resource intensive.

"[It is] difficult to decentralise [GIAs] due to the skills of the people owning the policies and programs etc. and the materials and supports are time intensive and confusing in a very time poor environment. We are not getting traction on these and or seeing any significant improvements in the policies, programs and services that undergo review." – duty holder survey response

These challenges were also reflected in views of regional councils and hospitals in a recent survey conducted on behalf of the Commissioner for a research project into GIAs. The survey found that most hospital and council survey respondents did not think there was sufficient budget, staffing and expertise to conduct and oversee GIA processes.[50]

The implementation of GIAs is further discussed in finding 2.3.

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[47] Ibid 45.
[48] Right Lane Consulting, *Gender Impact Assessment (GIA) research in rural and regional councils and hospitals in Victoria* (January 2025) 28, 57.
[49] Victoria, Parliamentary Debates, Legislative Assembly, 59th Parliament, 1st Session, 27 November 2019, 4583 (Gabrielle Williams, Minister for Prevention of Family Violence, Minister for Women, Minister for Youth).
[50] Right Lane Consulting, *Gender Impact Assessment (GIA) research in rural and regional councils and hospitals in Victoria* (January 2025) 34, 63. *Note: hospital respondents had higher levels of disagreement with questions related to sufficient budget, staffing and oversight.*

There is opportunity to continue to build duty holder capability and understanding of GIAs which will improve the quality of GIAs

The Commissioner should continue efforts to build the capacity of duty holders to conduct GIAs. Capacity building should focus on supporting duty holder organisations to upskill key staff responsible for developing and reviewing policies, programs and services within the organisation.

There is opportunity for the Commissioner to continue to promote available GIA guidance materials to duty holders, and simplify materials where possible in order to make them accessible for the broad audience of staff who are involved in policies, programs and services. While some duty holders have found the GIA case studies helpful, others believe that there is opportunity to simplify and tailor them further.

"The case studies and videos outlining practical examples for GIAs have been excellent." – duty holder survey response

"GIA resources were too dense and academic. Needed to be more relatable to a broad staffing cohort." – duty holder survey response

While there are a range of GIA case study videos on the Commission's website, many duty holders noted that more examples of best practice tailored to their organisation's sector, size and location would support staff to meaningfully engage in the process and more effectively conduct GIAs.

"[We need] more GIA case studies, particularly those based on complex services. Case studies that illuminate how a focus on gender equality in one area of service can be useful when doing GIAs on other areas of service. More examples of good practice resulting from GIAs. Case studies and examples in very plain English for staff who are very unfamiliar with how gender inequality might impact their service. Examples of tailored GIA resources that show how different businesses can easily adopt a gender lens." – duty holder survey response

"[We need] training and knowledge share sessions of best practice GIAs - by people designing government and related services and to people designing government and related services." – duty holder survey response

There is also opportunity to simplify existing staff training to ensure it meets the needs of a diverse range of staff, including those who may not be familiar with gender equality, to "meet people where they're at".[51]

"The GIA template was very academic, lengthy and full of jargon." – duty holder survey response

"Simpler templates and guidance materials to assist people who are not working in that space would be a great help." – duty holder survey response

"A shorter, streamlined GIA template would also be appreciated, as many internal program areas have flagged the repetitive nature of current content requirements." – duty holder survey response

The Commissioner noted the potential impact of building capability across duty holder organisations to undertake robust GIAs: "one thing we know is that when people start to see gendered impacts it then helps you to see things everywhere".[52]

Provision of more detailed information on GIAs to the Commissioner may enhance performance monitoring and tailored support

It is currently challenging for the Commissioner to assess the extent to which duty holders are conducting GIAs effectively because she is not provided the details of each GIA conducted in progress reporting, but only a brief summary. Through providing actual GIAs, or a sample of GIAs as part of progress reporting, the Commissioner would be able to:

- understand which duty holders are not conducting GIAs effectively and tailor education and capability building efforts accordingly
- assess samples of GIAs for compliance based on quality as opposed to solely on self-reported completion.

This would also support the Commissioner to provide more comprehensive feedback to duty holders about their GIAs in future.

[51] Duty holder interview (September 2025).

[52] Commissioner interview (9 September 2025).

"We request more detailed and individualised feedback on our GIA submissions. In the first tranche of reporting, we provided a comprehensive report and supporting documents to demonstrate our efforts in responding to the legislation's broad definitions. Unfortunately, the feedback we received was limited to a compliance status, without offering actionable insights for improvement." – duty holder survey response

This change to GIA reporting aligns with recommendation 24 of the Commissioner's submission.[53]

[53] Dr Niki Vincent, Public Sector Gender Equality Commissioner, *Submission to the Review of the Gender Equality Act 2020 (Vic)* (18 August 2025) 45 – 46.

1.2.2. The effectiveness of the Act in progressing intersectional gender equality is dependent on duty holders' ability to apply an intersectional lens to their statutory obligations

The concept of intersectionality being embedded in the Act is progressive and novel

The Act is progressive in recognising compounded gender inequality. As noted in Commissioner's submission, it is "first formal integration of the concept of compounded discrimination (intersectionality) into Australian equality law".[54] A recognition of intersectionality as compounding gender inequality is included in the Act's objects and principles.[55]

Duty holders face capability challenges in building deep understanding of intersectionality to apply to their obligations

The effectiveness of the Act in contributing to intersectional gender equality is dependent on duty holders' ability to understand and consider intersectionality when fulfilling their obligations. Intersectionality applies to GIAs and GEAPs, as well as audits and progress reports. Challenges related to intersectional data collection are discussed in finding 2.2.2.

While the Commissioner's submission notes progress in duty holder understanding of intersectionality and commitment to apply it,[56] there is still varying levels of understanding among duty holders.

Key challenges that were noted by duty holders regarding the effectiveness of intersectionality include:

- technical expertise required to effectively understand intersectionality.
- practical understanding of how to integrate consideration of intersectionality into implementing the Act's obligations.
- sufficient capacity to consider intersectionality in their work.

"Designing and implementing genuine intersectional interventions to reach and support the most marginalised groups also presents significant complexity which takes time, resourcing and expertise." – duty holder survey response

There also appears to be some confusion between intersectionality and diversity among some duty holders.

"I think Gender Equality is a misnomer, as the requirements extend to diversity overall. It might help to have this recognised in naming conventions." – duty holder survey

"There is a risk nothing gets done as seen as too much work, or intersectionality is treated as one inclusion and diversity initiative and 'waters' down the nuance." – duty holder survey response

Furthermore, there is acknowledgement that there are risks to attempting to embed intersectionality without proper experience or expertise, particularly when it comes to engaging with groups that have intersectional attributes.

"The approach to intersectionality is not best practice. The inclusion of this within the obligations are at high risk of creating harm to marginalised groups without proper understanding of how best to engage and consider impacts to areas such as First Nations, CALD and Disability." – duty holder survey response

[54] Commission for Gender Equality in the Public Sector, *Baseline report – 2021 workplace gender audit data analysis* (August 2022) 13; Dr Niki Vincent, Public Sector Gender Equality Commissioner, *Submission to the Review of the Gender Equality Act 2020 (Vic)* (18 August 2025) 7.

[55] The Act, s 4(c) and s 6(8).

[56] Dr Niki Vincent, Public Sector Gender Equality Commissioner, *Submission to the Review of the Gender Equality Act 2020 (Vic)* (18 August 2025) 26.

Education efforts have focused on intersectionality with further work required to embed its consistent application

The Commissioner has undertaken work to build an understanding of intersectionality among duty holders in the first four years of the Act. These are set out in Figure 7.

Figure 7: Work related to intersectionality developed by the Commissioner and her office

Actions taken by the Commissioner

Funded research projects on compounded inequality in workplaces

Four out of the 10 projects funded by the Commissioner between 2020-2023 were focused on compounded inequality[57]

Advocacy and promotion to encourage embedding of compounded inequality in discourses and actions related to gender equality

Resources available for duty holders

Intersectionality at Work Report[58]

Provides recommendations on how to approach intersectionality and intersectional data collection

'Addressing Intersectionality Guidance'

Detailed advice on how to build organisational awareness of compounded inequality, strengthen stakeholder engagement and undertake obligations with intersectional lens

There is opportunity for the Commissioner to build a more consistent understanding of intersectionality amongst and within duty holder organisations. The Commission should promote existing resources available and build upon them with a focus on providing best practice examples of how to apply intersectionality.

"Intersectional case studies that support the GEAP implementation would be fantastic." – duty holder survey response

"Examples of good practice for operationalising an intersectional approach, both in terms of data analysis and practical strategies." – duty holder survey response

[57] Ibid 16.

[58] See Commission for Gender Equality in the Public Sector, *Intersectionality at Work: Building a baseline on compounded gender inequality in the Victorian Public Sector* (October 2023).

Finding 1.3: While the Act's coverage is appropriate for the first four years, effectiveness could be enhanced by refining the focus of the Act's powers and functions through a proportionate and targeted approach

1.3.1. The scope of duty holders covered by the Act is appropriate for delivering the Act's intent. A targeted and proportionate approach to the coverage of obligations may improve effectiveness and align with the Commission's risk-based regulatory approach

Most stakeholders report that the scope of duty holders covered by the Act is appropriate in delivering on the Act's intent

The scope of organisations under the Act includes entities with 50 or more employees (determined by headcount).[59] The rationale for a threshold of 50 employees is outlined in the second reading speech as:

"The threshold of 50 employees ensures an appropriate balance is struck between achieving the objectives of the Bill, encouraging organisational change and ensuring a reasonable and achievable reporting burden." – second reading speech

The second reading speech also acknowledged that the scope of over 300 organisations supports the effectiveness in terms of the reach of the Act to impact the Victorian community

"By requiring over 300 organisations—spanning the length and breadth of our state and collectively employing over 380,000 Victorians—to take action to improve gender equality in the workplace and in the community, this Bill shows that we will continue in our efforts to address gender inequality and improve outcomes for all Victorians." – second reading speech

Most duty holders reported that the coverage was appropriate for an Act with a focus on gender equality in public sector workplaces and the community.

"I think it's really quite comprehensive. 300 organisations is a lot and I know it's been a lot to try and keep track of. We would love to see this expand into the private sector using the public sector as a model." – government stakeholder interview

Some smaller duty holder organisations report that the Act's obligations are disproportionately burdensome for them to resource

Smaller duty holders often reported that obligations under the Act are unduly burdensome given their limited resources when compared to larger organisations.

"Being between 50 and 100 staff we are amazed small agencies (under 100 [FTE]) are in scope. An agency of 50 odd staff are not equipped to comply as nearly all staff are operational workers and we lack staff to give this work the dedication and time it deserves." – duty holder survey response

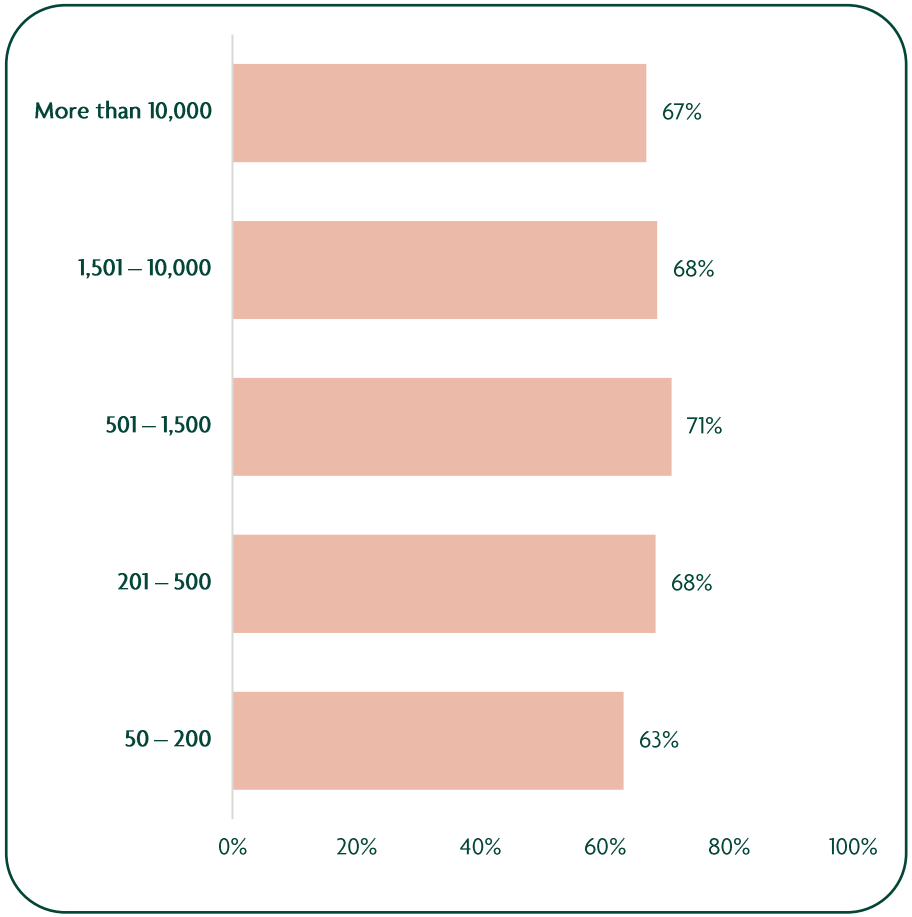
"[We need] funding for agencies that have 49 to 99 FTE or raise the threshold to be in line with Commonwealth 100 FTE." – duty holder survey response

"The reporting is very onerous for a small entity. The organisation is highly supportive of the objectives of the Act and comfortable with the accountability that comes with public reporting, however it needs to be better customised to the size and scale of the reporting agency." – duty holder survey response

Smaller duty holders who responded to the survey also had slightly lower levels of agreement with being well-positioned to meet their obligations in the next reporting cycle, with 63% agreement for organisations with 50 – 100 full-time equivalent staff (FTE) (n=73) (see Figure 8). That is at least 4% less than other duty holder organisation sizes.

[59] The Act s 5(1).

Figure 8: Duty holder agreement that their organisation is well-positioned to meet their obligations under the Act in the next reporting cycle by duty holder size



Implementing proportionate obligations for duty holders would support a focus on obligations which are most meaningful in progressing gender equality

There is opportunity for the Commissioner to implement proportionate obligations on duty holders in the next four years. Proportionate obligations should be based on a balance of factors that influence both the risk of gender-based harm occurring in an organisation and the organisation's capacity to respond to obligations (i.e., due to size, location, sector and/or maturity level).

"The broad cookie cutter approach and advice to all defined entities can be limiting. Organisations with smaller numbers can be overwhelmed with reporting designed for 1000 or more staff but not sophisticated enough for organisations with over 1000 employees. This is also the same for the maturity in the change journey. Some advanced organisations are underwhelmed by the simplicity of reform, while those earlier on their change journey are overwhelmed with what needs to be done. For example, on advanced organisations can handle the nuances of the gender pay gap and how to address it, but those less advanced are still trying to communicate what a pay gap even is in their organisation." – duty holder survey response

Section 16 of the Act outlines that the Commissioner must have regard to certain factors including the organisation's size, nature, circumstances, requirements to comply with any other action as well as practicability and cost.[60] At present all duty holders have the same overall obligations including reporting. Duty holders can adjust the level of detail and activity outlined in GEAPs and progress reporting to reflect their unique characteristics but there is no specific guidance or alleviation of obligations for certain subsets or types of duty holders. Some stakeholders suggested organisations with less than 100 FTE should be excluded from certain obligations or have lower thresholds for compliance.

[60] See The Act s 16(2).

Proportionality could be applied by;

- defining levels of reasonable and material progress towards WGEIs,
- allocating a subset of WGEIs for duty holders to focus on,
- directing duty holders to focus on some obligations in lieu of others, or
- directing duty holders to complete some activities (such as progress reporting or audits) at different frequencies.

In line with the Commissioner's submission, there is opportunity to amend the Act to enable the Commissioner to issue guidelines on progress and consider these guidelines in assessing where duty holders have made reasonable and material progress towards WGEIs. For example, guidelines could allow small duty holder organisations to focus on progressing three priority WGEIs rather than trying to progress all seven at once.[61]

Given the Act aims to ensure "a reasonable and achievable reporting burden",[62] reporting requirements should also be targeted in line with the proportionate obligations on duty holders. As discussed in finding 1.1.2., this will support duty holders to re-allocate resources to progressing gender equality initiatives in their organisations.

"The level of detail required in terms of reporting is onerous for a small organisation. The thresholds for reporting are FTE over 50 but there is a considerable difference between an organisation of 65 and one of 199 in terms of resourcing available to meet the reporting requirements. Consideration should be given to a sliding scale of compliance rather than one size fits all." – duty holder survey response

In addition, the Commissioner also identifies an opportunity to adjust the compliance approach by considering factors outlined in section 16(2) when determining whether a duty holder has a reasonable excuse for failure to comply with some obligations.[63]

When assessing 2023 progress reports, the Commissioner 'issued communications about having taken a lenient approach to compliance' rather than issuing formal compliance notices, and considered duty holder circumstances when determining the appropriate compliance intervention. She notes that a stricter approach will be applied in the next reporting cycle.

While it is appropriate for the Commissioner to have a greater focus on compliance as duty holders increase their capability to meet requirements under the Act, it should be noted that many duty holders still have ongoing work to address challenges in data collection and analysis, and report varying levels of capability within their organisations.

[61] See Recommendation 28, Dr Niki Vincent, Public Sector Gender Equality Commissioner, *Submission to the Review of the Gender Equality Act 2020 (Vic)* (18 August 2025) 50.

[62] Victoria, Parliamentary Debates, Legislative Assembly, 59th Parliament, 1st Session, 27 November 2019, 4583 (Gabrielle Williams, Minister for Prevention of Family Violence, Minister for Women, Minister for Youth).

[63] See Recommendation 13, Dr Niki Vincent, Public Sector Gender Equality Commissioner, *Submission to the Review of the Gender Equality Act 2020 (Vic)* (18 August 2025) 39.

1.3.2. There is aspiration for discretionary powers in the Act to be leveraged to expand its impact and coverage beyond public sector organisations to improve the Act's effectiveness in achieving gender equality

Procurement guidelines were identified as an opportunity for the Act to further expand the scope of the Act beyond the duty holders directly covered by it

The Act stipulates that the Minister for Finance in consultation with the Minister for Women may issue procurement guidelines.[64]

According to the second reading speech, the power to make procurement guidelines provides opportunity to expand the reach of the Act to influence the private and not-for-profit sectors and ensure that publicly funded organisations consider gender equality.[65]

"Gender-ethical procurement and funding policies can extend the scope of the Bill to influence the private and not-for-profit sectors. This provision signals our commitment to ensuring that public money is used in a way that promotes the values and principles of this government." – second reading speech

The Commissioner reported that the procurement function of the Act has the potential to have "major impacts on gender equality".[66] Some stakeholders also reported that there is potential for procurement powers under the Act to improve the effectiveness of the Act and its broader impact on gender equality. However, the procurement power is currently under-utilised as reported by stakeholders and the Commissioner in interviews. Stakeholders and the Commissioner acknowledge that it can be challenging and complex to make changes to public sector procurement processes.

"I know there is ambition to do things in funding guidelines and procurement guidelines which has not made much progress. And that speaks to how difficult making changes to procurement is in government." – government stakeholder interview

In an interview, the Commissioner also reported challenges associated with progressing procurement guidelines, and reported a need for further collaboration between the Commissioner and government departments to progress this.

While procurement powers have been underutilised, policies have been recently introduced by certain industries to support the consideration of gender equality in procurement. For example, the *Building Equality Policy*, which came into effect on 1 January 2022, applies to publicly funded construction projects valued at $20 million or more. The policy compels contractors to:

- meet project-specific gender equality targets
- engage women as apprentices, trainees and cadets and
- implement GEAPs.[67]

The Act has also influenced public-private partnerships in the transport sector to incorporate gender equality principles and actions into their work.

"Because of the legislation and the requirement for [Department of Transport and Planning] to report against the Gender Equality Act, a lot of the partners of women in transport like metro trains, Kinetic Ventura, all those public-private partnerships are required to have a gender equality, a gender equality action plan and audit and things like that. So it's the flow on effect." – gender equality organisation interview

[64] The Act s 49.
[65] Victoria, Parliamentary Debates, Legislative Assembly, 59th Parliament, 1st Session, 27 November 2019, 4585 (Gabrielle Williams, Minister for Prevention of Family Violence, Minister for Women, Minister for Youth).
[66] Commissioner interview (3 September 2025).
[67] Department of Premier and Cabinet, *Building Equality Policy 2023* (2023).

The Commissioner could oversee the implementation and compliance with procurement guidelines in future, if further resources were provided

Duty holders reported there should be a greater focus on specific industries, such as transport and construction. The Commissioner outlines under Pillar 3 of her regulatory approach that a priority is 'targeting regulatory effort based on risk of harm.' Risk of harm can be defined in many ways but a focus on industries with low women's participation could be one potential approach.

"Women make up the overwhelming majority of those working in the lowest paid occupations such as registered nurses, classroom teachers, welfare support workers, and cleaners. Women are underrepresented in higher-paid occupations and industries such as finance, construction, utilities, science and technology." – second reading speech[68]

"Some of the transport and construction organisations... they go through the reporting requirements, they produce a GEAP, they've got a whole bunch of different action plans, but it's much more focused on policy and numbers rather than cultural organisational change." – gender equality organisation interview

Some stakeholders also reported opportunity for the Commissioner to have a greater role in the oversight and monitoring of compliance with gender equality obligations in procurement guidelines in future.

"Public sector and agencies funded by state government already comply with these objectives and new obligations are an extra layer of compliance. Private sector and targeting specific industries would be more cost effective & achieve greater results." – duty holder survey response

"The procurement piece currently [is underutilised]. For example, there's the *Building Equality Policy* in the government construction sector that was developed by the industry... It set targets, it requires gender equality audits and gender equality action plans. But who's monitoring compliance of that? I mean, really, in my view, that should be the Gender Equality Commissioner." – organisational stakeholder, interview

The Commissioner expressed an intention to conduct further work on procurement guidelines in the future but indicated that this would require additional resources.

[68] Victoria, Parliamentary Debates, Legislative Assembly, 59th Parliament, 1st Session, 27 November 2019, 4582 (Gabrielle Williams, Minister for Prevention of Family Violence, Minister for Women, Minister for Youth).

Domain 2: Implementation of the Act

This section covers the implementation domain of the review. Implementation is assessed by considering the key review question: to what extent has the Act been implemented as intended? The lines of enquiry which inform this key review question are:
To what extent:

- is the Commissioner fulfilling their functions and powers under the Act? (section 5.1.)
- are duty holders fulfilling their obligations under the Act? (section 5.1. – 5.2.)
- has the Minister fulfilled their obligations under the Act? (section (section 5.4.1.)
- are the powers under the Act being exercised and functions and duties performed? (section 5.4.)
- are there opportunities to enhance operational efficiency of the Act? (throughout section 5 and in section 6: Recommendations)

Finding 2.1: The Commissioner and her office laid strong foundations for the Act's implementation in the first four years

2.1.1. Significant time and effort was invested in establishing systems, processes, and strategies to implement the requirements of the Act

The Commissioner and her office set up systems, processes and strategies to support the implementation of the Act, and have continued to refine these over time

The Act was a unique piece of legislation requiring positive duties with few other examples to inform the establishment of the office and approach to implementing the Act.

"The implementation of the Act has required a novel approach: there was no pre-existing blueprint for regulating gender inequality on this scale". – Commissioner's Submission[69]

The Commissioner was appointed prior to the Act coming into effect and was given a mandate to develop the approach to implementing the Act from the ground up within a budget envelope of $12.7 million over four years.

The Commissioner's submission summarised the activities undertaken which included:

- Establishing the Commissioner's office including recruiting and onboarding a team of approximately 13 FTE within 12 months.
- Establishing systems and processes for the Act's operation including designing the data collection approach and reporting platform, defining the requirements that duty holders would need to deliver to meet their obligations, developing guidance materials to support communication and education of obligations.
- Establishing and maintaining communications with duty holders through initial roadshows, an enquiry email service and drop-in sessions.
- Developing all guidance materials including guides, advice, templates, case studies, webinars and videos and housing these on the Commissioner's website.
- A campaign to promote the Act's objects and purposes which has included over 1,100 engagements within the first four years (including speaking engagements, meetings, interviews as well as duty holder visits).
- Strategic collaboration and advocacy including making submissions to relevant legislation and policy inquiries, engaging within Victorian government, interstate, nationally and internationally to progress gender equality.

[69] Dr Niki Vincent, Public Sector Gender Equality Commissioner, *Submission to the Review of the Gender Equality Act 2020 (Vic)* (18 August 2025) 5.

- Undertaking and supporting topical research projects with 10 projects funded between 2020-2023, a student research program established, awarding a long-term research project in 2024 and undertaking reviews of processes.
- Developing and implementing a rigorous and systematised approach to compliance including providing individual written feedback to all duty holders following the first reporting cycle.
- Progressing development of an approach to targets and quota regulations.

There is evidence of reflective practice and continuous improvement throughout the processes and activities undertaken. This is especially evident in guidance materials where duty holders have identified that there has been significant improvement. The Commissioner also reflected that she has made adjustments to her communications approach to duty holders, including directing communications to senior leadership of duty holders in response to feedback that some senior leaders were not aware of their organisation's obligations under the Act.

Towards the end of the first four years of the Act, the Commissioner developed the *2025-2028 Strategic Plan* (Strategic Plan) which was informed by consultation including internal and external stakeholder interviews. The Strategic Plan includes indicators and targets for ongoing tracking and improvement of processes and will focus efforts for the coming three years.

The above activities have been achieved within the resources available, which are constrained, and were further impacted by the context of COVID-19 lockdowns during the initial establishment. The Commissioner established her office "from the ground up" and "under incredible time pressure".[70] A number of duty holders and stakeholders reflected that the Commissioner and her office are a small team and appear to have achieved a lot with limited resources.

"I think that the office of the Gender Equality Commissioner did an extraordinary job given the time frame in which to get this thing up and running." – key stakeholder interview

"[The Commissioner has] done an incredible job to pull it all together effectively in a relatively short period of time with not a lot of resources to put a pretty clear framework around what's expected." – key stakeholder interview

The implementation activities and progress achieved is broadly aligned with implementation sciences literature which articulates what should be expected for a reform of this scale in the first four years of operation.

The following sections provide more detail on some aspects of the Commissioner's approach that stakeholders commented on throughout the review and which could continue to be refined as implementation of the Act progresses.

The Commissioner and her office established a bespoke reporting platform for implementing the Act's data and reporting obligations

The Act included reporting and other obligations that were not immediately available within existing systems. An options assessment process was undertaken to determine how to establish a reporting platform, including examining existing reporting systems which may be appropriate (for example leveraging the WGEA platform through a partnership arrangement). The process concluded that a fit-for-purpose reporting system was the best option given the new types of data that required collection and to avoid potential data control challenges associated with using an existing system.[71]

The development of a bespoke reporting platform meant that there has been some duplication and divergence between reporting requirements of the Act and those required by other regulatory agencies (e.g. WGEA and the Victorian Public Sector Commission). Consequently, as outlined in finding 1.1.2, there is opportunity for alignment between these reporting requirements through collaboration between the Commissioner and these other agencies.

[70] Commissioner interview (3 September 2025).

[71] Ibid.

The Commissioner took the approach of engaging directly with duty holders through visiting individual duty holder organisations

Given the relatively small number of duty holders (over 300 compared with WGEA 4,500 organisations), the Commissioner took the approach to directly engage with duty holders with the support of her team. The Commissioner has undertaken 190 in-person duty holder visits across metro, regional and rural Victoria (including almost all duty holders in regional and rural areas) in the first four years.[72]

Many duty holders found these visits helpful for supporting implementation, and particularly leadership buy-in:

"The Commissioner visiting our site made a difference. It was great to hear from her directly regarding the experiences across industries and organisations." – duty holder survey response

"[The Commissioner] visiting our organisation was very powerful and her commitment to be out and about was amazing." – duty holder survey response

"The Commissioner's visit to our organisation provided a valuable opportunity for direct dialogue, reinforcing the importance of the Act and enhancing staff understanding and commitment." – duty holder survey response

The Commissioner reported that visits to duty holder organisations have been important for developing a more detailed understanding of the Act among duty holders and why the obligations are important. She noted that she regularly receives positive feedback, including that the visits often result in the "penny dropping."[73] Despite these benefits, some stakeholders recognised this as highly resource-intensive and may not be sustainable ongoing.[74]

While this approach was valuable in the first four years of implementation of the Act in building awareness of the legislation, there may be opportunities to take a more efficient approach to engagement with duty holders moving forward, for example through sector leadership forums or communities of practice (see discussion at finding 2.2.1).

Given the resource intensive approach to implement the Act, opportunities to leverage existing work and improve operational efficiency should be considered

Significant resources have been devoted to developing a bespoke reporting platform. There are opportunities to leverage existing work and continue to refine the platform in response to duty holder feedback. As noted in finding 1.1.2, there is opportunity to collaborate with WGEA and VPSC to leverage existing data collection and reporting to streamline data collection obligations under the Act.

There is potential to look to WGEA's experience and systems to continue to make improvements and drive efficiencies in the Commission's reporting platform. The Commissioner and her office have also been working to identify ways to improve operational efficiency moving forward, such as the use of AI to perform some tasks.[75]

[72] Dr Niki Vincent, Public Sector Gender Equality Commissioner, *Submission to the Review of the Gender Equality Act 2020 (Vic)* (18 August 2025) 13.
[73] Commissioner interview (3 September 2025).
[74] Key stakeholder interview (15 August 2025).
[75] Commissioner interview (3 September 2025).

2.1.2 Over the first four years of the Act, the Commissioner and her office have established and improved resources for duty holders to understand and fulfill their obligations

Duty holders observed and recognised improvement in guidance materials provided by the Commission over the first four years of the Act

Many duty holders provided feedback that the Commissioner's guidance materials and templates were helpful, and noted an improvement in resources over the four years of implementation (particularly templates between the 2021 and 2023 reporting cycles).

"I believe that the resources developed by the Commission are excellent." – duty holder survey response

"The support documents that are coming out of the Commission have gotten better and are making more sense." – duty holder survey response

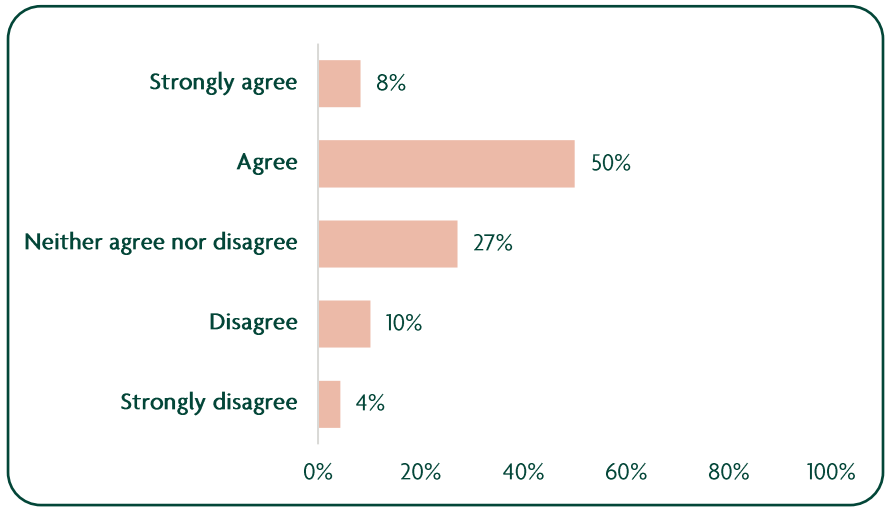
Independent reviews have been conducted following the reporting cycles under the Act which have provided advice and feedback on the Commission's processes.[76] The Commissioner has incorporated the findings of these reviews and feedback directly from duty holders into the guidance materials.[77]

This approach is consistent with implementation sciences which suggest that during the early stages of implementation there should be a focus on continuously monitoring and improving processes to support overcoming barriers to translating policy intent into business as usual practice.[78]

There is opportunity to continue to refine supports and resources for duty holders with a focus on providing tailored, relevant and easily digestible content

Most duty holder survey respondents (58%) agreed that the Commission has provided effective support to their organisation to meet its obligations under the Act (see Figure 9).

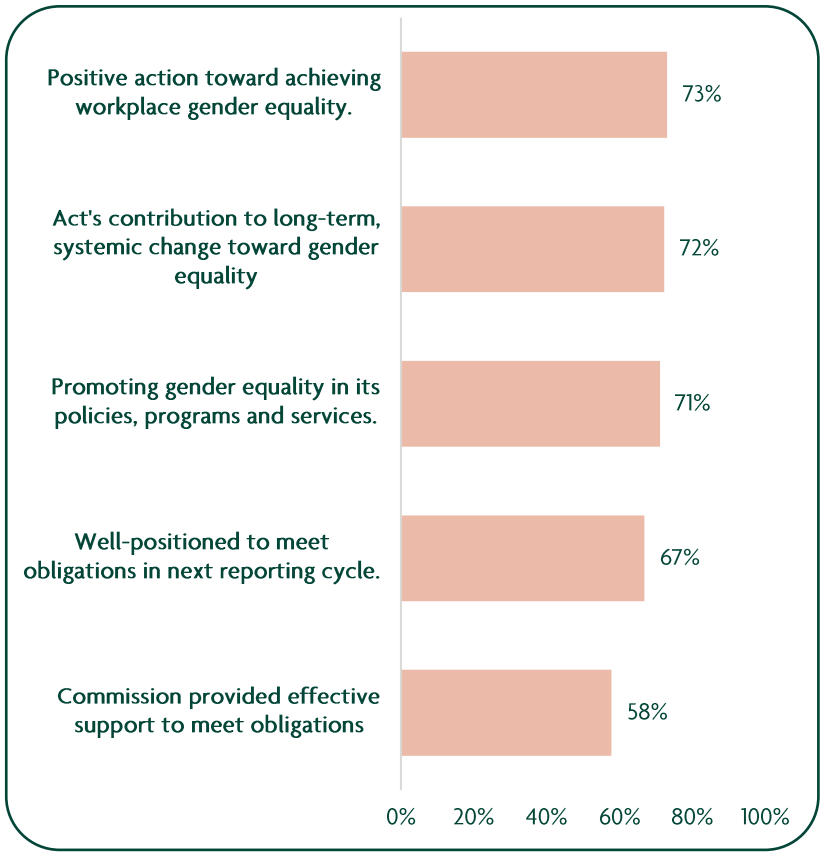
Figure 9: Duty holder agreement with the statement 'The Commission for Gender Equality in the Public Sector has provided effective support for my organisation to meet its obligations under the Act



[76] See Right Lane Consulting, *Commission for Gender Equality in the Public Sector (CGEPS) Progress Reporting and Audit Processes Review: Diagnosis report* (2024); Allen + Clarke Consulting, *Workplace Gender Audit Evaluation: Final Report* (2021).
[77] Dr Niki Vincent, Public Sector Gender Equality Commissioner, *Submission to the Review of the Gender Equality Act 2020 (Vic)* (18 August 2025) 15.
[78] Jessica Hateley-Browne, Lauren Hodge, Melinda Polimeni and Robyn Mildon, *Implementation in Action: a guide to implementing evidence-informed programs and practices* (Australian Institute of Family Studies, 2019) https://aifs.gov.au/sites/default/files/publication-documents/1906_implementation_in_action_1_0.pdf

However, of all the survey questions, the lowest level of agreement was related to the Commission providing effective support to meet statutory obligations (58% agreement, n=254) (see Figure 10).

Figure 10: Duty holder agreement with survey statements



Qualitative feedback from duty holder interviews and survey responses also indicate that there is further opportunity for improvement to guidance materials. Feedback on improved or additional support required by duty holders centred around resources being simplified to make them more accessible and tailoring resources to specific organisation sizes, sectors and locations. Ensuring resources are simple, easy to read and accessible for a diversity of staff members would support staff within duty holder organisations to better engage with and implement guidance.

"Resources developed by the Commissioner and her office could be more accessible... In terms of additional support or guidance, the Commission does not always cater for different learning styles and neurodiversity with the materials produced. For example, too text heavy and not nearly enough diagrams or snappy videos on various topics." – duty holder survey response

"Simplification of the resources would be beneficial (eg audit guide is 96 pages in length)" – duty holder survey response

"We need support from the Commission to be short, sharp and easy to understand." – duty holder survey response

Tailoring resources can support improved understanding of how obligations can be applied to the context of each duty holder organisation.

"The GE Act applies to such a vast and varied spectrum of organisations in their focus, size, workforce, resourcing and mandate. Therefore, consideration and acknowledgement of the differences would further support this [organisation] to meet its obligations and make further progress towards gender equality." – duty holder survey response

"We believe that industry-specific case study data would be very useful for us. Different industries (or even individual departments within companies) face different challenges, therefore we would find it useful to learn about how similar organisations have approached certain issues. We would also be happy to share our information and approach." – duty holder survey response

"To help us fulfill our obligations under the Gender Equality Act and advance gender equality more broadly—particularly within the VPS context—additional supports such as sector-specific benchmarks, practical case studies, and tailored training modules would be highly beneficial." – duty holder survey response

"As a technical organisation operating in a traditionally male-dominated sector, there is a need for more tailored support to address industry-specific barriers to gender equality." – duty holder survey response

2.1.3. Duty holders continue to build capability to meaningfully comply with all their obligations

The Commissioner's primary purpose is to collaboratively support duty holders to meet their obligations. While the Commissioner has provided duty holders with support, some duty holders reported experiencing a compliance-driven approach during the first four years of implementation

The second reading speech outlines the Commissioner's dual role under the Act: to educate duty holders and the community and to monitor and incentivise compliance.

"The Commissioner will undertake education and implementation support functions, as well as monitoring, compliance and enforcement functions.

The Commissioner's primary purpose will be to promote and advance the objectives of the Bill across the public sector, and to take a collaborative role in supporting defined entities to meet their obligations under the Bill.

From a monitoring and compliance perspective, the Commissioner is vested with the power to analyse, publish and report on GEAPs, and report on progress by defined entities. This power is intended to incentivise compliance by defined entities and provide an important layer of transparency and accountability." – second reading speech[79]

The Commissioner and her office have developed guidance materials and undertaken efforts to build capacity, but have also enforced compliance through informal communications with duty holders. Some duty holders reported that a compliance approach deters them from meaningfully engaging with the process of fulfilling their obligations especially when compliance is perceived as not proportionate to their size or resources available (see finding 1.2.1).

The Commissioner reports taking a "lenient" and "educative" approach to assessing compliance and progress in the first four years of implementation.[80]

The duty holder survey did not directly ask all respondents to rate the Commissioner's approach as either educative or compliance-driven. Where duty holders commented in some way about the approach, most responses were indicative of the approach being supportive or educative.

"The CGEPS have been incredibly supportive at all stages. From ad hoc reporting support to education and support for organisations and D&I practitioner networks." – duty holder survey response

"Support from the Commission has been instrumental, particularly through its guidance materials, templates, and technical assistance during key reporting phases. Participation in Commission-led workshops and communities of practice has provided valuable opportunities to share insights, clarify obligations, and learn from peer organisations." – duty holder survey response

"The additional time provided by the Commission to submit is much appreciated as our organisation would struggle to meet the timeframes currently set out in the Act." – duty holder survey response

Twelve survey respondents (4.7%) from across a range of industries and sizes reported that the Commissioner's approach was compliance-driven, and expectations were set too high in the context of the first four years of implementation. This concern about a compliance-driven or punitive approach was also raised a number of times across stakeholder consultation.

"The assessment and feedback process led by the Commission in relation to our GEAP did seem a bit harsh and bordered on punitive." – duty holder survey response

"The amount of work expected is too much all at once - a better approach would have been to stagger the expectations across the first 4 years of the Act implementation... all at once created a huge amount of stress, and the expectations from the Commission still cause a massive amount of anxiety." – duty holder survey response

[79] Victoria, Parliamentary Debates, Legislative Assembly, 59th Parliament, 1st Session, 27 November 2019, 4584.

[80] Dr Niki Vincent, Public Sector Gender Equality Commissioner, *Submission to the Review of the Gender Equality Act 2020 (Vic)* (18 August 2025) 20-21.

"Shift language from punitive, non-compliance focus for audit, progress report and action plan requirements to fostering a collaborative, shared responsibility and celebrating and highlighting success stories and case studies for collective inspiration." – duty holder survey response

Some duty holders also made observations about implementation in the first four years being focused on detailed assurance and acquittal, as opposed to a focus on the overarching intent and desired outcomes of the Act.

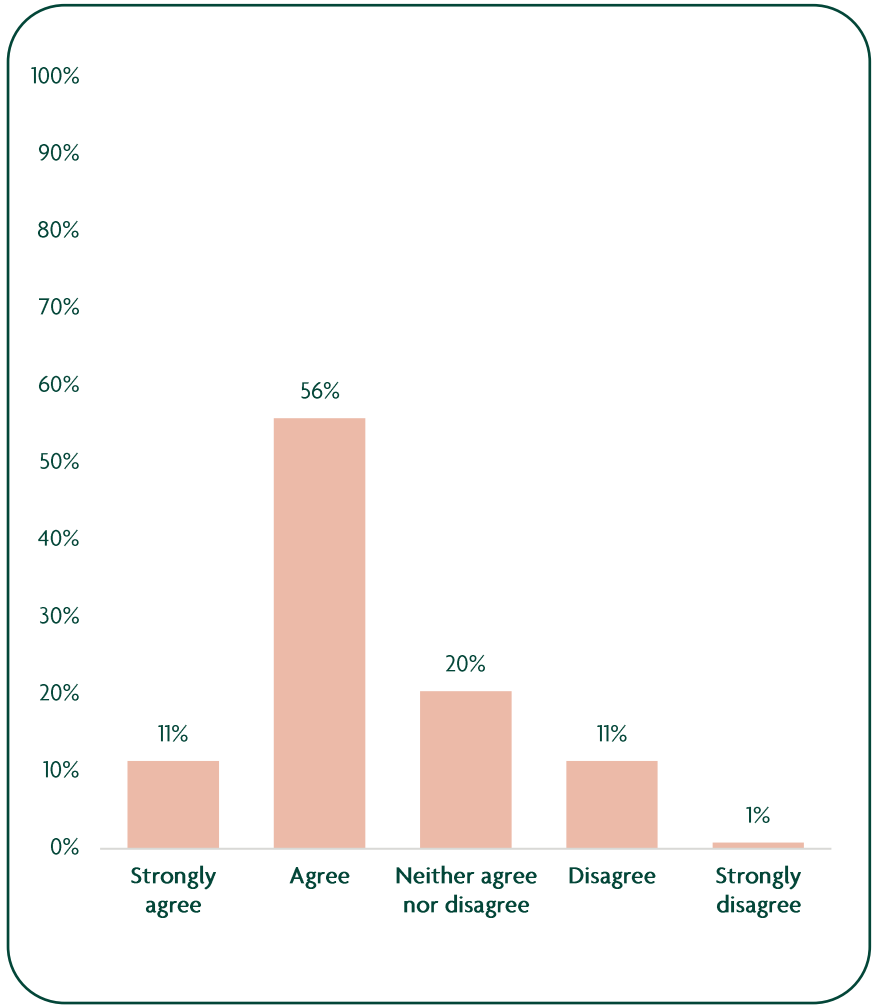
"I just wonder whether [gender equality] is one of those spaces where we've moved into that detailed assurance and acquittal space, as opposed to the lifting up strategy, [and considering] what is our overall intent and the outcome we're looking for and [having] enough sort of agility and flexibility to kind of make something meaningful for the organisation. – duty holder interview

While the Commissioner invested significantly in supporting duty holder organisations throughout the implementation of the Act in line with her education role, duty holders had different perceptions of the Commissioner's expectations and approach to compliance.

A strong enforcement approach before duty holders have built sufficient capacity to implement obligations may undermine buy-in

As discussed in finding 1.1.2, stakeholders noted the importance of having organisational capability to be able to effectively implement their obligations under the Act. Most duty holder survey respondents (67%) agree that their organisation is well-positioned to meet its obligations under the Act in the next reporting cycle (see Figure 11).

Figure 11: Duty holder agreement with the statement 'My organisation is well-positioned to meet its obligations under the Gender Equality Act in the next reporting cycle.'



Anecdotally, duty holders reported they continue to need support to build organisational capacity and overcome barriers to fulfilling obligations, particularly related to:

- reporting requirements (as outlined in finding 1.1.2.)
- embedding GIAs in business processes (as discussed in finding 1.2.1.)
- intersectionality (see finding 1.2.2.)

Some stakeholders noted that if duty holders are not supported to build and maintain organisational capability to implement the Act, there is a risk that compliance with the Act becomes a 'tick and flick' exercise rather than leading to meaningful change. In line with the Commissioner's intention to continue education efforts outlined in the Commission's *2025-2028 Strategic Plan*,[81] and in line with her primary role as outlined in the second reading speech, the Commissioner should continue to prioritise building duty holder capability to fulfill their obligations over the coming four years, to maintain buy-in and support meaningful progress towards gender equality.

"There's also an opportunity for CGEPS to shift the narrative from compliance pressure to capability building. More emphasis on sharing and celebrating success stories and best practices could help foster a culture of learning and improvement. Rather than focusing on naming and shaming non-compliant organisations, a more supportive approach such as offering tailored, one-on-one guidance could be far more effective in helping organisations progress meaningfully." – duty holder survey response.

[81] See Pillar 2, Commission for Gender Equality in the Public Sector, *2025-2028 Strategic Plan* (April 2025) 5.

Finding 2.2: Duty holders have established new systems and capabilities to support them to meet their statutory obligations, there are some areas where the consistency of implementation could be improved

2.2.1. Duty holders have taken differing approaches to building capability and resourcing their obligations, with some approaches likely to be more effective than others

In the absence of specific requirements related to the resourcing and internal structures for fulfilling obligations, duty holders established different approaches

There was no prescribed way under the legislation to resource and structure an organisation's approach to fulfilling their obligations – duty holders determined how their organisation would allocate resources and adjust internal structures and processes to fulfill their obligations.

The varying approaches to implementation amongst duty holders has been influenced by organisation size, regionality, sector, available resources and maturity of systems and capabilities to meet obligations. Some duty holders report using their HR or People & Culture function to fulfill obligations, with support from executive leadership:

"Restructured organisation to include an executive HR Manager position who is responsible for implementing the Act. This wouldn't have been possible without the support of the CEO and Board. The workload for the incumbent increased without additional resources given the financial state of the sector, and being a small rural organisation, the incumbent already wears multiple hats. This introduced a high risk of burnout to the practitioner." – duty holder survey response (50 – 200 staff, regional Victoria)

"A designated executive leading the work with support of small People and Culture team." – duty holder survey response (50-200 staff, statewide or multi-regional)

Other duty holders have specialist divisions or internal expertise:

"[We have] a specialist division... dedicated to driving progress to against the gender equality indicators and principles, and monitor and report on obligations under the Act." – duty holder survey response (state-wide/multi-regional, more than 10,000 staff)

"Our [organisation] has a dedicated team responsible for all of the diversity and inclusion portfolios, including gender equality. The team leads the development and monitoring of action plans associated with each portfolio, such as the GEAP as well as providing strategic diversity and inclusion advice and guidance across the department. The team are also focused on embedding an intersectional approach across all levels and areas of the department's work. Adding to the department's understanding of the factors that compound the experience of gender inequality." – duty holder survey (more than 10,000 staff, statewide/multi-regional)

Others have implemented arrangements like working groups or collaboration between business areas to implement workplace gender equality obligations across the organisation:

"An internal governance structure was established to support the implementation of the organisation's Gender Equality Action Plan (GEAP). This included a dedicated working group with representatives from across all business areas to drive actions, monitor progress, and ensure accountability. The group has played a key role in embedding GEAP initiatives into operational planning and fostering cross-organisational ownership." – duty holder survey response

Some duty holders have relied upon internal "champions" to drive the gender equality work, particularly in relation to GIA implementation:

"Having a Gender Equity Champion - Manager Community Support - helping to raise the profile of gender equity work at Manager level." – duty holder survey response

Some duty holders reported that a lot of the work has fallen to women within organisations, and are often the ones to drive the implementation of the Act.

"Everyone is doing this work on top of their day jobs and it hasn't gone unnoticed that this important task has fallen onto women" – duty holder interview

"It is mainly women in these organisations who have to push the work and end up carrying the significant load." – duty holder survey response

The *Progress Reporting and Audit Processes Review: Diagnosis report* (2024) found that formal working groups within duty holder organisations worked well with progress reporting and progress audit processes in the 2023 reporting cycle.[82] The Commissioner provided some guidance on how to structure implementation within duty holder organisations. For example, duty holders must nominate an audit process owner and a reporting process owner. The Commissioner also suggests engaging cross-organisational teams (e.g. HR, payroll, IT) to compile data.

GEAP guidance outlines that GEAPs are a form of organisational **change management** which requires governance and structures, leadership commitment as well as processes and record keeping.[83]

The resourcing of obligations continues to be a key challenge for duty holders in implementing their obligations

Resourcing of the obligations continues to be the most significant challenge for duty holders in fulfilling their obligations – validated by duty holder survey findings.[84] Duty holders reported through the survey and interviews that a key challenge of implementation is the additional workload without additional funding, as discussed in section 1.3.1 and noted by the Commissioner. [85] An additional challenge reported by regional organisations is more limited staffing and recruitment pools.

As a result of identifying resourcing as a key challenge to implementation, the Commissioner has started directing all formal communications and notices to Board chairs and heads of organisations to ensure that governing bodies and senior leaders are aware of the responsibility for compliance with and resourcing of the Act's obligations.[86]

The Commissioner reported that this change has influenced internal process changes within some duty holder organisations which demonstrates the importance of generating leadership buy-in in order to overcome resourcing barriers.

The Commissioner and her office implemented changes to processes and guidance to support and encourage duty holders to adequately resource their obligations:

- Duty holders must report on resourcing their progress reports.
- 2025 guidance (audit, GEAPs, progress reports) stipulates that duty holders must ensure resources and skills are in place to meet audit requirements.
- For GEAPs – the CEO or equivalent must attest that the GEAP implementation will be adequately resourced.
- 2025 GEAP guidance includes resourcing plan to match resources to strategies and measures.

Despite these actions, resourcing challenges appear to be a key barrier to implementation of the Act. Implementation sciences indicate that where constrained resourcing is inhibiting implementation, it may take longer to embed changes in business as usual practices and this can be compounded in settings where several new practices and changes are made at once. [87]

[82] Right Lane Consulting, *Commission for Gender Equality in the Public Sector (CGEPS) Progress Reporting and Audit Processes Review: Diagnosis report* (2024) 12.
[83] Commission for Gender Equality in the Public Sector, *2026 gender equality action plan (GEAP) guidance* (2026) 9.
[84] See also Dr Niki Vincent, Public Sector Gender Equality Commissioner, *Submission to the Review of the Gender Equality Act 2020 (Vic)* (18 August 2025) 21; Right Lane Consulting, *Commission for Gender Equality in the Public Sector (CGEPS) Progress Reporting and Audit Processes Review: Diagnosis report* (2024) 22.
[85] Dr Niki Vincent, Public Sector Gender Equality Commissioner, *Submission to the Review of the Gender Equality Act 2020 (Vic)* (18 August 2025) 49.
[86] Ibid 22.
[87] Jessica Hateley-Browne, Lauren Hodge, Melinda Polimeni and Robyn Mildon, *Implementation in Action: a guide to implementing evidence-informed programs and practices* (Australian Institute of Family Studies, 2019) https://aifs.gov.au/sites/default/files/publication-documents/1906_implementation_in_action_1_0.pdf

There is opportunity to support duty holders to leverage economies of scale through sharing resources developed in the first four years of the Act

Duty holders have taken the initiative to build tools and tailor resources to their organisation. The Commissioner and her office could have a role in connecting sector peak bodies and duty holders with relevant good practice tools developed in the first four years of implementation (such as the GIA apps developed by two councils referred to in the Commissioner's submission).[88] Assisting duty holders to access existing tools developed would support operational efficiency and reduce duplication of efforts in future implementation of the Act.

"Additional support around fit-for-purpose systems and resourcing would be valuable. Many obligations under the Act require sustained effort, and having access to streamlined digital tools, templates, and dedicated funding or staffing support would help us embed gender equality more effectively and sustainably." – duty holder survey response

"We need to do more and connect the many activities across the system together so we have multiplied effect." – duty holder survey response

"By working together, we were able to collectively roll out a number of initiatives and programs that directly support the commitments outlined in our action plan. This collaborative approach has not only ensured alignment across key activities but has also enabled us to deliver more impactful outcomes in a cost-effective manner." – duty holder survey response

Communities of practice represent an opportunity for the Commissioner and her office to facilitate sharing of effective and good practice approaches that ensure quality and consistency of advice provided to duty holders

Given the first four years has been an establishment phase and many duty holders have had to navigate how guidance applies to their organisation, in the next four years there is opportunity for consolidation and sharing lessons learnt and success stories to support duty holders to improve their current approaches and initiatives.

Communities of practice have formed to support duty holders, some of which are sector specific. They are run by staff members from duty holder organisations or by peak bodies (such as the Municipal Association of Victoria). The Commissioner and staff from her office attend communities of practice on an ad-hoc basis, as requested.

Duty holders report varying levels of effectiveness of the communities of practice, with a key challenge being the consistency and accuracy of information shared.

"Engagement through workshops and communities of practice has been intermittent, and while they offer opportunities for networking, they have not provided the depth of technical assistance or hands-on guidance required to support implementation." – duty holder survey response

There is opportunity for the Commissioner and her office to further support duty holders to adopt efficient and effective approaches to implementation through facilitating the sharing of good practices approaches at communities of practice. Attendance from the Commissioner and her staff would help to ensure the information shared in these forums reflects good practice.

"Access to on-demand advisory support or a community of practice facilitated by the Commission would provide opportunities to ask questions, share challenges, and learn from others implementing similar initiatives." – duty holder survey response

[88] Dr Niki Vincent, Public Sector Gender Equality Commissioner, *Submission to the Review of the Gender Equality Act 2020 (Vic)* (18 August 2025) 25.

2.2.2. There are gaps in the consistency and completeness of duty holders implementing GIAs and the intersectional focus of the Act

Staff in duty holder organisations have varying levels of understanding as to how to implement GIAs as intended by the Act

GIAs are currently implemented inconsistently amongst duty holder organisations. In 2023 progress reports, almost a third of duty holders (31%) did not demonstrate GIA compliance,[89] and 56 duty holders reported having conducted no GIAs during the reporting period.[90] As highlighted by the Commissioner, duty holders are likely missing opportunities to implement GIAs.[91]

Based on duty holder feedback, staff are currently missing opportunities to conduct GIAs because:

- they don't understand *when* to do a GIA (i.e. when new policy, program or service is developed or an existing one is reviewed)
- they don't understand *which* programs, policies and services to do GIAs on (i.e. those with a 'direct and significant impact on the public', not internal policies) and/or they don't understand how GIAs apply to their work
- leaders in duty holder organisations (such as People and Culture and HR leaders) are finding it challenging to embed GIAs across the organisation and increase staff awareness of the requirement to conduct GIAs.

In line with discussion in section 4.2.1, there is also an implementation gap in relation to duty holders having sufficient internal capability and expertise to implement GIAs as intended throughout their organisation.

Consistent implementation of GIAs relies on the skills and capacity of staff across an organisation who are responsible for developing or reviewing policies, programs and services

Duty holders report that the greatest challenge of embedding GIAs within their organisation is building awareness and skills of staff throughout their organisation to conduct them.

There are challenges associated with the diffusion of responsibility throughout an organisation making it difficult to ensure accountability for conducting GIAs.

"[We need] more clarity about who should be coordinating the aspects of the obligations that fall outside of [People and Culture] scope." – duty holder survey response

As noted in section 4.2.1, this challenge is also driven by a lack of additional resourcing for the implementation of GIAs; staff conducting them must do so on top of their existing workload.

"Although the legislation requires [our organisation] to resource the GEAP, there is no mention of GIAs. This is an area we have really struggled with providing staffing resources to be able to support staff to complete GIAs... Particularly for regional areas, this lack of resources and expertise is a big barrier." – duty holder survey response

Given GIAs must be implemented by staff across a duty holder organisation, they are often conducted by staff with varying levels of experience and familiarity with gender equality, requiring additional work from leaders of duty holder organisations to build understanding amongst these staff.

"Given the GIAs need to be delivered by non-[diversity, equity and inclusion] or [HR] people, we have spent a lot of time making the process more understandable and practical for 'operational employees' to work through." – duty holder survey response

As discussed in section 4.2.1, there is a need to support further capability building within duty holder organisations to ensure that GIAs are conducted effectively.

[89] Dr Niki Vincent, Public Sector Gender Equality Commissioner, *Submission to the Review of the Gender Equality Act 2020 (Vic)* (18 August 2025) 22.

[90] Ibid 45.

[91] Ibid.

There are ongoing challenges for duty holders in collecting data on the intersectional attributes of their employees

Currently, duty holders must include data on intersectional attributes in their workplace gender audits "if available."[92]

The 2021 workplace gender audit revealed limited data availability and poor data quality, particularly in relation to intersectional data,[93] with significant gaps and inconsistencies in the way duty holders collect and report data.[94] Duty holders' capability to report intersectional data continued to be low in 2023 progress audits.[95]

Through interviews and the duty holder survey, many duty holders reported challenges in collecting and preparing intersectional data.

Challenges relate to:

- **Limitations of configuring existing systems to capture intersectional data:**

"Measuring progress is difficult without comprehensive intersectional data, and current systems are not yet fully equipped for this. While improvements are underway, it will take time to collect meaningful and valid data." – duty holder survey response

"While we are confident in our people-related data, our systems are legacy systems and therefore do not have the level of sophistication a modern HRIS might have in capturing intersectionality data. We are exploring alternate HR-data options and anticipate resolution of the issue over the next 12-24 months." – duty holder survey response

- **Collection of sensitive data on intersectional attributes from employees, particularly where this is new data that employees have not previously provided:**

One duty holder interview noted staff "reticence" to share what is very private and sensitive data with their employer.

"Many employees may choose not to disclose their gender or other aspects of their identity, especially if they fear stigma or lack trust in confidentiality... Staff may be unsure how their data will be used or protected, leading to lower participation in voluntary disclosures." – duty holder survey response

In her submission, the Commissioner acknowledges that employee disclosure of intersectional attributes remains entirely voluntary, "with individuals retaining full control over the disclosure and use of their personal information".[96]

However, the collection of this data also raises privacy concerns for small sample sizes and duty holders must ensure they are compliant with the *Privacy and Data Protection Act 2014* (Vic) when collecting intersectional data.

"One of the most significant challenges has been limited data capability, particularly in capturing and analysing intersectional data. While work is underway to improve this, progress has been constrained by system enhancements, privacy considerations and low disclosure rates. These limitations affect the organisation's ability to gain deeper insights into the experiences and needs of different employee groups." – duty holder survey response

[92] The Act ss 11(2)(c), 11(3)(b).
[93] Commission for Gender Equality in the Public Sector, *Baseline report – 2021 workplace gender audit data analysis* (August 2022) 7; Dr Niki Vincent, Public Sector Gender Equality Commissioner, *Submission to the Review of the Gender Equality Act 2020 (Vic)* (18 August 2025) 22.
[94] Dr Niki Vincent, Public Sector Gender Equality Commissioner, *Submission to the Review of the Gender Equality Act 2020 (Vic)* (18 August 2025) 54.
[95] Ibid 54.
[96] Ibid.

Duty holders require support to address barriers to data collection and storage

The Commissioner recommends that the collection of intersectional data become mandatory, with a two-year implementation delay.[97] She acknowledges that duty holders continue to experience challenges in the collection, storage and analysis of intersectional data, particularly: system limitations, cultural safety, and capacity to understand privacy requirements.[98] She also states that she will provide comprehensive guidance on intersectional data collection:

"My office will provide comprehensive guidance covering the sensitive nature of intersectional data collection, including privacy considerations, best practice approaches for creating safe disclosure environments, and methods for ensuring employees understand their rights regarding data sharing. This guidance already exists and will be expanded to support effective implementation while protecting employee privacy and autonomy." – Commissioner's Submission

The Commissioner reports that the VPSC is developing guidance for "safe, inclusive intersectional data collection forms" to support duty holders to develop their approach to intersectional data collection.[99]

Support from the Commissioner and her office and the VPSC will help address a need that duty holders have identified for greater clarity on the collection of intersectional data.

"Having a standard/whole of duty holder approach to how we collect and analyse data will help with intersectionality especially." – duty holder survey response

"Examples of good practice for operationalising an intersectional approach, both in terms of data analysis and practical strategies." – duty holder survey response

It is important that any additional guidance provided is simple, easy to read and practical and considers the diversity of duty holder circumstances where possible (e.g. sector, size, location and maturity of data systems). In the lead up to intersectional data collection becoming mandatory, there is the opportunity for the Commissioner to deepen understanding about the barriers to the collection of intersectional data among duty holders and where possible support and advocate for system change to support the collection of such data (e.g. through systemic improvements to sector-based HR systems).

"Systems capable of collecting intersectional data are expensive and, whilst desirable, given current funding constraints, are difficult to procure and sustain. Simply demanding the expectation that intersectional data will be collected in the future, consideration needs to be given to organisations that do not have the single system used across the government departments." – duty holder survey response

Duty holders continue to need support applying an intersectional lens to GEAPs and GIAs

In addition to intersectional data collection challenges, duty holders continue to face challenges in building capability to implement an intersectional lens to their obligations as intended by the Act.

In addition to varying levels of understanding of intersectionality, duty holders also have differing approaches to applying intersectionality to their gender equality work. While some duty holder organisations have sophisticated structures to ensure intersectionality is embedded in fulfilling their gender equality obligations, others report challenges allocating sufficient resources to effectively implement it.

"Our department has a dedicated team responsible for all of the department's diversity and inclusion portfolios, including gender equality. The team leads the development and monitoring of action plans associated with each portfolio, such as the GEAP as well as providing strategic diversity and inclusion advice and guidance across the department. The team are also focused on embedding an intersectional approach across all levels and areas of the department's work. Adding to the department's understanding of the factors that compound the experience of gender inequality." – duty holder survey response

"Intersectionality is a reasonably new concept in the public sector, and more effort is required to ensure gender equality actions are intersectional. It can be challenging to introduce intersectionality without work areas feeling overwhelmed." – duty holder survey response

[97] Ibid.
[98] Ibid.
[99] Ibid.

There is opportunity to strengthen support for duty holders to build capabilities related to these most complex and novel aspects of the Act

Implementation sciences identify that it is common for some components of a multi-part reform to take longer to embed than others. This is especially the case for components that are more complex to translate into a 'real-world environment,' and may not be easily adapted to different local or sector contexts.[100] These components of the Act require ongoing support to overcome barriers to duty holders implementing them fully and as intended.

As outlined in section 1.2, there is opportunity to further support duty holders by promoting existing guidance materials and simplifying them where possible. Additionally, duty holders report that tailored case studies would support them to better understand how to implement GIAs and apply an intersectional lens to their obligations.

The Commission website contains comprehensive guidance on ways to embed GIAs in 'business as usual' activities and provides examples of ways to facilitate this (e.g. nominating GIA champions, internal working groups, communities of practice). Duty holder feedback suggests that they need greater awareness of this available guidance, particularly for those responsible for embedding GIAs in their organisation.

In line with the opportunity outlined in finding 2.2.1, the Commissioner and her office could have a greater role in sharing and engaging in discussion with duty holders about good practice. The Commissioner and her office have attended and shared their expertise in communities of practice when they have been invited. There is an opportunity for the Commissioner to provide more explicit direction of the areas of focus and content covered in communities of practice such as by co-chairing. In particular, the Commissioner could utilise communities of practice as a mechanism for sharing examples of how duty holders have successfully embedded GIAs and considered intersectionality in implementing their obligations.

The Commissioner and her office could also facilitate discussions on how best practice examples could be applied to other duty holders' contexts and ensure that examples and guidance shared is in line with good practice.

[100] Jessica Hateley-Browne, Lauren Hodge, Melinda Polimeni and Robyn Mildon, *Implementation in Action: a guide to implementing evidence-informed programs and practices* (Australian Institute of Family Studies, 2019) https://aifs.gov.au/sites/default/files/publication-documents/1906_implementation_in_action_1_0.pdf

Finding 2.3: While the majority of powers and functions of the Act have been implemented as intended, a small number have not been used or require refinement to be implemented effectively

2.3.1. The Minister has fulfilled her functions under the Act as intended in the first four years of implementation

The Minister appointed a Public Sector Gender Equality Commissioner who has engaged the Minister throughout the first four years of the Act

The Minister appointed a Commissioner under section 29 of the Act in September 2020, and commenced her role on 19 October 2020. The Commissioner was reappointed in September 2024 for a further four-year term.

The second reading speech lays out the relationship between the Commissioner and the Minister:

> "The Commissioner will be appointed by the Minister for Women and will report to the Minister on any matter arising from the performance of the Commissioner's functions."[101]

The Commissioner's submission notes that the Commissioner engages with the Minister regularly. Engagement includes development of implementation mechanisms and regulations, strategic priorities, discussion of matters responsible for administration of the Act, supporting State GEAP.[102]

The Minister has fulfilled her obligation to develop and publish a state GEAP, with the first progress report in development

Section 50 of the Act requires the Minister for Women to publish a state GEAP every four years, with a progress report every two years.[103]

The intended scope of the State GEAP is outlined in the second reading speech, it "will describe the Victorian Government's ongoing vision and areas of focus for Victoria and will cement the government's responsibility to lead our state's progress on gender equality."

The Minister for Women developed and published a GEAP, *Our Equal State: Victoria's gender equality strategy and action plan 2023-2027*.[104] A first-year progress report was published in August 2024.[105]

The first official progress report (of the first two years of implementation) is not yet due, however, the Commissioner reports that 'groundwork for this reporting has already been laid.'[106] The progress report will be published and laid before Parliament.

Some stakeholders indicated that there may be an opportunity for the Commissioner and her office to provide further clarity on the contents and structure of the State GEAP and how the State GEAP can be used to maximum effect to implement the Act's objects.

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[101] Victoria, Parliamentary Debates, Legislative Assembly, 59th Parliament, 1st Session, 27 November 2019, 4584 (Gabrielle Williams, Minister for Prevention of Family Violence, Minister for Women, Minister for Youth).
[102] Dr Niki Vincent, Public Sector Gender Equality Commissioner, *Submission to the Review of the Gender Equality Act 2020 (Vic)* (18 August 2025) 17.
[103] The Act s 50(4).
[104] See Victoria, *Our Equal State: Victoria's gender equality strategy and action plan 2023-2027* (August 2023).
[105] See Victoria, *Our equal state: Victoria's gender equality strategy and action plan 2023-2027: Summary of progress: Year one (August 2023-August 2024)* (2024).
[106] Dr Niki Vincent, Public Sector Gender Equality Commissioner, *Submission to the Review of the Gender Equality Act 2020 (Vic)* (18 August 2025) 23.

Transferring the authority to issue guidance to the Commissioner would enable more timely support for duty holders

The Minister has the power to issue guidelines for the purpose of assisting duty holders to meet the requirements of the Act.[107] Duty holders must have regard to any guidelines issued by the Minister under section 47 of the Act.[108]

Guidelines have been issued under section 47 in the first four years of the Act. GEAP guidelines and workplace gender audit guidelines were issued ahead of reporting deadlines.[109]

Some duty holders provided feedback that it would be useful for guidance and templates to be released earlier to support them to prepare to fulfill their obligations well in advance of submission dates.

"It would be good to have information in a timely manner." – duty holder survey response

To improve efficiency and ensure "timely, dynamic, accurate and targeted guidance" the Commissioner recommends that section 47 be amended to provide the Commissioner with final authority to issue guidelines. This review found that such an amendment to section 47 would be appropriate in line with the Commissioner's strategic priority of being a 'leading practice regulator' by reducing barriers to disseminate information.[110]

The Minister caused a review of the first four years of the Act and a report of this review will be tabled in Parliament

By initiating this review, the Minister has fulfilled her duty in line with section 52 of the Act which requires the Minister to cause of review of the operation first four years of the Act. Upon completion of this review, the Minister must cause a report of the review to be laid before each House of the Parliament.

The Minister is also responsible for causing a review of the 5th to 8th years of the operation of the Act.[111] The Commissioner recommends in her submission that the 8-year review of the Act should consider whether any further review is required – this review finds that this would be appropriate.

[107] The Act s 47(1).
[108] The Act s 47(2).
[109] See Commission for Gender Equality in the Public Sector, *2026 gender equality action plan (GEAP) guidance* (2026); Commission for Gender Equality in the Public Sector, *2025 Audit guidance* (May 2025).
[110] Commission for Gender Equality in the Public Sector, *2025-2028 Strategic Plan* (April 2025).
[111] The Act s 53.

2.3.2. The Commissioner's dispute resolution function is currently under-utilised due to a restricted scope laid out by the Act and high threshold for investigation

There are barriers to the use of the dispute resolution function under the Act which impacts on the full implementation of accountability mechanisms

The second reading speech outlines the intention of implementing the Commissioner's dispute resolution function:

> The Bill provides that the Commissioner may undertake dispute resolution relating to a 'systemic gender equality issue' where the dispute is referred to the Commissioner in accordance with a term of an enterprise agreement or workplace determination of a designated body. The Bill defines designated body as public sector bodies, Courts Services Victoria, the Office of Public Prosecutions and any other defined entity that is prescribed as a 'designated body' with the consent of the relevant minister. These systemic gender equality issues must be directly linked to one or more of the gender equality indicators in the Bill and adversely impact a class or group of persons in the workplace of a designated body.[112]

The Commissioner also outlines feedback from stakeholders about practical barriers to dispute resolution referrals including knowledge barriers, resource barriers and evidentiary barriers.[113] The current scope of the legislation only provides the Commissioner with the power to address disputes if the person referring the dispute is covered by an enterprise agreement or workplace determination.[114]

This scope excludes some circumstances where the Commissioner's power to resolve disputes could be implemented, including:

- "public sector workplaces lack enterprise agreements with an express referral clause;
- internal dispute resolution processes have not been exhausted before the matter is referred to the Commissioner;
- the issue affects individuals not covered by enterprise agreements (such as volunteers, contractors, and service users);
- individuals or stakeholders not covered by the enterprise agreement identify the issue; and
- the Commissioner's office identifies the issue through compliance activities or other channels."[115]

There is opportunity to amend the Act to broaden the scope of the dispute resolution power, allowing matters to be raised where there is contravention of the Act.

There is opportunity for the Act to broaden the scope of the dispute resolution function, as noted in the Commissioner's submission.[116]

Providing the Commissioner with the discretion to investigate matters relating to the operation of the Act will support the current barriers to be overcome. However, the Commissioner has noted that implementing this function fully would require additional resourcing.

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[112] Victoria, Parliamentary Debates, Legislative Assembly, 59th Parliament, 1st Session, 27 November 2019, 4584 (Gabrielle Williams, Minister for Prevention of Family Violence, Minister for Women, Minister for Youth).

[113] See Dr Niki Vincent, Public Sector Gender Equality Commissioner, *Submission to the Review of the Gender Equality Act 2020 (Vic)* (18 August 2025) 31.

[114] The Act s 39.

[115] Dr Niki Vincent, Public Sector Gender Equality Commissioner, *Submission to the Review of the Gender Equality Act 2020 (Vic)* (18 August 2025) 31.

[116] See Recommendation 2, Dr Niki Vincent, Public Sector Gender Equality Commissioner, *Submission to the Review of the Gender Equality Act 2020 (Vic)* (18 August 2025) 32.

2.3.3. It is appropriate that the Commissioner's formal enforcement powers have not been used in the first four years of the Act while duty holders build capacity

Formal enforcement powers have not been used by the Commissioner to support duty holder capacity building

Part 6 of the Act stipulates compliance actions that can be undertaken by the Commissioner. These have not been exercised under the Act in the first four years. The intention of the compliance powers under the Act is to:[117]

> "...ensure an appropriate level of transparency, accountability and will support greater compliance with the Bill." – second reading speech

The Commissioner exercised a "lenient" approach to compliance in the first four years in line with the intention of supporting greater compliance with the Act and providing duty holders with time and support to meet their compliance obligations.[118] This also aligns with the intention of the Commissioner's "collaborative role" in supporting compliance.[119]

Use of formal enforcement powers should take into account duty holders' circumstances including their capacity to comply with the Act

The Commissioner should continue to consider duty holder circumstances in determining the appropriate compliance and enforcement approach as duty holders continue to build capability to meet their obligations.

As discussed in finding 2.1.3., using formal enforcement methods before duty holders have built sufficient capability, risks undermining duty holder buy-in and disrupting progress towards gender equality.

[117] Victoria, Parliamentary Debates, Legislative Assembly, 59th Parliament, 1st Session, 27 November 2019, 4585 (Gabrielle Williams, Minister for Women).
[118] Dr Niki Vincent, Public Sector Gender Equality Commissioner, *Submission to the Review of the Gender Equality Act 2020 (Vic)* (18 August 2025) 21.
[119] Victoria, Parliamentary Debates, Legislative Assembly, 59th Parliament, 1st Session, 27 November 2019, 4584 (Gabrielle Williams, Minister for Women).

2.3.4. It is appropriate that regulations to prescribe gender equality targets and quotas have not been implemented in the first four years of the Act

Under section 54 of the Act, the Governor in Council has power to make regulations. Section 17 establishes that the regulations can prescribe gender equality targets and quotas in relation to the WGEIs. The Commissioner and her office are responsible for the development of regulations under the Act, in collaboration with the Minister, the Minister's office and the Office for Women.[120] Gender equality targets and quotas have not yet been implemented under the Act, to ensure "an evidence-based approach as opposed to immediate development and implementation".[121] This has also allowed duty holders time to build capability and understanding of their obligations before being required to meet targets or quotas.

Some duty holders report that targets would be helpful in guiding progress toward gender equality.

"Consistent whole of government GEAP targets and actions that relate to all VPS [would help my organisation more effectively progress towards gender equality and enhance the impact of the Act]." – duty holder survey response

In preparation for implementing targets, the Commissioner and her office have commissioned a pilot with 18 duty holder organisations, with initial findings indicating that leadership buy-in is important for implementing targets, as well as "deliberately designed and implemented frameworks for addressing the gender pay gap and workplace sexual harassment."[122]

Duty holders also report a need for frameworks and guidance in relation to targets:

"What would be helpful is guidance on how to appropriately set and monitor targets in a way that is sensible and meaningful. For instance, it is not feasible to set a target for a zero dollar gender pay gap as this fluctuates with each new employee and their employment package. It would be more appropriate therefore to have a range or a tolerance level (for example, we have set a draft target of no more than 5% across any of the pay bands) but we are unclear on whether there are benchmarks or guidance materials that would help the whole of the VPS in moving toward the same target outcomes." – duty holder survey response

Target-setting is included in the 2026 GEAP guidance to encourage duty holders to voluntarily set WGEI targets.[123] The Commissioner reports she will review the number of duty holders that adopt targets in the 2026 GEAP reporting cycle and determine the effectiveness of targets in driving progress of WGEIs.[124]

Duty holders also reported that they would benefit from guidance on how targets apply to the different types of duty holder organisations:

"Targets to be met that can be applied appropriately to each organisation based on the size and location but which must be met to demonstrate compliance [would support my organisation to more effectively progress gender equality and enhance the impact of the Act]." – duty holder survey response

[120] Dr Niki Vincent, Public Sector Gender Equality Commissioner, *Submission to the Review of the Gender Equality Act 2020 (Vic)* (18 August 2025) 18.
[121] Ibid.
[122] Ibid.
[123] Commission for Gender Equality in the Public Sector, *2026 gender equality action plan (GEAP) guidance* (2026) 41.
[124] Dr Niki Vincent, Public Sector Gender Equality Commissioner, *Submission to the Review of the Gender Equality Act 2020 (Vic)* (18 August 2025) 18.

Section 3: Recommendations to improve the effectiveness and operational efficiency of the Act

The findings from this review have informed the following recommendations to improve the effectiveness and operational efficiency of the Act and its implementation. The recommendations are made with a view to how, in a resource constrained environment, the Act could be more effective in progressing gender equality moving forward.

Recommendation 1: The Department of Families, Fairness and Housing and the Commissioner should work together to implement targeted changes to the Act's legislative framework (including legislation, regulations and/or guidelines) that will help to translate the intention of the Act into practice. These changes are recommended in key areas where the review found that implementation is not currently working as originally intended, rather than changing or expanding the scope of the Act

The following changes are listed in order of priority, the first three points are considered the highest priority for change as they directly respond to findings that identified areas where implementation could be strengthened to more fully deliver on the intention of the Act. The final two points are recommended to streamline processes and reduce duplication of effort.

The recommendations are intended to be implemented as soon as practicable. As such, consideration should be given to whether the changes could be implemented through regulations, guidelines or other actions instead of amending the Act, to expedite the changes.

Changes required to more fully implement the intended effects of the Act:

- Enable a proportionate and risk-based regulatory approach to be implemented by providing a focused set of obligations and/or exemptions to certain groups of duty holders in line factors in section 16 of the Act (see finding 1.3.1 and recommendation 2 below).
- Refine the Commissioner's dispute resolution function to overcome existing barriers to raising a dispute (see finding 2.3.2). In line with the intention of the Act, the dispute resolution referral process should enable dispute resolution to occur when disputes related to systemic gender equality issues within duty holder organisations are present and not impose limitations on the referral of genuine disputes.
- Require duty holders to provide actual GIAs or a sample of GIAs as part of reporting (noting that some GIAs may not be suitable for sharing, for example if they are subject to Cabinet confidentiality) to enable the Commissioner to implement targeted assessment of GIA quality (such as reviewing and providing feedback on a small random sample of GIAs each period) and review/tailor education efforts to support capability uplift (see finding 2.2.2).

Changes to improve efficiency of operation of the Act:

- Provide the Commissioner with the authority to issue guidelines relating to duty holder obligations where it would support continuous and timely improvement of guidance for duty holders (see finding 2.3.1).
- Formalise the streamlining of requirements for duty holders to complete a single workplace gender audit to inform both their GEAP and progress report to reduce administrative burden and duplication of data collection (see finding 1.1.2).[125]

[125] Note the reviewers understand that a streamlined approach is currently being implemented for the 2026 reporting cycle. Legislating this approach may not be required if the change can continue to be fully implemented through guidelines, regulations and/or other actions.

Recommendation 2: The Commissioner should continue to embed the risk-based regulatory approach alongside a proportionate approach to the obligations placed on duty holders and associated compliance action

This recommendation responds to finding 1.1.2 which identified that duty holders, especially small duty holders, spend a considerable proportion of available resources compiling reporting and may be prioritising this above other actions to progress gender equality. A proportionate approach should consider duty holders' specific circumstances and the risk of gender-based harm to focus obligations, associated reporting and compliance on the most effective actions. This recommendation assumes that appropriate legislative or other changes are in place to provide the Commissioner with the authority required to implement this approach (see recommendation 1). In order to implement a proportionate approach, the Commissioner should;

- continue to embed the risk-based regulatory approach (recently released), considering duty holders' history of compliance with the Act and specific circumstances in determining appropriate compliance interventions, and
- consider issuing a focused set of obligations and/or specific exemption to some obligations based on the range of factors outlined in section 16 of the Act and which balance a 'reasonable reporting burden' across the diverse set of duty holders.

Options for focusing obligations could include:

- defining levels of reasonable and material progress towards WGEIs
- allocating a subset of WGEIs for duty holders/some duty holders to focus on
- directing a focus on some obligations in lieu of others or adjusting the frequency of some obligations (such as progress reporting or audits).

Full application of a proportionate approach is expected to lead to greater operational efficiency for both the Commissioner (whose compliance activities will narrow in line with obligations) and duty holders. It is also expected to balance regulatory burden, freeing up resources to implement actions to progress gender equality in line with the intent of the Act.

Recommendation 3: The Commissioner's education and capability uplift efforts should focus on building duty holder capacity to fully implement GIAs and the intersectionality requirements under the Act

This recommendation responds to the finding 2.2.2 which identified that GIAs and the intersectionality focus are the most novel and ambitious components of the Act and are the components which have so far faced the most barriers to full implementation. The Commissioner should continue to target education and capability uplift work in these areas to support duty holders to fully implement their obligations.

The Commissioner should support duty holders to improve awareness and understanding of how to implement GIAs by:

- continuing to raise awareness of resources available, including for staff across duty holder organisations with responsibility for policies, programs and services
- refining existing resources in line with feedback including simplifying them and improving accessibility. This could also include developing more practical case studies and examples of how GIAs are being applied to policies, programs and services in different sectors, organisation sizes and regions. Case studies should include details of how the organisation conducted the GIA, what they found and what actions it led to
- either using the established communities of practice to provide leadership and direction regarding good practice approaches to GIAs within specific industry contexts (e.g., through a co-chairing role) or establishing new communities of practice where the Commission can set and direct areas of focus.

The Commissioner should support duty holders to improve their understanding of intersectionality and how to apply it to their obligations by:

- drawing on existing guidance and extending this to include practical examples of the application of intersectionality to GEAPs and progress reporting
- simplifying and summarising existing available guidance on applying intersectionality to GIAs to ensure it is accessible and appropriate for the broad staff audience involved
- implementing specific approaches to overcome data collection and reporting barriers (see recommendation 5).

Recommendation 4: The Commissioner and her office should explore options to take an active role in defining and promoting good practice within guidance resources and by providing leadership in communities of practice

This recommendation responds to finding 2.2.1 which identified that there is a need for stronger guidance for duty holders about the most effective and preferred ways to implement obligations. This recommendation builds upon the significant progress that the Commissioner has made in refining and improving resources over the first four years of the Act.

- The Commissioner and her office should continue the approach of improvement and revision of resources which has already commenced, with a focus on clarifying guidance and articulating good practice approaches. This could include translating the research work undertaken by the Commission through incorporating practical advice (such as FAQs, industry specific guidance, the development of additional tools/templates and advice on implementing research findings in real-world settings). Where possible all materials should include examples that are relevant to different sectors, organisation sizes, regionalities and maturity levels.
- The Commissioner and her office should take a greater leadership role in communities of practice and other relevant forums to ensure that the groups of duty holders within them can access the most up to date information and full range of resources available from the Commission and to avoid reinforcing practices and strategies that do not reflect good practice. Currently communities of practice are independent and self-organised by members. Implementing this recommendation may require the Commission to request taking on a leadership role in the communities of practice (e.g., a co-chairing role) or if that is not possible/palatable, establishing new communities of practice where the Commission has the authority to set the agenda and direct areas of focus. This would go some way to addressing consistency of implementation and good practice.
- The Commissioner may be able to achieve efficiencies in engaging with duty holders via communities of practice and other forums instead of the approach to individual duty holders visits that she has undertaken during the first four years of the Act.

Recommendation 5: The Commissioner should take a system and sector-wide approach to supporting duty holders to overcome barriers to data collection by collaborating with sector leaders to influence scalable improvements

This recommendation responds to a range of findings regarding challenges and barriers to duty holders collecting and reporting information in an efficient way. The Commissioner is in a unique position with visibility across a large number of duty holders and the ability to influence system-level changes which may improve these processes for many duty holders. The Commissioner has identified that there is a need for system level supports for data collection and should use her position to influence changes. Some examples are included below.

- Engaging with sector leaders to communicate required improvements and influence solutions such as, upgrades to HR/other systems used by a number of duty holders or potential enhancements to the People matter survey.
- Identifying opportunities to facilitate sector-wide or group-level data collation and analysis to overcome issues with small sample sizes and privacy concerns.
- Considering opportunities to streamline and integrate systems with other similar data collection requirements such as with the VPSC and WGEA to eliminate data duplication.

Appendices

Appendix A: Bibliography

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Appendix B: Terms of Reference

1. Background

The *Gender Equality Act 2020* (the Act) commenced on 31 March 2021 and aims to improve workplace gender equality in the Victorian public sector, universities and local councils. The Act promotes gender equality by:

- Requiring the Victorian public sector, local councils and universities to take positive action towards achieving workplace gender equality;
- Requiring these organisations to consider and promote gender equality in their policies, programs and services; and
- Establishing the Public Sector Gender Equality Commissioner (the Commissioner) to provide education, support implementation and enforce compliance.

Section 52 of the Act outlines that the Minister for Women must cause a review to be conducted of the first four years of operation of the Act (from 31 March 2021 to 31 March 2025).

While the Act does not outline the scope required of the review, it does stipulate that on completing the review, the Minister must cause a report of the review to be laid before each House of the Parliament.

Since its establishment, over 300 duty holders (which includes the Victorian public sector, local councils and universities) have developed and implemented gender equality action plans (GEAPs), undertaken gender impact assessments (GIAs) and publicly reported on their progress in relation to workplace gender equality.

2. Project overview

The objective of this project is to fulfill the legislative requirement for the Minister for Women to undertake a statutory review of the first four years of operation of the Act.

Cube Group (Cube) has been engaged by the Office for Women (OFW) at the Department of Families, Fairness and Housing (DFFH) to complete a high-level review of the implementation and effectiveness of the Act since its introduction. This will include targeted consultation with the Commissioner and a range of key stakeholders.

The Commissioner's Office means any assistance provided to the Commissioner by the Secretary under section 43 of the Act.

Cube will produce a final report at the conclusion of the review, in line with section 52 of the Act which states that a report of the review should be laid before each House of the Parliament.

3. Scope

The high-level review will examine the implementation and effectiveness of the Act, taking into consideration the purposes and objects contained in sections 1 and 4 of the Act.

As part of assessing implementation and effectiveness, the review will establish a review framework which outlines; key questions, lines of enquiry and measures matched to available data sources. The review framework will provide the structure for how implementation and effectiveness will be reviewed and assessed.

The following items are in scope for the review:

1. To what extent has the Act been implemented as intended, including the extent to which:
    - the Commissioner is fulfilling their functions and exercising their powers under the Act

- duty holders are fulfilling their obligations and performing their duties under the Act
- the Minister is fulfilling their obligations under the Act (including but not limited to the development of a State Gender Equality Action Plan)
- there are opportunities to enhance the operational efficiency of the Act.

2. To what extent the Act has been effective in contributing to gender equality, including:
    - the appropriateness of the coverage of the Act, including size and types of organisations required to report
    - progress towards driving systemic, structural and cultural change.
3. The review will include any recommendations that the reviewers consider would enhance the effectiveness and efficiency of the legislation in meeting its objects.

The following items are out of scope for the review:

- Undertaking a performance assessment of the Commissioner as an individual statutory office holder
- Exhaustive review or analysis of raw data related to workplace gender equality audits, gender impact assessments (GIAs), gender equality action plans (GEAPs), and progress reports
- Validating past reviews or evaluations – the review will incorporate findings from previous work but will not re-prosecute analysis
- New primary data collection related to experience of duty holders in completing the 2023 or 2021 reporting processes
- Detailed audit or review of individual sections of the Act and their impact
- Financial review or audit of the Commissioner and assistance provided under section 43.

The review will consider the following materials and data:

1. Past reviews, reports and their recommendations relating to the Act (including both public and internal reviews and papers)
2. The Commissioner's *2025-2028 Strategic Plan*, including the objectives under the three pillars to:
    a. Build and translate the evidence base for intersectional gender equality in Victoria's public sector workplaces.
    b. Support duty holders to enhance their capability to meet their obligations under the Act.
    c. Perform as a 'leading practice regulator.'
3. Any and all amendments to the Act and regulations made under the Act
4. Materials related to the introduction of the Bill, including the Explanatory Memorandum and Second Reading Speech
5. Primary data collected through a survey of duty holders
6. Primary data collected through semi-structured interviews with the Commissioner and other selected stakeholders including duty holders (up to 20 hours of interviews in total)
7. A written submission to be made by the Commissioner
8. Relevant Australian and international evidence and approaches relating to 'best-practice' gender equality legislation.
9. The review will not seek to re-validate or confirm the accuracy or validity of previous reviews and reports, to avoid duplication.

4. Requirements and deliverables

Cube will be required to provide the following deliverables:

- Project Plan (including review framework and consultation plan)

- Primary data collection including a survey, up to 20 hours of consultation (to be defined in reference to the review framework) and the review and synthesis of the Commissioner's written submission
- Draft review report
- Final review report.

5. Governance

DFFH (OFW)

- Draft the scope and Terms of Reference of the review, in consultation with the Commissioner
- Work with Cube to refine the above
- Assist Cube to identify useful materials and any raw information to inform their analysis
- Work with Cube on project management of the review to ensure key milestones are met including setting fortnightly status updates
- Assist Cube to engage with stakeholders by providing initial communications about the review and contact details
- Provide a contact list from the Commissioner's Office to Cube to manage stakeholder consultation scheduling
- Provide written feedback on the draft report within 10 business days of it being provided
- Be accountable to the Minister for Women to support her to deliver Section 52 of the Act; that the Minister for Women must cause a review to be conducted of the first four years of operation of the Act (from 31 March 2021 to 31 March 2025) and that a report of the review be laid before each House of the Parliament.
- Ensure the review is conducted in a manner that preserves the statutory independence of the Commissioner and ensures they can provide frank advice to the review.

The Commissioner and their Office

- Provide feedback to the OFW on the draft Terms of Reference
- Advise OFW on useful materials and any raw information to inform Cube's analysis
- Assist OFW with contact details of duty holders and other stakeholders, for consultation
- Provide a written submission to this review that addresses these Terms of Reference as the Commissioner deems appropriate, to be made publicly available in accordance with the principles of transparency and good governance
- Participate in stakeholder consultation with Cube, including providing a written submission during the consultation period
- Work with OFW to support delivery of the outcomes of the review.

Conflict of interest management and independence

Cube will conduct this review in an independent manner providing independent advice on the implementation and effectiveness of first four years of operation of the Act, in line with these Terms of Reference. Cube will take into consideration all views and perspectives of stakeholders involved in the review.

This includes Cube working with DFFH and the Commissioner to manage any actual, perceived and potential conflicts of interest, including the dual role of the Department as both a duty holder under the Act and administrator of the review.

6. Remuneration and expenses

A PAS Purchase Order Contract has been signed with milestones and payments to Cube for delivery of this review outlined.

Appendix C: Review framework

Table 1: Review framework

Ref.	Lines of enquiry (LOE)	Indicators	Data sources
Domain 1: Implementation and operations			
Key question: To what extent has the Act been implemented as intended?			
1.1	**To what extent is the Commissioner fulfilling their functions and powers under the Act?**	• Evidence of implementation mechanisms (i.e. support and guidance material, advice and education, progress towards implementing 2023 evaluation recommendations) • Evidence of functions undertaken (as conferred on the Commissioner in s 36), and any enforcement of compliance with duty holder obligations (s 22 – 27) • Evidence of duties exercised (as conferred on the Commissioner in s 14, 21) • Evidence of exercise of discretionary powers (as outlined in s 14, 39, 41, 42, 46) • Identification of key barriers and enablers to fulfilling role • Identification of opportunities for improvement or adjustment	• **Desktop review** of key documents, guidance materials, records of key decisions related to establishing the Commissioner's role and their office, and the Commissioner's submission • **Stakeholder consultation** with the Commissioner and their office, gender equality organisations, unions and government stakeholders • **Duty holder survey** of experience of supports available and understanding of the Commissioner's role
1.2	**To what extent are duty holders fulfilling their obligations under the Act?**	**Key duty holder obligations under the Act**: • # of defined entities undertaken a workplace gender audit (in 2021 and 2023 reporting periods) (s 11)* • # of defined entities implemented GEAPs (in 2021 and 2023 reporting periods) vs # outstanding (s 10, 11 and 12)* • # defined entities completed GIAs (in 2021 and 2023 reporting periods) vs # outstanding* • # defined entities reporting and publishing on progress (s 19, 20) vs # outstanding* • # defined entities who received compliance feedback on their audit data and resubmitted vs # defined entities who initially submitted compliant reports*	• **Desktop review** of Baseline report 2021, preliminary findings 2023, previous evaluation reports, options paper 2025 and the Commissioner's submission • **Stakeholder consultation** with the Commissioner and their office, and a small sample of duty holders • **Duty holder survey** to fill key gaps and enablers/barriers to implementation (building from any findings in previous reports and reviews)

		• Contextual summary: high-level 'achievement' / progress of gender equality in relation to context and capabilities of organisations (s 16)^* • Identification of key barriers and enablers to duty holder fulfilment of obligations	
1.3	**To what extent has the Minister fulfilled their obligations under the Act?**	• Evidence of the Minister exercising their duties under the Act (including but not limited to the development of a State Gender Equality Action Plan under s 50)	• **Desktop review** of key documents, reviews and documentation of amendments/announcements, guidelines issued by the Minister and State Gender Equality Action Plan • **Stakeholder consultation** with the Commissioner and their office, and government stakeholders
1.4	**To what extent are the powers under the Act being exercised and functions and duties performed?**	• Evidence of broad stakeholder knowledge of the key powers of the Act • Evidence of broad stakeholder agreement that the Act has been implemented as intended • Identification of any functions and powers of the Act that have limited functionality/use or are not working as intended • Identification of any unintended consequences of the Act • Summative assessment of all indicators across 1.1-1.3 to determine the extent to which all powers, functions and duties are exercised	• **Desktop review** of key documents, reviews and documentation of amendments/announcements • **Stakeholder consultation** with the Commissioner and their office, gender equality organisations, unions and government stakeholders
1.5	**To what extent are there opportunities to enhance operational efficiency of the Act?**	• Identification of key enablers and barriers to operationalising and delivering on the Act • Identification of efficiencies and improvements to support progress towards objectives	• **Desktop review** of previous review reports, Baseline report 2021, 2023 preliminary findings and the Commissioner's submission • **Stakeholder consultation** with the Commissioner and their office, government stakeholders, gender equality organisations, unions and a small sample of duty holders

Domain 2: Effectiveness – and future focus			
Key review question: To what extent has the Act been effective in contributing towards gender equality?			
2.1	**To what extent is the coverage of the Act appropriate (including size and types of organisations required to report) to support system change?**	• Coverage of the Act, including size and types of organisations required to report • Key barriers to uptake/obligations (including how to support compliance by sector/size)	• **Document review** of past evaluations and reports, the Commissioner's submission • **Stakeholder consultation** with the Commissioner and their office, gender equality organisations, unions, government stakeholders and a sample of duty holder organisations • **Summary data of duty holder organisations**
2.2	**To what extent has the Act contributed towards driving systemic, structural and cultural change?**	• Progress among duty holders towards gender equality indicators (s 18) – secondary analysis only • Progress among duty holders towards embedding gender equality in policies, programs and services • Evidence of progress towards long-term objectives and opportunities to enhance impact • Identification of barriers to change • Examination of reported cultural and attitudinal change	• **Desktop review** of Baseline reports, summary of 2023 progress reports • **Stakeholder consultation** with the Commissioner and their office, gender equality organisations, unions and government stakeholders and a sample of duty holder organisations • **Duty holder survey**
2.3	**What amendments or other actions could support progress towards the objects and purposes of the Act?**	• Identification of improvement opportunities (such as role/functions of the Commissioner and their office and other support mechanisms) • Identification of changes to current duty holder obligations (such as nuanced requirements in line with s 18) to support practical implementation	• **Desktop review** of existing reports and data which articulate challenges and recommended changes • **Stakeholder consultation** with the Commissioner and their office, gender equality organisations, unions, government stakeholders and a sample of duty holders • **Duty holder survey**

Appendix D: Duty holder survey

Duty holder survey questions

Table 2: Duty holder survey questions

No.	Question	Response options
1	Which **industry or sector** best describes your organisation?	❑ Victorian Public Service ❑ Local government ❑ Public health care ❑ Police and emergency services ❑ TAFE and other education ❑ Universities ❑ Water and land management ❑ Creative industries, finance, transport and other
2	Approximately **how many employees** does your organisation have (FTE)?	❑ 50 – 200 ❑ 201 – 500 ❑ 501 – 1,500 ❑ 1,501 – 10,000 ❑ More than 10,000
3	Which best describes your organisation's **geographic footprint**?	❑ Metropolitan Melbourne ❑ Suburban Melbourne (including interface councils) ❑ Regional Victoria ❑ Statewide or multi-regional ❑ Other (please specify) _____

4	What is **your current role** in relation to your organisation's obligations under the *Gender Equality Act*?	❑ CEO or Executive ❑ Board Chair or Non-Executive Director ❑ Responsible for reporting on the Act ❑ Other (please specify) _____
5	To what extent do you agree with the following statement: *My organisation is well-positioned to meet its obligations under the Gender Equality Act in the next reporting cycle.*	❑ Strongly disagree ❑ Disagree ❑ Neither agree nor disagree ❑ Agree ❑ Strongly agree
6	What internal factors have supported your organisation to fulfill obligations under the Act so far (e.g. support from internal leadership, new policies etc.)? Please be as specific as possible when describing supports.	*Free text*
7	What external factors have supported your organisation to fulfill obligations under the Act so far (e.g. supports provided by the Commission, advocacy or leadership in your industry, technical assistance from Commissioner's staff, workshops or communities of practice)? Please be as specific as possible when describing supports.	*Free text*
8	To what extent do you agree with the following statement: *The Commission for Gender Equality in the Public Sector has provided effective support for my organisation to meet its obligations under the Act.*	❑ Strongly disagree ❑ Disagree ❑ Neither agree nor disagree ❑ Agree ❑ Strongly agree
9	Please share suggestions of any additional supports or guidance that would help your organisation to fulfill obligations and advance gender equality more broadly.	*Free text*
10	What are the most significant barriers or challenges your organisation has faced in fulfilling obligations under the Act so far?	*Free text*

11	To what extent do you agree with the following statements: ➢ *The Gender Equality Act has led to my organisation taking positive action towards achieving workplace gender equality.* ➢ *The Gender Equality Act has led to my organisation promoting gender equality in its policies, programs and services.*	❑ Strongly disagree ❑ Disagree ❑ Neither agree nor disagree ❑ Agree ❑ Strongly agree
12	Please give a reason for your answers to question 11 above. You may like to briefly describe anything that you believe has contributed to progress or lack of progress.	*Free text*
13	To what extent do you agree that the *Gender Equality Act* is contributing to long-term, systemic change toward gender equality?	❑ Strongly disagree ❑ Disagree ❑ Neither agree nor disagree ❑ Agree ❑ Strongly agree
14	What changes or supports would help your organisation more effectively progress towards gender equality and enhance the impact of the Act?	*Free text*

Duty holder survey respondent demographics

Table 3: Percentage of duty holder survey respondents by organisation size

No. FTE	Count
50 – 200	29%
201 – 500	26%
501 – 1,500	26%
1,501 – 10,000	15%
More than 10,000	5%
Total	100%

Table 5: Percentage of duty holder survey respondents by organisation type (sector)

Organisation type	Count
Universities	2%
Local government	30%
Water and land management	10%
Public health care	24%
Victorian Public Service	20%
Creative industries, finance, transport and other	9%
TAFE and other education	4%
Police and emergency services	1%
Total	100%

Table 4: Percentage of duty holder survey respondents by geographic footprint of their organisation

Geographic footprint	Count
Statewide or multi-regional	18%
Regional Victoria	45%
Metropolitan Melbourne	26%
Suburban Melbourne (including interface councils)	7%
Other (please specify)	4%
Total	100%

Table 6: Percentage of duty holder survey respondents by role of the respondent

Role	Count
Responsible for reporting on the Act	59%
CEO or Executive	33%
Other (please specify)	8%
Board Chair or Non-Executive Director	0%
Total	100%

Appendix E: Stakeholders interviewed

Table 7: Key stakeholder interview

No.	Organisation
1	Gender Equity Victoria (GenVic)
2	GenderWorks
3	Municipal Association of Victoria (MAV)
4	Office for Women
5	Public Sector Gender Equality Commissioner and her office
6	Victorian Public Sector Commission (VPSC)
7	Victorian Trades Hall Council
8	Women's Health Victoria
9	Workplace Gender Equality Agency (WGEA)

Table 8: Duty holder interviews

No.	Organisation
1	Box Hill Institute
2	Cladding Safety Victoria
3	Corangamite Shire Council
4	Department of Energy, Environment and Climate Action
5	Eastern Health
6	Federation University
7	National Gallery of Victoria
8	Victoria State Emergency Service
9	Wodonga City Council

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